**STATE OF MAINE**

**Department of Environmental Protection**

*Division of Environmental Assessment, Nonpoint Source Grant Program*

**RFA# 202503047**

**Nonpoint Source Grant for Pollution Control Projects Watershed-based Plan Implementation**

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| **RFA Coordinator** | **NAME:** | Alex Wong |
| **TITLE:** | Nonpoint Source Program Manager |
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| *All communication regarding the RFA must be made through the RFA Coordinator.* |

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| **Submitted Questions Due Date** | May 30, 2025, no later than 11:59 p.m., local time |
| *All questions must be received by the RFA Coordinator by the date and time listed above.*  |

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| **Application Submission Deadline** | **DATE:** | June 16, no later than 11:59 p.m., local time. |
| **TO:** | Proposals@maine.gov |
| *Applications must be received electronically by the Office of State Procurement Services by the date and time listed above.* |

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**RFA TERMS/ACRONYMS with DEFINITIONS**

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

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **BMP** | Best Management Practice |
| **CWA** | Federal Clean Water Act |
| **Department** | Department of Environmental Protection |
| **EPA** | US Environmental Protection Agency |
| **NPS** | Nonpoint Source Pollution |
| **RFA** | Request for Application |
| **State** | State of Maine |
| **WBP** | Watershed-based Plan |

**PART I OVERVIEW OF THE GRANT OPPORTUNITY**

## Purpose and Background

As defined in this Request for Applications (RFA) document, the Department of Environmental Protection (Department or DEP) is seeking applications to implement watershed projects to restore or protect waterbodies that are impacted by nonpoint source (NPS) pollution. Watershed projects funded under this RFA must be guided by Watershed-based Management Plans (WBP) accepted by the Department. WBPs provide assessment and management information and describe actions needed for restoration and/or protection. This document provides instructions for submitting applications, the procedure and criteria by which the applicant(s) will be selected, and the contractual terms which will govern the relationship between the State of Maine (“State”) and the awarded applicant(s).

Pursuant to Maine statutes ([38 M.R.S.A. Article 1-F](https://www.mainelegislature.org/legis/statutes/38/title38sec410-H.html)), the Department is charged with coordinating Maine’s Nonpoint Source Management Program to prevent or reduce NPS water pollution so that lakes, streams, rivers and coastal waters are protected and attain their designated water quality standards. NPS pollution is caused when rainfall or snowmelt moves over and through the ground and picks up natural and human-made pollutants such as sediment, fertilizer, road salt, oil, and bacteria. Eventually these contaminants end up in waterbodies, where they can threaten drinking water supplies, cause nuisance algal blooms, diminish recreational activities, and endanger aquatic life and habitat.

The Maine Nonpoint Source Management Program Plan 2025-2029 describes NPS pollution control programs, strategies, and actions needed to make progress controlling and preventing NPS pollution. DEP administers Maine’s NPS program and awards and monitors subgrants for watershed projects in accordance with and using funding provided by the United States Environmental Protection Agency (EPA) under Section 319(h) of the [Federal Clean Water Act](https://www3.epa.gov/npdes/pubs/cwatxt.txt) (CWA). EPA’s Nonpoint Source Program and Grants Guidelines requires states to use at least 50% of the annual appropriation of Section 319 funds to implement watershed projects guided by Watershed-based Plans (WBPs). Grants for projects selected under this RFA will be funded with monies provided to the Department by EPA under Section 319(h); grant awards are subject to the availability of federal funds.

Funding awarded to a subrecipient is considered a sub-award of federal funds. The Department will provide a draft of the award decision and work plan applications to EPA for review and approval and will then submit the proposed award decision to the State of Maine, Division of Procurement Services for approval. For more information about the Department’s NPS Grants Program refer to Nonpoint Source Management Program – Annual Report at <http://www.maine.gov/dep/water/grants/319-documents/reports/>.

## General Provisions

1. From the time this RFA is issued until award notification is made, all contact with the State regarding this RFA must be made through the RFA Coordinator identified on the cover page of this RFA. No other person/State employee is empowered to make binding statements regarding this RFA. Violation of this provision may lead to disqualification from the application process, at the State’s discretion.
2. Issuance of the RFA does not commit the Department to issue an award or to pay expenses incurred by an Applicant in the preparation of a response to the RFA. This includes attendance at personal interviews or other meetings, where applicable.
3. All applications must adhere to the instructions and format requirements outlined in the RFA 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 in Part III of the RFA.
4. Applicants will take careful note that in evaluating an application submitted in response to this RFA, the Department will consider materials provided in the application, 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 the Applicant’s experience and capabilities.
5. The application must be signed by a person authorized to legally bind the Applicant 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 RFA and the awarded Applicant’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 RFA 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 applications received in response to the RFA.
9. 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.

## Eligibility to Submit Applications

Eligible recipients for Section 319 grants are public organizations such as state agencies, soil and water conservation districts, regional planning commissions, watershed districts, municipalities, and incorporated nonprofit organizations with federal tax-exempt status [501(c)(3)].

Eligible projects must provide at least 40% project match.

## Grant Funds and Number of Awards

The Department anticipates making multiple awards as a result of this RFA process. Funds for grants will be from the EPA under Section 319 of the Clean Water Act.

1. Approximately $1,100,000 is anticipated based on previous years’ allocations. This planning target may not reflect final FY26 federal appropriations. DEP anticipates the following allocation:
	1. At least 50% of the Section 319 funds ($550,000) for projects to help restore impaired waters; and
	2. No more than 50% of the Section 319 funds ($550,000) for projects to protect unimpaired waters.
2. The Department expects to award grants in the range of $50,000 to $150,000.
3. The Department expects to award 8 to 10 grants and reserves the right to make fewer awards.
4. A grant awarded to an applicant is considered a sub-award of federal funds. Federal terms and conditions for sub-awards apply to these grants.
5. **Contract Term**

The Department is seeking cost-efficient application(s) to provide services, as defined in this RFA, for the anticipated 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 RFA 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 RFA, is defined as follows:

|  |  |  |
| --- | --- | --- |
| **Period** | **Start Date** | **End Date** |
| Initial Period of Performance | 1/1/26 | 12/31/27 |
| No-Cost Extension (with Department approval) | 1/1/28 | 9/30/28 |

1. **Appeal of Contract Awards**

Any person aggrieved by the award decision that results from this Request for Applications 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: [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 contract award.

**PART II ACTIVITIES AND REQUIREMENTS**

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1. **Purpose – Watershed-based Plan Implementation Project**

The Department is inviting applications for projects to help communities implement their watershed-based management plans (WBP) to make progress:

* Restoring water bodies that are considered impaired due to NPS pollution, or
* Protecting water bodies that are considered threatened by NPS pollution.
1. **Prerequisites**

To be eligible to apply for funding, project proposals must meet both of the following prerequisites:

* 1. The watershed must be on DEP’s **NPS Priority Watersheds** list. The purpose of the Department’s NPS Priority Watershed Lists is to encourage NPS abatement work in watersheds most vulnerable to NPS pollution. The list is used to help prioritize DEP NPS water pollution control efforts and attract local communities to take action to restore or protect waters impaired or threatened by NPS pollution.

NPS Priority Watersheds lists and information are available at: <http://www.maine.gov/dep/land/watershed/nps_priority_list/index.html>

**2.** Implementation projects must be guided by an **active** **watershed-based plan** (WBP) accepted by the Department. Refer to <http://www.maine.gov/dep/water/grants/319.html> for the list of eligible WBPs.

1. **Eligible and Ineligible Activities**
	1. Eligible Activities. Eligible project activities may include but are not limited to:
		1. BMP construction (and BMP design);
		2. technical assistance;
		3. cost sharing construction of BMPs;
		4. training and technology transfer;
		5. information outreach;
		6. project management; and
		7. monitoring to evaluate the outcome of the project.
2. Not all activities called for in a WBP are eligible for Section 319 grant funds. Proposed activities must be considered eligible under EPA Section 319(h) guidelines. For more information regarding eligible activities refer to EPA Nonpoint Source Program and Grants Guidelines for States and Territories, pages 37-38. <http://water.epa.gov/polwaste/nps/cwact.cfm>
	1. Ineligible Activities. Grant (or match) funds under this RFA may not be used:
	2. To conduct erosion or storm water control work required by existing permits or orders (Examples: Maine Pollutant Discharge Elimination System Stormwater Permit; Site Location of Development Permit; Stormwater Law Permit)[[1]](#footnote-2).
	3. To replace malfunctioning septic systems. The Department’s Small Community Grant Program offers grants to towns to help replace malfunctioning septic systems that are polluting a water body or causing a public nuisance.
	4. To pay for materials and other costs associated with maintaining or repairing Best Management Practices (BMPs). Note that staff services time (e.g., consultation/technical assistance) to discuss malfunctioning, poorly-maintained, or other problematic BMPs sites is eligible for funding.
	5. Baseline monitoring, monitoring to identify sources or characterize a watershed, and monitoring to support the development of a WBP or TMDL are not eligible for watershed project funding.

e. DEP’s NPS Program is developing a policy to significantly limit or restrict the use of grant funding (and match) for shoreline stabilization projects using stone riprap. Applicants are encouraged to pursue riprap alternatives or alternative NPS sites for the Candidate NPS Site list.

1. **Project Design**

Proposed projects should be designed to make progress restoring or protecting waterbodies by implementing Best Management Practices (BMPs) and measures described in a WBP accepted by the Department. Project design considerations include the following:

* 1. Watershed-based Plan Timeline and Phasing. Effective implementation of a WBP usually requires many years of sustained effort. The work plan should describe and exhibit intent to make substantial progress implementing the WBP. See Work Plan Section IV, which includes examples and instructions to providea brief description of any future project phases anticipated in the watershed.
	2. Widespread Implementation of BMPs. A project must implement measures that prevent, control, or abate NPS pollution. Projects should encourage, require, or achieve structural or non-structural BMP implementation on a watershed scale to abate existing nonpoint sources and prevent NPS pollution through improved land use management. A proposal to use most of the grant funds for on-the-ground construction of BMPs (including design services) will be considered more cost effective than projects that include disproportionate amounts of personnel, overhead and grant administration costs.
	3. Constructing BMPs at NPS Sites. Activities must be directed towards accomplishing on-the-ground implementation of BMPs at NPS sites and other actions needed to effectively implement the WBP. In some cases, projects provide technical assistance to help landowners install BMPs on their properties using the landowner’s own funds. Projects may also choose to provide grant funding as an incentive to help ensure that landowners install BMPs at priority NPS sites. Using this approach, projects typically determine NPS sites to be targeted; set a uniform match requirement (e.g., 60% paid by grant and 40% by owner); work with landowners to develop BMP designs; develop a cost sharing agreement or construction plan that outlines roles and responsibilities including match and maintenance requirements; provide technical assistance to ensure BMPs are installed properly; and authorize grant reimbursement following inspection. Recipients of 319 funds agree to properly operate and maintain their BMPs for the service life of the BMP. (Note: project funds cannot be used for maintenance and repair of existing BMPs.) DEP requires local match to any 319 grant funds used for BMP installation, and the cost share amount of grant funds to an individual cannot exceed 75% of the total cost. Refer to the *NPS Grant Administrative Guidelines* Section III.D. for more information about planning and constructing BMPs at <http://www.maine.gov/dep/water/grants/319.html>.

Project funds (grant or match) may be used to help pay for construction of BMPs at road-related NPS sites to reduce sediment delivery to surface waters. Refer to the following Department guidance on how to evaluate eligibility: *Using Project Funds for Construction of BMPs at Road-related Sites: Guidance for NPS Watershed Projects* (April 2012) available at <http://www.maine.gov/dep/water/grants/319.html>.

The proposal should describe NPS sites that will be addressed by the proposed project.

* 1. Estimating NPS Pollutant Load Reductions. Projects must be designed to include a means to estimate pollutant load reductions from the installed BMPs. The EPA NPS Program Guidelines require load reduction estimates for all BMPs that are intended to control sediments (in tons/year) and/or nutrients (phosphorus or nitrogen in pounds per year). Applicants should identify the method/model they intend to use to estimate NPS load reductions. The Department accepts use of the EPA Pollutant Load Estimation Tool (PLET, <http://www.epa.gov/nps/plet>) or the USDA Forest Service WEPP Road model (<http://forest.moscowfsl.wsu.edu/fswepp/>). An applicant may propose use of other estimation methods.
1. **Match Requirements**

Maine DEP requires applicants to provide a non-federally sourced match of at least 40% of the total project cost.

To estimate the amount of non-federal match required, multiply the amount of grant funds requested times 0.667. Example: if the proposal requests $81,000 of grant funds, then at least $54,027 of non-federal match is required. ($81,000) x (0.667) = $54,027; the total project cost is therefore $135,027, and 40% of $135,027 is $54,010.80. For more information, refer to the Work Plan Section XI. Project Budget instructions.

1. **Procurement of Services and Subgrants**

1. Procurement of Services. For a project, an organization may need to purchase goods or services to complete project activities that are beyond the capacity of the applicant organization. Procurement means acquisition of supplies, equipment, construction or services. Procurement with federal funds must follow applicable requirements and restrictions. Procurement needs to be 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 requirements.

For more information, refer to the Department’s NPS Grant Administrative Guidelines

2. Subgrants. If the applicant plans to pass-through funds to an eligible subgrantee to accomplish a significant part of the project, then the applicant should identify the proposed subgrantee, their qualifications, and a brief description of the work to be conducted. For example, a municipality (applicant) may plan to issue a subgrant to a soil and water conservation district (subgrantee) to coordinate the project or perform certain tasks. A subgrantee could be a Maine public organization such as a soil and water conservation district, a regional planning commission, watershed district, municipality, or an incorporated nonprofit organization with federal tax-exempt status [501(c)(3)].

1. **Environmental Data Quality Assurance**

Project activities must be conducted according to applicable quality assurance procedures for NPS projects as described in the DEP document*, Maine Section 319 Management Program Quality Assurance Program Plan* (12/16/22) <http://www.maine.gov/dep/water/grants/319.html>. If the project includes water quality monitoring to evaluate the outcome of the project, the monitoring must be conducted in accordance with a quality assurance project plan.

Project applications must identify the existing QAPP that will be utilized or describe preparation of a new QAPP as a task. In addition, a Sampling and Analysis Plan (SAP) needs to be submitted and approved by DEP prior to monitoring each year.

**PART III KEY PROCESS EVENTS**

## Submission of Questions

* 1. **General Instructions:** It is the responsibility of all Applicants and other interested parties to examine the entire RFA and to seek clarification, in writing, if they do not understand any information or instructions.
		1. Applicants and other interested parties should use **Appendix A** (Submitted Questions Form) for submission of questions. The form is to be submitted as a WORD document.
		2. Questions must be submitted, by e-mail, and received by the RFA Coordinator identified on the cover page of the RFA as soon as possible but no later than the date and time specified on the RFA cover page.
		3. Submitted Questions must include the RFA 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 State’s Division of Procurement Services [Grant RFPs and RFAs](https://www.maine.gov/dafs/bbm/procurementservices/vendors/grants) website. 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.

## Amendments

All amendments released in regard to this RFA will be posted on the Division of Procurement Services [Grant RFPs and RFAs](https://www.maine.gov/dafs/bbm/procurementservices/vendors/grants) website. 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.

## Application Submission

* 1. **Applications Due:** Applications must be received no later than 11:59 p.m. local time, on the date listed on the cover page of the RFA.
		1. Any e-mails containing original application submissions or any additional or revised application files, received after the 11:59 p.m. deadline, will be rejected without exception.
1. **Delivery Instructions:** Applications must be submitted electronically to the State of Maine Division of Procurement Services at proposals@maine.gov.
	1. Only applications received by e-mail will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.

Application submission e-mails that are successfully received by the proposals@maine.gov inbox will receive an automatic reply stating as such.

* 1. E-mails containing links to file sharing sites or online file repositories will not be accepted as submissions. Only e-mail application submissions that have the requested files attached will be accepted.
	2. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. It is the Applicant’s responsibility to check with its organization’s information technology team to ensure that security settings will not encrypt its application submission.
	3. File size limits are 25MB per e-mail. Applicants may submit files 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 as described above.
	4. Applicants are to insert the following into the subject line of their e-mail submission: “**RFA# 202503047 Application Submission – [Applicant’s Name]**”.
1. **Submission Contents**

Applicant’s application submissions are to be broken down into multiple files, with each file named as it is titled in bold below, and include The Application Form must be submitted as a single, typed, PDF file.

1. **File 1 [Applicant’s Name] – Preliminary Information:**

*Word format*

* Application Cover Page
* Responsible Applicant Certification
* Eligibility, Organization Qualifications and Experience, Use of Sub-grant, Use of Subcontractor, Use of Volunteers, Litigation
1. **File 2 [Applicant’s Name] – Work Plan:**

*Word format*

* Work Plan and Cost Proposal
* Location Map
1. **File 3 [Applicant’s Name] – Attachments:**

*Word format*

* Attachments

**PART IV APPLICATION SUBMISSION REQUIREMENTS**

Applicants must use the Application Form embedded below to submit their application in response to this RFA. Failure to use the outline specified in this section, or to respond to all questions and instructions throughout this document, may result in the application being disqualified as non-responsive or receiving a reduced score. The Department, and its evaluation team for this RFA, has sole discretion to determine whether a variance from the RFA specifications should result in either disqualification or reduction in scoring of an application. The Department seeks detailed yet succinct responses that demonstrate the Applicant’s experience and ability to perform the requirements specified throughout this document.

1. **Application Format**
	1. The applicant is asked to be brief and concise in responding to the RFA questions and instructions. The Work Plan and Cost Proposal, Location Map, and Attachments should be limited to a maximum of 28 pages. Pages provided beyond the aforementioned maximum amount will not be considered during evaluation.
	2. All electronic documents should be formatted for printing as formatting will not be adjusted prior to printing and reviewing these documents. For clarity, the application should be single-spaced with 1” margins using a font no smaller than 12-point sans serif font (e.g. Arial) or similar.
	3. Include any forms provided in the submission package or reproduce those forms as closely as possible. All information should be presented in the same order and format as described in the RFA.
	4. It is the responsibility of the applicant to provide all information requested in the RFA package at the time of submission. Failure to provide information requested in this RFA 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.

The Application Form may be obtained in a Word (.docx) format by double clicking on the document icon below. Please note that the document embedded below will not be accessible if viewing the RFA in a web browser – download the RFA and view it in a desktop application to access any embedded documents.



**PART V APPLICATION EVALUATION AND SELECTION**

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 RFA.
	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 applications and to ensure that all contracts are awarded to the Applicants that provide 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. The Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Changes to applications, including updating or adding information, will not be permitted during any interview/presentation process and, therefore, Applicants must submit proposals that present their rates and other requested information as clearly and completely as possible.
	4. Failure to respond to all questions and instructions throughout the RFA may result in the application 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 RFA specifications will result either in disqualification or reduction in scoring of a proposal.
2. **Scoring Process:** The evaluation team will use a consensus approach to evaluate and score all sections listed below. 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 of those sections.
3. **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.

|  |  |
| --- | --- |
| **Scoring Criteria** | **Points Available** |
| 1. Eligibility | Pass/Fail |
| 2. Applicant Qualifications and Experience | 10 |
| 3. Relative Value of the Waterbody | 10 |
| 4. Water Quality Problem | 10 |
| 5. Nature, Extent, and Severity of the NPS Problems | 10 |
| 6. Feasibility for Success | 25 |
| 7. Cost Effectiveness | 25 |
| 8. Comprehensive Plan | 10 |
| **Total Points**  | **100 points** |

* 1. **Eligibility (Pass/Fail)**

Eligible recipients for Section 319 grants are public organizations such as state agencies, soil and water conservation districts, regional planning commissions, watershed districts, municipalities, and incorporated nonprofit organizations with federal tax-exempt status [501(c)(3)].

Eligible projects must provide at least 40% project match.

* 1. **Applicant Qualifications and Experience (10 points)**

Consider the adequacyof applicant qualifications (relevant experience, financial, administrative & technical qualifications, personnel and facilities) to carry out the project within the proposed timeframe, along with any known past performance on relevant projects. If the project plans to issue a sub-grant to an eligible recipient, consider the adequacy of the subgrantee’s qualifications and relevant past performance. If the project plans to acquire consultant services, consider the adequacy of the qualifications and experience that will be requested in the project’s solicitation for services. If the project plans to involve volunteer partners to accomplish significant portions of the project, consider the adequacy of the qualification and experience of that partner to achieve the necessary outcome.

Includes all elements addressed above in RFA Application and Submission Requirements Part IV, and included in the Qualifications and Experience section of the application.

* 1. **Relative Value of the Waterbody (10 points)**

Evaluate the degree to which the public currently uses and values the waterbody. Consider the availability (access), and extent of use. Consider uses including, but not limited to, drinking water supply; public recreational opportunities; scenic and aesthetic benefits; aquatic and terrestrial habitat benefits; commercial benefits; and potential for increased public use and improved habitat.

Includes all elements addressed in Section II of the Work Plan and Cost Proposal (Waterbody and Watershed Information).

* 1. **Water Quality Problem (10 points)**

Evaluate the extent to which the work plan exhibits an informed understanding of water quality conditions. Consider the severity of the water quality impairment or indication that the waterbody may not attain its water quality standards in the future.

Includes all elements addressed in Section III of the Work Plan and Cost Proposal (Water Quality Problem or Threat).

* 1. **Nature, Extent and Severity of NPS Problems (10 points)**

Evaluate the nature, extent, and severity of NPS problems in the watershed. Evaluate the work plan’s understanding of what actions are needed to address the NPS sources and problems.

Includes all elements addressed in Section IV of the Work Plan and Cost Proposal (Watershed Nonpoint Pollution Sources and NPS Mitigation Activities).

* 1. **Feasibility for Success (25 points)**

Likelihood that the project will be successfully completed as proposed and that the waterbody can be successfully restored or protected. Considerations: adequate information and capacity to determine actions needed restore or protect the waterbody; proposed tasks address the primary water quality stressors and pollutants of concern; effective well-sequenced tasks; contribution or participation by appropriate stakeholders and municipal government; leveraged with other previous or concurrent efforts; extent of community support to restore or protect the waterbody.

Includes all elements addressed in all sections of the Work Plan and Cost Proposal.

* 1. **Cost Effectiveness (25 points)**

Regarding the grant funds requested and the proposed work, consider the degree to which the project represents a good return for the investment (money, time). Consider whether 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.

No Best and Final Offer: The State of Maine will not seek a best and final offer (BAFO) from any applicant in this procurement process.  All applicants are expected to provide their best value pricing with the submission of their application.

Includes all elements addressed in all sections of the Work Plan and Cost Proposal.

* 1. **Comprehensive Plan (10 points)**

The Comprehensive Plan points will be calculated by the DEP with input from the Municipal Planning Assistance Program (MPAP) in the Maine Department of Agriculture, Forestry and Conservation. MPAP staff will review program records to determine which towns within the direct watershed have a current and consistent comprehensive plan and report to the Department. The Department then determines the proportion of the watershed that falls within the boundaries of towns having a current finding. Up to 10 points will be awarded based on the percentage of watershed for which consistent comprehensive plans exist using the following formula:

$$\frac{Area of the watershed with a Consistent Comprehensive Plan}{Total area of the watershed}×10$$

1. **Selection and Award**
	1. Notification of conditional award selection or non-selection will be made in writing by the Department.
	2. Issuance of this RFA in no way constitutes a commitment by the State to award a contract, to pay costs incurred in the preparation of a response to the RFA, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel, or any other costs incurred by the Applicant.
	3. 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 Applications 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 RFA. 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 RFA, at its sole discretion.
	4. The Department reserves the right to reject any and all applications or to make multiple awards.
2. **Contract Administration and Conditions**
	1. Contract Document
		1. The awarded Applicants will be required to execute a State of Maine Service Contract with the appropriate riders as determined by the issuing Department.
		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 RFA 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/bbm/procurementservices/policies-procedures/chapter-110)). This provision means that a contract cannot be effective until at least 14 calendar days after award notification.
		3. 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 Applicants in the finalization of the contract.
		4. In providing services and performing under the contract, the awarded Applicant must act as an independent contractor and not as an agent of the State of Maine.
	2. Standard State Contract Provisions
	3. 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 Applicant 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 RFA.

**APPENDIX A SUBMITTED QUESTIONS FORM**

This form should be used by Applicants when submitting written questions to the RFA Coordinator.

If a question is not related to any section of the RFA, enter “N/A” under the RFA Section & Page Number. Add additional rows as necessary. Submit this document in WORD format, not PDF.

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| **Organization Name:** |  |

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| **RFA Section & Page Number** | **Question** |
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1. Note that urban stormwater activities that do not directly implement a final municipal separate storm sewer system (MS4) NPDES permit are eligible. An approved TMDL does not affect 319 funding eligibility for nonpoint source projects.  [↑](#footnote-ref-2)