**STATE OF MAINE**

**Department of Environmental Protection**

*Division of Materials Management*



**RFP#** **202309192**

**2023 Waste Diversion Grants Program, Round II**

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| --- | --- |
| **RFP Coordinator** | *All communication regarding the RFP must be made through the RFP Coordinator identified below*.**Name:** Mark King **Title:** Organics Management Specialist**Contact Information:** mark.a.king@maine.gov  |
| **Submitted Questions Due** | *All questions must be received by the RFP Coordinator identified above by:***Date:** October 2, 2023, no later than 11:59 p.m., local time |
| **Proposal Submission** | *Proposals must be received by the Division of Procurement Services by:***Submission Deadline:** October 18, 2023, no later than 11:59 p.m., local time. *Proposals must be submitted electronically to the following address:***Electronic (e-mail) Submission Address:** Proposals@maine.gov |

TABLE OF CONTENTS

|  |  |
| --- | --- |
|  | **Page** |
|  |  |
| **PUBLIC NOTICE** | **3** |
|  |  |
| **RFP DEFINITIONS/ACRONYMS** | **4** |
|  |  |
| **PART I INTRODUCTION** | **5-7** |
| 1. PURPOSE AND BACKGROUND
 |  |
| 1. GENERAL PROVISIONS
 |  |
| 1. ELIGIBILITY TO SUBMIT BIDS
 |  |
| 1. CONTRACT TERMS
 |  |
| 1. NUMBER OF AWARDS
 |  |
|  |  |
| **PART II SCOPE OF SERVICES TO BE PROVIDED** | **8**-**9** |
|  |  |
| **PART III KEY RFP EVENTS** | **10-11** |
| 1. QUESTIONS
 |  |
| 1. AMENDMENTS
 |  |
| 1. SUBMITTING THE PROPOSAL
 |  |
|  |  |
| **PART IV PROPOSAL SUBMISSION REQUIREMENTS** | **12-14** |
|  |  |
| **PART V PROPOSAL EVALUATION AND SELECTION** | **15-16** |
| 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** | **17-18** |
| 1. CONTRACT DOCUMENT
 |  |
| 1. STANDARD STATE CONTRACT PROVISIONS
 |  |
|  |  |
| **PART VII RFP APPENDICES AND RELATED DOCUMENTS** | **19-26** |
|  **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# 202309192**

**2023 Waste Diversion Grants Program Round II**

The State of Maine is seeking proposals to assist in the development, implementation or improvement of programs, projects, initiatives, or activities designed to increase the diversion of solid waste from disposal.

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/grants>

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 October 18, 2023. 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** |
| **Department** | Department of Environmental Protection |
| **RFP** | Request for Proposal |
| **State** | State of Maine |
| **Composting** | Controlled aerobic decomposition of organic materials to create a stable humus product. |
| **Disposal** | The discharge, deposit, dumping, spilling, leaking, placing or incineration of any solid waste into or on any land, air or water so that the solid waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters, including landfilling and waste-to-energy incineration. |
| **Food Scraps** | Food preparation discards; uneaten or spoiled food. |
| **Organics** | Carbon based materials, including but not limited to, food scraps, leaves, grass, sawdust, horse and bovine manures. |
| **Organics Management** | Separation of food scraps or other organics from solid waste for composting, anaerobic digestion or beneficial reuse. |
| **Recycling** | A series of activities by which material that has reached the end of its current use is processed into material for use in the production of new products excluding fuel or fuel substitutes. |

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

*Division of Materials Management*

**RFP# 202309192**

**2023 Waste Diversion Grants Program, Round II**

**PART I INTRODUCTION**

1. **Purpose and Background**

The Department of Environmental Protection (Department) is seeking proposals to assist in the development, implementation, or improvement of programs, projects, initiatives, or activities designed to increase the diversion of solid waste from disposal as defined in this Request for Proposals (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 of Maine (State) and the awarded Bidder.

In accordance with 38 MRSA §2201-B. Maine Solid Waste Diversion Grant Program, <https://www.maine.gov/dep/sustainability/compost/grant.html>, the Department is making grant funding available to eligible public and private entities to assist in the development, implementation or improvement of recycling and organics management programs, initiatives or activities designed to increase the diversion of materials from solid waste disposal, including waste reduction activities. Maine law (38 MRSA §2132.1-B) sets a goal of reducing the amount of waste disposed per capita by 5% every five (5) years. Progress toward this goal can be achieved by implementing innovative and proven local, regional and statewide initiatives aimed at reducing the generation of solid waste, and at increasing the recovery and utilization of discarded materials including organics.

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. In cases where there is more than one bidder per proposal, both parties must be listed as “co-applicants”. If an award is made on a joint proposal, one party will be designated as the “awardee”, and they will be the legal signature on any Department Contract.
	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. **Eligibility to Submit Bids**
	1. In accordance with [38 MRSA §2201-B. Maine Solid Waste Diversion Grant Program](https://www.maine.gov/dep/sustainability/compost/grant.html), the Department may disburse grants under the program to any Maine-based public or private entity demonstrating that a proposed program, project, initiative, or activity is, in the Department's determination, likely to increase the diversion of solid waste from disposal within a particular community, municipality, or region or the State, including, but not limited to, municipal or regional composting, organics recovery, or recycling programs, including the establishment of such programs or the purchase of infrastructure, equipment, or other items necessary to implement such programs or improve existing programs; programs designed to provide equipment for or otherwise support residential composting and recycling; programs or business models designed to collect, transport for processing or process organic or recyclable materials; pilot programs designed to evaluate the feasibility of targeted composting, organics recovery, recycling or other waste management programs or initiatives; and initiatives or programs designed to educate certain categories of individuals or the general public about composting, organics recovery or recycling or to otherwise improve individual or community waste management practices. In cases where there is more than one bidder per proposal, both parties must be listed as “co-applicants”. If an award is made on a joint proposal, one party will be designated as the “awardee”, and they will be the legal signature on any Department Contract.
3. **Funding Priorities**

In accordance with [38 MRSA §2201-B. Maine Solid Waste Diversion Grant Program](https://www.maine.gov/dep/sustainability/compost/grant.html), the Department shall give highest priority in the awarding of funds under this section to programs, projects, initiatives, or activities proposed by municipal or regional association applicants. The Department shall also give priority to applicants proposing programs, projects, initiatives, or activities that are likely to increase the removal and recycling of organic materials from municipal waste streams. The awarding of funds under this section must be consistent with the solid waste management hierarchy established under [section 2101](https://legislature.maine.gov/statutes/38/title38sec2101.html) and the food recovery hierarchy established under [section 2101‑B](https://legislature.maine.gov/legis/statutes/38/title38sec2101-B.html) and must be prioritized to provide the most benefit to the State in terms of increasing the diversion of solid waste from disposal.

1. **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 | December 1, 2023 | December 1, 2025 |

1. **Number of Awards**

The Department anticipates making up to ten (10) awards potentially ranging from $1,000 - $40,000 each as a result of this RFP process. The number of awards will be based on the ranking of proposals and availability of funds. The exact amount of funding available for this round has not yet been determined, but previous rounds have awarded up to $152,000.00 for all projects combined.

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

The Department is seeking to award multiple projects that will assist in the development, implementation, or improvement of programs, projects, initiatives, or activities that will increase the separation, recovery, recycling, or diversion of solid waste from disposal in the State.

The Department is specifically seeking proposals that will:

1. Take advantage of regional economies of scale;
2. Increase organics management and recycling infrastructure in underserved areas of the state;
3. Promote waste reduction through reuse, repair, and sharing economy initiatives;
4. Reduce wasted food through donation or other sharing initiatives;
5. Enhance the delivery of educational initiatives to promote organics management or recycling efforts;
6. Address a statewide need; and/or
7. Expand the types of materials managed through composting and recycling.
8. **Proposal Contents**

The proposal shall include the following, as appropriate and applicable:

1. A brief description of the proposed project, including:
	1. its essential elements;
	2. the components of the waste stream that will be diverted and directed towards reuse, repair, recycling, composting, or captured for other organics management options;
	3. the location;
	4. entities served;
	5. an explanation of how the proposed program will improve, expand, or provide waste reduction, recycling, or organics management services.
2. A description of the need for this initiative and how it has been identified, including any relevant data.
3. An estimate of the types and amounts of materials expected to be annually diverted from disposal.
4. A description of how the feasibility of the initiative has been evaluated, including information on the likelihood of community support and the establishment of partnerships necessary for successful implementation.
	1. For proposals designed to increase recycling and/or organics diversion from disposal, include information identifying or supporting the planned ‘end-markets’ for the materials.
5. Identification of proposed acquisitions of equipment, including but not limited to:
	1. Balers, recycling containers, collection bins, curbside containers, and collection vehicles.
	2. Equipment to assist with source separation, collection and/or receipt of kitchen food discards and other organics, for delivery to composting facilities or anaerobic digesters.
6. A description of any proposed facility construction, facility renovations, or other improvements, including a site drawing clearly showing all existing relevant facilities and the changes that will result from the proposed project.
7. An explanation of how this proposed project and any existing facilities and operations fit together.
8. The components of any planned training, education, and outreach; the intended audience(s); and how the training, education, and outreach will be implemented.
9. A description of any data gathering and record keeping systems that will be used to measure the amount of materials diverted from disposal, and the related cost savings realized by the participating entity(ies) to report to the Department.
10. An explanation of how the project will impact your program’s current and future operating costs, including financial estimates.
11. **Additional Information**
	1. Any purchased equipment and supporting materials must be primarily dedicated to sustainable materials management activities such as recycling or organics management.
	2. Projects or programs that have already been undertaken are not eligible for grant awards, unless the proposal includes significant changes/alterations that address any of the statutory criteria noted in Part I, Section D, above.
	3. Proposals for new projects or programs and proposals to expand or improve existing programs or facilities are eligible.
	4. Any proposed funding for positions as part of the grant proposal must be limited to students or interns that are essential and limited to the development of the project.  Any ongoing funding for positions after project inception will be the responsibility of the grantee.
	5. The awarding of grant funds by the Department will be contingent upon the acquisition of any license or approval required prior to proposal submission This includes any state or local licenses or approvals that may be required prior to initiation of any projects or programs. Certain projects (e.g., small composting operations) may be exempt from regulation when proposed and initiated but expand over time to exceed exemption thresholds. In this case, required licenses/approvals must be obtained prior to constructing or operating in a manner that triggers the requirement for such a license or approval. Initiation, construction or operation of a project or program that requires a license/approval without such license/approval may result in the withdrawal of grant funding by the Department.

***(Note: For this program, cost-sharing is required, and shall not be less than twenty-five percent (25%) of the total project cost identified in the Applicant’s proposal [please pay strict attention to this calculation as failure to meet the minimum 25% match of the total project cost will result in disqualification of the proposal from further consideration, See Part IV, Section III Cost Proposal for details].***

**All proposals providing “financial” match must include proof of available funds, as an addendum, at the time of submission of a proposal to the Department.  Proof may include any of the following:**

* **A recent bank statement,**
* **Notice of intent to fund by an entity other than the applicant, or**
* **Any communication verifying available funds on bank letterhead**

**Waste Diversion Funds may not be used as collateral to secure loans or leveraged to help secure other funding sources.**

**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. All questions regarding the RFP must be submitted in writing using the following protocol:
		1. Bidders and other interested parties must 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. 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. No further proposal amendments or additions will be accepted after the submission deadline has passed.
	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.
		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.

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

* + 1. received by the due date and time listed above.
		2. Bidders are to insert the following into the subject line of their e-mail proposal submission: **“RFP# 202309192 Proposal Submission – [Bidder’s Name]”**
		3. 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:**

*PDF 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 [Note: All of the following requested information serves as a minimum baseline that is necessary to help the evaluation team make thoughtful and informed decisions—failure to provide this information may result in disqualification of the proposal]**

**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 organization 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. **Financial Viability**

Bidders must provide the following information for each of the past three tax years:

* + 1. Balance Sheets
		2. Income (Profit/Loss) Statements
	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 referenced above in Part II of the RFP and what the Bidder will offer. 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 December 1XXXXX, 2023 and ending on December 1, 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. The following items are not eligible for grant funding consideration:
1. Proposals that require legislation to be enacted before they can be started,
2. Proposals that require authorizations or licenses that have not been received prior to proposal submission,
3. Administrative, fringe and other indirect costs, including benefits, overhead costs and other related items,
4. Full and part-time salaries of project staff, with the following exceptions:
	* 1. Any proposed funding for positions as part of the grant proposal must be limited to students or interns that are essential to the development of the project
		2. Any ongoing funding for positions after project inception will be the responsibility of the grantee.
5. Any disposal costs or other on-going waste handling costs associated with the proposed project.
6. Costs related to the preparation of the proposal for the RFP or to the negotiation of the contract with the Department.

**In past rounds, the required 25% match has not been properly calculated resulting in disqualification of the submitted proposal. To help prevent this going forward, the Department offers the following:**

* 1. **Determining the required 25% match**
		+ 1. **Calculate the total project cost (this can be an estimate),**
			2. **Multiply the project cost value by 0.25,**
			3. **That value is the proposed match.**

**Example, Municipal Compost Facility**

**Total Estimated Cost is $39,000.00 for facility completion.**

**$39,000 x 0.25 = $9,750 (that is the proposed match)**

**$39,000 - $9,750 = $29,250 (that is the amount requested from the grant)**

* 1. **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. Prior to convening the evaluation team, the grant coordinator will examine all proposals to deem that the required information is complete and that the minimum match has been met. Any proposal failing to meet the minimum standards will be disqualified and will not receive further consideration from the evaluation team.
	2. An evaluation team, composed of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP.
	3. 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.
	4. 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 (15 points)**

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

**Section III. Proposed Services (50 points)**

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

**Section IV. Cost Proposal (35 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.

Regarding the proposed funds requested and the proposed work, the review team will consider the degree to which the project represents a *good return for the investment*

(money, time, etc.) as well as whether the project work and cost estimates (tasks & budget) are reasonable for the expected outcomes, along with the amount and quality of proposed matching funds or services.

* 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 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)

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	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 Department of Environmental Protection**

**PROPOSAL COVER PAGE**

**RFP# 202309192**

**2023 Waste Diversion Grants Program, Round II**

|  |  |
| --- | --- |
| **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 Department of Environmental Protection**

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

**RFP# 202309192**

**2023 Waste Diversion Grants Program, Round II**

|  |  |
| --- | --- |
| **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# 202309192**

**2023 Waste Diversion Grants Program, Round II**

|  |  |
| --- | --- |
| **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 the “Scope of Services” portion of the RFP. For each of the project examples provided, a contact person from the client organization involved should be listed, along with that person’s telephone number and e-mail address. 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.***If the Bidder has not provided similar services, note this, and describe experience with projects that highlight the Bidder’s general capabilities.*  |

|  |
| --- |
| **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** |
|  |

**APPENDIX C (continued)**

|  |
| --- |
| **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# 202309192**

**2023 Waste Diversion Grants Program, Round II**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |
| **Proposed Cost:** | **$**  |

|  |
| --- |
| **Cost Proposal** |
| Include in this spreadsheet anticipated costs to be funded by the grant and any project / program costs to be funded by the applicant (**a minimum 25% match is required of the total estimated project cost**, which may include in-kind services). You may add additional rows as needed.  |
| **Cost Item** | **Amount from Grant** | **Amount from Applicant (if any)** |
| Equipment (list items) |   |   |
|   |   |   |
|   |   |   |
|   |   |   |
|   |   |   |
| Materials (list items) |   |   |
|   |   |   |
|   |   |   |
|   |   |   |
|   |   |   |
| Facilities (list items) |   |   |
|   |   |   |
|   |   |   |
|   |   |   |
|   |   |   |
| Labor (list positions, roles, and hourly rate) |   |   |
|   |   |   |
|   |   |   |
|   |   |   |
|   |   |   |
| **Totals:** |   |   |
| **Total Proposed Cost (Grant Contribution + Match):** |  |
| Notes: |

**APPENDIX E**

**State of Maine**

**Department of Department of Environmental Protection**

**SUBMITTED QUESTIONS FORM**

**RFP#**

**2023 Waste Diversion Grants Program, Round II**

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

|  |  |
| --- | --- |
| **RFP Section & Page Number** | **Question** |
|  |  |
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*\* If a question is not related to any section of the RFP, state “N/A” under “RFP Section & Page Number”.*

*\*\* Add additional rows, if necessary.*