**STATE OF MAINE**

**Department of Environmental Protection**

*Division of Environmental Assessment, Invasive Aquatic Species Program*



**RFP#201810212**

**Competitive Grant Program for Invasive Aquatic Plant Removal**

|  |  |
| --- | --- |
| **RFP Coordinator** | *All communication regarding this RFP must be made through the RFP Coordinator identified below*.  **Name:** Denise Blanchette, Biologist I **Contact Information:** [milfoil@maine.gov](mailto:milfoil@maine.gov) |
| **Submitted Questions Due** | *All questions must be received by the RFP Coordinator identified above by:*  **Date:** For 2019, submitted questions are due **January 22, 2019, no later than 5:00 p.m.**, local time. For 2020 and beyond, submitted questions are due the third Tuesday in January, no later than 5:00 local time, of the application year. |
| **Initial**  **Application Submission** | *Applications must be received by the Division of Procurement Services by:*  **Submission Deadline:** For 2019, Applications are due **February 12, 2019, no later than 4:00 p.m.**, local time.  See Annual Application Submittals below for deadline in 2020 and beyond.  *Applications must be submitted electronically to the following address:*  **Electronic (email) Submission Address:** [Proposals@maine.gov](mailto:Proposals@maine.gov) |
| **Annual Application Submittals** | After the initial RFP Application submission deadline in 2019, Applications may be submitted annually for evaluation. The annual application submission deadline in 2020 and beyond will be **4:00 p.m. on the** **1st business day of February** while the RFP is active. Applications are required to be submitted prior to the submission date and time to be considered for each annual enrollment period.  A new application will be available annually while the RFP is active at  <http://www.maine.gov/dafs/procurementservices/vendors/grants>  **Electronic (email) Submission Address:** [Proposals@maine.gov](mailto:Proposals@maine.gov) |

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# **PUBLIC NOTICE**

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**State of Maine**

**Department of Environmental Protection**

**RFP#201810212**

**Competitive Grant Program for Invasive Aquatic Plant Removal**

The State of Maine is seeking applications from organizations to administer local invasive aquatic plant removal and management on known infested lakes.

For 2019, the RFP, Application, any Question & Answer Summary and all amendments related to this RFP, can be obtained at the following website: <https://www.maine.gov/dafs/procurementservices/vendors/rfps>

For 2020 year and beyond, the RFP, Application, any Question & Answer Summary and all amendments related to this RFP can be obtained at the following website after February 12, 2019 <http://www.maine.gov/dafs/procurementservices/vendors/grants>

Applications must be submitted to the State of Maine Division of Procurement Services, via e-mail, to the following email address: [Proposals@maine.gov](mailto:Proposals@maine.gov). Application submissions for 2019 must be received no later than 4:00 pm, local time, on February 12, 2019, when they will be opened. For 2020 and beyond, applications may be submitted annually per the submission deadline detailed in the RFP. Applications will be opened at the Burton M. Cross Office Building, 111 Sewall Street - 4th Floor, Augusta, Maine. Applications not submitted to the Division of Procurement Services’ aforementioned email address by the aforementioned deadline will not be considered for contract award.

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

**RFP DEFINITIONS/ACRONYMS**

The following terms and acronyms shall have the meaning indicated below as referenced in this RFP:

1. **RFP:** Request for Proposals
2. **State:** State of Maine
3. **Department:** Department of Environmental Protection
4. **IASP:** Invasive Aquatic Species Program
5. **CBI:** Courtesy Boat Inspection
6. **DASH:** Diver Assisted Suction Harvesting
7. **OSHA:** Occupational Safety and Health Administration

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

Division of Environmental Assessment, Invasive Aquatic Species Program

**RFP#201810212**

**Competitive Grant Program for Invasive Aquatic Plant Removal**

# **PART I INTRODUCTION**

## 

## A. Purpose and Background

The Department of Environmental Protection (“Department”) is seeking applications from organizations to plan and manage the removal of known invasive aquatic plant infestations as defined in this Request for Proposals (RFP) document. This document provides instructions for submitting applications, the procedure and criteria by which the Provider(s) will be selected and the contractual terms which will govern the relationship between the State of Maine (“State”) and the awarded Applicant(s).

The Department is charged in Maine Statute with developing programs to reduce the spread of invasive aquatic plants and control infestations (38MRS §1862-1863, §410-N etc.). Lake organizations removing infestations of invasive aquatic plants are contributing significant financial, volunteer, and in-kind resources to reduce the impact of specific infestations. Revenue for preventing and managing invasive aquatic species in Maine is generated from an annual fee on motorized watercraft and seaplanes using inland waters. Maine statute (<http://legislature.maine.gov/legis/statutes/38/title38sec1863.html>) requires that the Department Commissioner use at least 20% of the Department’s dedicated Invasive Aquatic Plant and Nuisance Species Fund for eradication activities.

Objectives for controlling these established infestations include reducing the risk of spread to other waters, limiting the impact on natural habitat and human use of the water body, and maintaining property values. This grant opportunity is intended to support local removal programs that achieve local and statewide objectives of improving aquatic habitat.

## B. General Provisions

1. From the time this RFP is issued until award notification is made, all contact with the State regarding this RFP must be made through the aforementioned RFP Coordinator. No other person/ State employee is empowered to make binding statements regarding this RFP. Violation of this provision may lead to disqualification from the bidding process, at the State’s discretion.
2. Issuance of this RFP does not commit the Department to issue an award or to pay expenses incurred by an Applicant in the preparation of a response to this RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
3. All applications should adhere to the instructions and format requirements outlined in this RFP and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Department. Applications are to follow the format and respond to all questions and instructions specified below in the “Application Submission Requirements” section of this RFP.
4. Applicants shall take careful note that in evaluating an application submitted in response to this RFP, the Department will consider materials provided in the application proposal, information obtained through interviews/presentations (if any), and internal Departmental information of previous contract history with the Applicant (if any). The Department also reserves the right to consider other reliable references and publicly available information in evaluating an Applicant’s experience and capabilities.
5. The application shall be signed by a person authorized to legally bind the Applicant.
6. The RFP and the selected Applicant’s application, including all appendices or attachments, shall 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 considered public records available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) (1 M.R.S. §§ 401 et seq.).

<http://www.mainelegislature.org/legis/statutes/1/title1sec401.html>

1. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in applications received in response to this RFP.
2. The State of Maine Division of Procurement Services reserves the right to authorize other Departments to use the contract(s) resulting from this RFP, if it is deemed to be beneficial for the State to do so.
3. All applicable laws, whether or not herein contained, shall be included by this reference. It shall be the Applicant’s responsibility to determine the applicability and requirements of any such laws and to abide by them.

## C. Eligibility to Submit Bids

Eligible organizations include municipal and county governments, quasi-municipal organizations (including water districts) and 501(c)(3)-eligible organizations.

## D. Contract Term

The Department is seeking a cost-efficient applications(s) to provide services, as defined in this RFP, for the anticipated annual contract period defined in the table below. Please note that the dates below are estimated and may be adjusted, as necessary, in order to comply with all procedural requirements associated with this 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 this RFP, is defined as follows:

|  |  |  |
| --- | --- | --- |
| **Period** | **Start Date** | **End Date** |
| Period of Performance | April 1st | December 31st |

NOTE: The contract end date may be extended for additional years of funding, completion of current projects or other allowable extensions based on Department approval, continued availability of funding and satisfactory performance. The maximum contract extension is 2 years from the initial contract end date.

## E. Number of Awards

The Department anticipates making multiple awards as a result of this RFP process to address infestations on multiple infested water bodies. For most infested water bodies there will be only one award since typically only one organization is managing a specific infestation. Multiple awards may be made, however, for water bodies such as Sebago Lake with discrete infested areas and distinct organizations managing the different areas. The Department keeps a list of documented invasive aquatic plant infestation.

1. **Annual Application Submittals**

This RFP offers an annual application submittal. Applicants must submit a new application on an annual basis. A new application will be released and available to applicants each year at <http://www.maine.gov/dafs/procurementservices/vendors/grants>. Applications will be accepted from any and all applicants per the details provided on the RFP cover page each year this RFP is active.

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

# **Plan and Manage the Removal of Invasive Aquatic Plants**

# Applicants are expected to present an application proposal to manually control invasive aquatic plants in known infested Maine water bodies with the objectives of reducing the likelihood of spread to other waters, limiting the impact on natural habitat and human use of the water body, and maintaining property values.

Applicants should identify clear goals, utilize proven and effective methods, indicate the likelihood of long-term success and include a plan for monitoring effectiveness of removal efforts. Reviewers consider feasibility of project success, the potential for achieving long-term reduction of the infestation and the clarity in explanation of grant expenditures.

The following are eligible activities to achieving the objectives of this RFP:

* Manual plant control techniques such as placement of benthic barriers, plant removal by hand, and plant removal by hand with suction dredge (i.e., Diver Assisted Suction Harvest or DASH).
* Plant surveys directly related to removal efforts, i.e., surveying infested areas prior to and/or after removal, if needed to focus removal efforts or monitor efficacy.
* Surface Support directly related to the removal operation. The application must show how these expenses are integral to the removal operation.
* Other expenses directly related to invasive aquatic plant removal.

Divers paid to control invasive aquatic plants through an eventual contract under this RFP must meet Occupational Safety and Health Administrations (OSHA) standards, if applicable (see [OSHA Standards for Commercial Diving Operations](https://www.osha.gov/pls/oshaweb/owastand.display_standard_group?p_toc_level=1&p_part_number=1910#1910_Subpart_T)).

Applicants should refer to **Attachment 1** for details on eligible activities, other grant requirements, selection criteria and scoring and other details of the application process.

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# **PART III KEY RFP EVENTS**

## Questions

**1. General Instructions**

a. It is the responsibility of all Applicants and other interested parties to examine the entire RFP and to seek clarification, in writing, if they do not understand any information or instructions.

b. Submitted questions must be submitted by e-mail and received by the RFP Coordinator, identified on the cover page of this RFP, as soon as possible but no later than the date and time specified on the RFP cover page.

c. 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 Application due date: <https://www.maine.gov/dafs/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. For 2020 and beyond Questions & Answer Summary will be available at <http://www.maine.gov/dafs/procurementservices/vendors/grants>

## Amendments

All amendments released in regard to this RFP will also be posted on the following website: <https://www.maine.gov/dafs/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. For 2020 and beyond Questions & Answer Summary will be available at <http://www.maine.gov/dafs/procurementservices/vendors/grants>

## Submitting the Application

1. **Applications Due:** Applications must be received by email no later than 4:00 p.m. local time, on the date listed on the cover page of this RFP. Applications received **after** the 4:00 p.m. deadline will not be considered unless funding is available after reviewing and awarding all accepted applications, in which case additional applications may be considered.
2. **Delivery Instructions:** Email application submissions are to be submitted to the State of Maine Division of Procurement Services, via email, to the email address provided on the RFP Cover Page.
3. Only applications received by email will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
4. Applicants are to insert the following into the subject line of their email submission:

“**RFP#201810212 Application Submission**”

1. Applicant’s submissions are to be broken down into multiple files, with each file named as it is titled in bold below, and include:

- **File #1**: *PDF format preferred*

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

- **File #2**: *PDF format preferred*

Invasive Aquatic Plant Removal Cost Share Application **(Attachment 1**)

# **PART IV APPLICATION SUBMISSION REQUIREMENTS**

The Applicant’s applications must follow the outline used below. Failure to use the outline specified in this section may result in the application being disqualified as non-responsive or receiving a reduced score. The Department, and its evaluation team for this RFP, has sole discretion to determine whether a variance from the RFP specifications should result in either disqualification or reduction in scoring of an application.

## Application Format

* 1. The Applicant’s application shall include **Appendix A and the Invasive Aquatic Plant Removal Grant Application available via the weblink in Attachment 1**. The first page of the Invasive Aquatic Plant Removal Grant Application in **Attachment 1** shall be dated and signed by a person authorized to enter into contracts on behalf of the Applicant. Failure to complete and submit the appendix or attachment may result in the disqualification of the Applicant’s proposal, at the discretion of the Department.
  2. It is the responsibility of the Applicant to provide all information requested in the RFP package at the time of submission. Failure to provide information requested in this RFP may, at the discretion of the Department’s evaluation review team, result in a lower rating for the incomplete sections and may result in the application being disqualified for consideration.

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## Application Contents

The Applicant’s application must include completed **Appendix A, and Attachment 1** (Invasive Aquatic Plant Removal Grant Application) and required attachments. **Attachment 1** shall address the following:

**Project Purpose and Scope**

Describe what the project seeks to accomplish in year one and, if applicable, year two. Projects should identify clear goals, utilize proven and effective methods, indicate the likelihood of success and include a plan for monitoring effectiveness of removal efforts. Reviewers consider feasibility of project success, the potential for achieving long-term reduction of the infestation and the clarity in explanation of grant expenditures. The Department prefers projects that provide multi-year planning and demonstrate how each year builds off the progress of previous work.

**Local Support and Funding**

Applicants must bring their own resources to the project in the form of cash and in-kind support (volunteer services or donations of goods and services). A minimum 20% cash match is required for each grant application proposal. The Department prefers projects that maximize local match and demonstrate strong community support for invasive aquatic species prevention and control. Support letters are encouraged but not required.

**Courtesy Boat Inspection (CBI) Program**

Applicants for plant control projects should have an active Courtesy Boat Inspection (CBI) program or explain why one is not warranted.

**Plant Survey**

Applicants must have completed at least a Level 2 plant survey per the Volunteer Lake Monitoring Program’s (VLMP) Invasive Aquatic Plant Screening Survey Procedures (link: [VLMP Level 2 Survey](http://www.mainevlmp.org/wp-content/uploads/2014/06/IAP-Mapping-Survey-Instructions-2014.pdf)). A Level 2 survey covers boat ramps, areas of concentrated boat traffic and shallow, sheltered coves. Grant funds support only plant surveys needed to direct plant removal efforts or assess efficacy of removal.

**Training, Experience and Track Record**

Application proposals demonstrating trained and experienced staff and volunteers are given additional consideration by reviewers. Examples of training are attendance at VLMP plant patrol workshops, SCUBA certification or other fundraising or organizing experience that enhances efficiency of the work. DEP also considers the applicant’s performance under past cost share grants, if applicable when reviewing the current application.

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# **PART V APPLICATION EVALUATION AND SELECTION**

Evaluation of the submitted applications shall be accomplished as follows:

## Evaluation Process - General Information

* + - 1. An evaluation team, comprised of qualified reviewers, will judge the merits of the applications received in accordance with the criteria defined in the RFP, and in accordance with the most advantageous financial and economic impact considerations (where applicable) for the State.
      2. Officials responsible for making decisions on the selection of a contractor shall 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 applications and to ensure that the contract is awarded to the Applicant whose application provides the best value to the State of Maine.
      3. The Department reserves the right to communicate and/or schedule interviews/presentations with Applicants if needed to obtain clarification of information contained in the applications received, and the Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Interviews/presentations are not required, and changes to applications will not be permitted during any interview/presentation process. Therefore, Applicants should submit application proposals that present their rates and other requested information as clearly and completely as possible.

## 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 application meets the following criteria (also detailed in **Attachment 1**).

**Project Purpose and Scope (25 points)**

**Local Support and Funding (25 points)**

**Courtesy Boat Inspection (CBI) Program (10 points)**

**Plant Survey (10 points)**

**Training, Experience and Track Record (30 points)**

1. **Scoring Process:** The review team will use a consensus approach to evaluate and score the criteria above. Members of the review team will not score those sections individually but, instead, will arrive at a consensus as to assignment of points for each criterion.
2. **Scoring the Application Cost Proposal:** Regarding the grant 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 and budget) are reasonable for the expected outcomes, along with the amount and quality of proposed matching funds or services.
3. **Negotiations:** The Department reserves the right to negotiate with the successful Applicant to finalize a contract at the same rate or cost of service as presented in the selected application. Such negotiations may not significantly vary the content, nature or requirements of the application or the Department’s Request for Proposals to an extent that may affect the price of goods or services requested. The Department reserves the right to terminate contract negotiations with a selected respondent who submits a proposed contract significantly different from the application they submitted in response to the advertised RFP. In the event that an acceptable contract cannot be negotiated with the highest ranked Applicant, the Department may withdraw its award and negotiate with the next-highest ranked Applicant, and so on, until an acceptable contract has been finalized. Alternatively, the Department may cancel the RFP, at its sole discretion.

## 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 contractor selection or non-selection will be made in writing by the Department.

**3.** Issuance of this 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 this request, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel or any other costs incurred by the Applicant.

**4.** The Department reserves the right to reject any and all applications or to make multiple awards.

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## Appeal of Contract Awards

Any person aggrieved by the award decision that results from this RFP may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in 5 MRSA § 1825-E and 18-554 Code of Maine Rules, Chapter 120 (found here: <https://www.maine.gov/dafs/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 contract award.

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# **PART VI CONTRACT ADMINISTRATION AND CONDITIONS**

## Contract Document

**1.** The successful Applicant will be required to execute a contract in the form of a State of Maine Agreement to Purchase Services (BP54). A list of applicable Riders is as follows:

Rider A: Specification of Work to be Performed

Rider B: Method of Payment and Other Provisions

Rider G: Identification of Country in Which Contracted Work Will Be Performed

The complete set of standard BP54 contract documents may be found on the Division of Procurement Services website at the following link: <https://www.maine.gov/dafs/procurementservices/sites/maine.gov.dafs.procurementservices/files/inline-files/BP54revised1017.doc>

Other forms and contract documents commonly used by the State can be found on the Division of Procurement Services website at the following link: <https://www.maine.gov/dafs/procurementservices/forms>

**2.** 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 Applicants. (Referenced in the regulations of the Department of Administrative and Financial Services, Chapter 110, § 3(B)(i):

<https://www.maine.gov/dafs/procurementservices/policies-procedures/chapter-110>

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

**3.** 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 this RFP may need to be adjusted, if necessary, to comply with mandated requirements.

1. In providing services and performing under the contract, the successful Applicant(s) shall act as an independent contractor and not as an agent of the State of Maine.

## Standard State Agreement Provisions

**1.** Agreement Administration

a. Following the award, an Agreement 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 successful Applicant in the finalization of the contract.

**2.** Payments and Other Provisions

The State anticipates paying the Contractor in two installments, as outlined in **Attachment 1**, and 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 this RFP.

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

1. Appendix A – Debarment, Performance and Non-Collusion Certification
2. Attachment 1 – Invasive Aquatic Plant Removal Cost Share Application

**APPENDIX A**

**State of Maine**

**Department of Environmental Protection**

*Division of Environmental Assessment, Invasive Aquatic Species Program*

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

**RFP#201810212**

**Competitive Grant Program for Invasive Aquatic Plant Removal**

|  |  |
| --- | --- |
| **Applicant’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; and*
   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*.
3. *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.*

**Failure to provide this certification may result in the disqualification of the Applicant’s proposal, at the discretion of the Department.**

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

**ATTACHMENT 1**

**State of Maine**

**Department of Environmental Protection**

*Division of Environmental Assessment, Invasive Aquatic Species Program*

**INVASIVE AQUATIC PLANT REMOVAL GRANT APPLICATION**

**RFP#201810212**

**Competitive Grant Program for Invasive Aquatic Plant Removal**

**For this grant, the application will be available in a separate file from the RFP document.**

**For 2019, the application will be available at:** <https://www.maine.gov/dafs/procurementservices/vendors/rfps>

**For 2020 and beyond, it is the Departments intent to have the application available by December 15th of the previous year at:**

<http://www.maine.gov/dafs/procurementservices/vendors/grants>