**STATE OF MAINE**

**Department of Environmental Protection**

*Division of Environmental Assessment, Nonpoint Source Grant Program*

**RFA# 202505068**

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

|  |  |  |
| --- | --- | --- |
| **RFA Coordinator** | **NAME:** | Alex Wong |
| **TITLE:** | Nonpoint Source Program Manager |
| **EMAIL:** | alex.wong@maine.gov |
| *All communication regarding the RFA must be made through the RFA Coordinator.* |

|  |  |
| --- | --- |
| **Submitted Questions Due Date** | May 14, 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.*  |

|  |  |  |
| --- | --- | --- |
| **Application Submission Deadline** | **DATE:** | May 26, 2025, 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.* |

**TABLE OF CONTENTS**

|  |  |
| --- | --- |
|  | **Page** |
|  |  |
| **RFA DEFINITIONS/ACRONYMS** | **3** |
|  |  |
| **PART I OVERVIEW OF THE GRANT OPPORTUNITY** | **4** |
| 1. PURPOSE AND BACKGROUND
 | **4** |
| 1. GENERAL PROVISIONS
 | **4** |
| 1. ELIGIBILITY TO SUBMIT APPLICATIONS
 | **5** |
| 1. AWARDS
 | **5** |
| 1. APPEAL OF CONTRACT AWARDS
 | **6** |
|  |  |
| **PART II ACTIVITIES AND REQUIREMENTS** | **7** |
| **A**. PURPOSE – WATERSHED-BASED PLAN DEVELOPMENT PROJECT | **7** |
| **B**. NPS PRIORITY WATERSHEDS LIST | **7** |
| **C.** DEVELOPMENT OF A WATERSHED-BASED PLAN | **7** |
| **D.** LIMITATIONS | **9** |
| **E.** SUB-GRANTS AND PROCUREMENT OF SERVICES | **9** |
| **F.** ENVIRONMENTAL DATA QUALITY ASSURANCE | **9** |
|  |  |
| **PART III KEY PROCESS EVENTS** | **11** |
| 1. SUBMISSION OF QUESTIONS
 | **11** |
| 1. AMENDMENTS
 | **11** |
| 1. APPLICATION SUBMISSION
 | **11** |
|  |  |
| **PART IV APPLICATION SUIBMISSION REQUIREMENTS** | **13** |
| **A**. APPLICATION FORMAT AND EMBEDDED APPLICATION FORM | **13** |
|  |  |
| **PART V APPLICATION EVALUATION AND SELECTION** | **14** |
| 1. EVALUATION PROCESS – GENERAL INFORMATION
 | **14** |
| 1. SCORING PROCESS
 | **14** |
| 1. SCORING WEIGHTS
 | **14** |
| 1. SELECTION AND AWARD
 | **16** |
| 1. CONTRACT ADMINISTRATION AND CONDITIONS
 | **17** |
|  |  |
| **APPENDIX A – SUBMITTED QUESTIONS FORM** | **18** |
|  |  |

**RFA TERMS/ACRONYMS with DEFINITIONS**

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

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **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

The Department of Environmental Protection (Department or DEP) is seeking applications for projects to help communities develop Watershed-based Plans (WBP) as defined in this Request for Applications (RFA) document. A watershed-based plan provides assessment and management information and describes actions needed to restore nonpoint source (NPS) impaired water bodies or to protect water bodies threatened by NPS pollution. 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., Chapter 3, Article 1-F](https://www.mainelegislature.org/legis/statutes/38/title38sec410-H.html)), the Department is charged with coordinating Maine’s Nonpoint Source Pollution Program to prevent or reduce NPS water pollution so that lakes, streams and coastal waters are protected and/or attain their clean water quality standards. Maine’s NPS Program is funded - in part - with grants from the United States Environmental Protection Agency (EPA) under Sections 319 and 604(b) of the [Federal Clean Water Act](https://www3.epa.gov/npdes/pubs/cwatxt.txt) (CWA). Applications selected through this RFA will be funded (subject to the availability of federal funds) under CWA Section 604(b) and Section 319. DEP also administers a separate RFA for CWA Section 319-funded implementation projects. A watershed-based plan accepted by the Department is a prerequisite to be eligible to apply for CWA Section 319 funds to help implement the plan.

The EPA awards funds to the Department pursuant to Section 604(b) to carry out water quality management planning under Sections 205(j) and 303(e) of the Federal Clean Water Act. Pursuant to the Act, grant funds may be used to determine the nature and extent of point and nonpoint source pollution and to develop management plans. Section 205(j)(3) requires States allocate at least 40 percent of 604(b) funds for pass-through grants to eligible organizations for water quality management planning. DEP administers the program and awards and monitors sub-grants for projects to determine the nature and extent of NPS and to develop management plans.

The Department will provide a draft of the award decision and selected applications to EPA for review and approval and will then submit the proposed award decision to the State Division of Procurement Services for approval. For more information about the Department 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. In the event that an applicant believes any information that it submits in response to this RFA is confidential, it must mark that information accordingly, and include citation to legal authority in support of the Applicant’s claim of confidentiality.  In the event that the Department receives a FOAA request that includes submissions marked as confidential, the Department shall evaluate the information and any legal authority from the Applicant to determine whether the information is an exception to FOAA’s definition of public record.  If the Department determines to release information that a Applicant has marked confidential, it shall provide advance notice to the Applicant to allow for them to seek legal relief.
9. 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.
10. 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 under this RFA are regional public comprehensive planning organizations or interstate organizations such as: regional planning agencies, councils of governments, conservation districts, counties, cities and towns, and other sub-state public planning agencies and interstate agencies. Such organizations must be chartered with suitable powers as a unit of local government, an independent sub-state agency, or an interstate organization under an interstate agreement of which Maine is a party.

## Awards

|  |  |  |
| --- | --- | --- |
| **Funding Source** | **Estimated Date Available** | **Total Estimated Amount Available** |
| Section 604(b) of theFederal Clean Water Act | October 1, 2025 | $100,000 |
| Section 319 of the Federal Clean Water Act | October1, 2025 | $50,000 |

Approximately $150,000 is anticipated for planning projects. This planning target is based, in part, on FY24 CWA s.604b allocations and it may not reflect final FY25 appropriations.

The Department expects to award two (2) to three (3) grants, in the range of $20,000 to $70,000 per award, as a result of this RFA process and subject to federal appropriations. 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.

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**

#

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

The Department is inviting applications for projects to help communities develop Watershed-based Plans to restore NPS-impaired water bodies or to protect water bodies threatened by NPS pollution. Watershed plans are a prerequisite for watershed implementation projects funded under Clean Water Act Section 319. In the [*Nonpoint Source Program and Grants Guidelines for States and Territories*](https://www.epa.gov/sites/production/files/2015-09/documents/319-guidelines-fy14.pdf) (May 2024), EPA noted “A watershed-based planning framework addresses water quality problems holistically by fully assessing the causes and sources of pollution and prioritizing restoration and protection strategies to address these problems.”

1. **NPS Priority Watersheds List**

Grants under this RFA will be only for watersheds named on DEP’s Nonpoint Source Priority Watersheds Lists:

* Impaired Lakes Priority List,
* Impaired Streams Priority List,
* Impaired Marine Waters Priority List,
* Threatened Lakes Priority List (subject to C.3. below),
* Threatened Streams Priority List, and
* Threatened Marine Waters Priority 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 lists are 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: <http://www.maine.gov/dep/land/watershed/nps_priority_list/index.html>

1. **Development of a Watershed-based Plan**
2. The project needs to be designed to produce a nine-element WBP to restore NPS-impaired water bodies or to protect waters threatened by NPS pollution. The plan needs to adequately address EPA’s nine (9) minimum elements for watershed-based plans.
3. For a description of the nine (9) minimum elements, refer to Appendix C of the EPA NPS program guidelines. <https://www.epa.gov/system/files/documents/2024-06/2024_section_319_guidelines_final_1.pdf>
4. For guidance on watershed-based planning, refer to EPA’s ‘Quick Guide’ for WBPs, at <https://www.epa.gov/sites/production/files/2015-12/documents/watershed_mgmnt_quick_guide.pdf>
5. For examples of WBPs that meet the nine (9) minimum elements, refer to the NPS Grants webpage <http://www.maine.gov/dep/water/grants/319.html>

1. In addition to other watershed-specific issues, the project should consider potential NPS impacts associated with long term effects of shifting weather patterns (e.g., culvert sizing, sea level rise, marsh migration, harmful algal blooms) and septic systems. The final plan should include findings and incorporate any associated action items needed..
2. Through this RFA, funds are not available for development of alternative plans such as lake watershed-based protection plans. Lake watershed protection plans are appropriate for most threatened lakes where NPS problems are well-understood and the most critical NPS sources can be documented through volunteer watershed surveys. These plans include some of the same information as full nine-element plans, but typically require significantly fewer resources to develop. For DEP guidance about lake watershed protection plans, refer to <http://www.maine.gov/dep/water/grants/319-documents/guidance_lake_watershed-based_protection%20_plans.pdf>. Note that nine-element plans are required for impaired lakes; but they may also be appropriate for a small number of threatened lakes with complex water quality or NPS issues or threatened lakes that DEP is likely to list as impaired in the near future.
3. Through this RFA, funds are not available for routine updates to existing WBPs. However, funding may be available for WBP updates in cases where extensive changes to the original plan and/or advanced monitoring is warranted to better determine the most effective implementation efforts in the watershed. Entities seeking to make more routine plan updates are encouraged to seek out and obtain local resources for this work. For more information about updating plans, refer to *Guidance for Updating Maine Watershed-based Plans* (January 2017). Available at <http://www.maine.gov/dep/water/grants/319-documents/Guidance-for-Updating-Maine-Watershed-based-Plans.pdf>.
4. The extent/size of the watershed for a WBP should be designed considering a geographically-appropriate scale, whereby the planned implementation efforts can lead to measurable reductions in pollution and to achievement of water quality goals. The plans should reference an area large enough to address all the major sources and causes of impairments and threats to the waterbody of concern. However, the area should not be so large that chances of successful implementation is not feasible.
5. The project should be designed to ensure that upon completion of the WBP, there will be an entity with appropriate capacity to lead and direct actions needed to make progress implementing the WBP. The application should name the appropriate entity or exhibit that an entity will be recruited or will emerge to assume the leadership role to promote implementation of the WBP.
6. Water quality data and assessment information about the waterbody is used to develop a WBP. If additional assessment is needed, targeted water quality monitoring and watershed assessments could be conducted through the project to identify sources causing impaired water quality. Targeted assessment may include water quality screening, biological assessments, stream habitat and corridor assessments and watershed assessments. (See Section F. Environmental Data Quality Assurance below.)
7. Detailed information about watershed nonpoint pollution sources is needed to develop a WBP. If additional assessment is needed, then it may be accomplished by using Department-recommended watershed survey methods or by other methods that provide sufficient description of NPS problem sites. For lakes, recommended methods are described in *A Citizen’s Guide to Lake Watershed Surveys* (September 2011). Available at <http://www.maine.gov/dep/land/watershed/materials/lakewsurveyguide.pdf>. For streams, recommended methods are described in *Stream Survey Manual Volume I: A Citizen’s Guide to Basic Watershed, Habitat and Geomorphology Surveys in Stream & River Watersheds* (February 2009). Available at <http://www.maine.gov/dep/water/monitoring/rivers_and_streams/vrmp/stream-survey-manual/index.html>.
8. **Limitations**

Pursuant to the Clean Water Act, Section 604(b), funds must be used “to carry out planning”. This includes a broad range of planning activities. Eligible activities include, but are not limited to: watershed assessment; watershed survey of nonpoint sources; plan development; water quality monitoring; outreach and stakeholder engagement when part of a broader planning effort, etc. Program implementation activities, such as permit writing, inspections, and construction, are not eligible. 604(b) funds may support assessment and preliminary conceptual design and engineering but cannot support final design. For example, surveying, determination of ownership, and feasibility analysis are 604(b) eligible preliminary design work. Final design, engineering plans and specifications, and bid specifications are not eligible for 604(b) funding.

1. **Sub-grants and Procurement of Services**
	1. **Sub-grants** - If the applicant plans to pass-through funds to an eligible sub-grantee to accomplish a significant part of the project, then the applicant should identify the proposed sub-grantee, their qualifications, and a brief description of the work to be conducted. For example, a municipality (applicant) may plan to issue a sub-grant to a soil and water conservation district (sub-grantee) to coordinate the project or perform certain tasks. Eligible sub-grantees include organizations described in Part I.C. The work to be performed needs to be aligned with the public purpose or mission of the sub-grantee.
	2. **Procurement of Services** - In some projects, an applicant may need to purchase goods or services to complete project activities. Procurement means acquisition of supplies, equipment, construction, or services. Procurement with federal funds must be made on a competitive basis to ensure that fair and reasonable prices are obtained for goods and services. Grant recipients may use their own procurement procedures provided that the procedures conform to applicable federal law and standards and the Department’s *NPS Grant Administrative Guidelines*.
2. **Environmental Data Quality Assurance**

Project activities need to be conducted according to applicable quality assurance procedures for NPS projects as described in the Department document, *Maine Lake and Stream Watershed Survey Generic Quality Assurance Project Plan (2020) available at:* <https://www.maine.gov/dep/water/grants/319-documents/QAPP_May2020_MaineLakeAndStreamWatershedSurvey.pdf>

Projects involving the collection and analysis of water quality samples will require a Quality Assurance Project Plan (QAPP) developed in accordance with the DEP Quality Management Plan (Section 7.3 or 7.4). 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.

Oftentimes, planning projects compile and use preexisting data (secondary data) about the watershed and water bodies. If a project depends on the use of secondary data, the application must include a task that evaluates the quality/validity of the data to determine if the data is acceptable. The secondary data analysis findings are typically summarized in a brief table, which is submitted as a project deliverable.

If a **watershed survey** is an anticipated part of a project to develop a WBP then the *Maine Lake and Stream Watershed Survey Generic Quality Assurance Project Plan* describes data acquisition and management procedures to ensure that the survey meets data quality objectives. When the project is underway, prior to conducting the survey applicants need to prepare a brief ‘Watershed Survey Implementation Plan’ to document that the survey will be carried out to meet quality objectives described in the generic QAPP. <https://www.maine.gov/dep/water/grants/319-documents/QAPP_May2020_MaineLakeAndStreamWatershedSurvey.pdf>

If a **stream corridor survey** is an anticipated part of a project to develop a WBP, the *Generic Quality Assurance Project Plan for Maine Stream Corridor Survey* (11/30/18) describes data acquisition and management procedures to ensure that the survey meets data quality objectives. When the project is underway, prior to conducting the survey, applicants need to prepare a brief “Stream Survey Implementation Plan” to document that the survey will be carried out to meet quality objectives described in the generic QAPP.<https://www.maine.gov/dep/water/grants/319-documents/QAPP_May2020_MaineLakeAndStreamWatershedSurvey.pdf>

**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# 202505068 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 18 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. Eligible entities: Only public planning agencies, such as municipalities, Soil and Water Conservation Districts, and Regional Planning Commissions are eligible for funding. Eligible projects must provide a 25% project match[[1]](#footnote-2).
	2. Applicant Qualifications and Experience: 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, Organization Qualifications and Experience.

* 1. Relative Value of the Waterbody: 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 RFA Application, Work Plan and Cost Proposal (Waterbody and Watershed Information).

* 1. Water Quality Problem: 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 RFA Application, Work Plan and Cost Proposal (Water Quality Problem or Threat)

* 1. Nature, Extent and Severity of NPS Problems: 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 RFA Application, Work Plan and Cost Proposal (Watershed Nonpoint Pollution Sources and NPS Mitigation Activities).

* 1. Feasibility for Success: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 RFA Application (All Sections).

* 1. Cost Effectiveness: 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.

Includes all elements addressed in RFA Application (All Sections).

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.

* 1. Comprehensive Plan: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[[2]](#footnote-3) 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 5 points will be awarded based on the percentage of watershed for which consistent comprehensive plans exist using the following formula:

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

Unorganized territories are not subject to the Growth Management Act, and they generally do not have the authority to adopt comprehensive plans or land use ordinances. The Land Use Planning Commission (LUPC) is responsible for those functions through Title 12 § 681, and the LUPC ensures that all unorganized territories are covered by an LUPC document that is roughly equivalent to a comprehensive plan. For this reason, under this RFA, unorganized territories will be treated as though they have a current comprehensive plan finding of consistency.

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.

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

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

1. Match is not a federal requirement. [↑](#footnote-ref-2)
2. Upon request, MPAP reviews municipal comprehensive plans for consistency with the Maine Growth Management Act. A finding of consistency is valid for 12 years. [↑](#footnote-ref-3)