**STATE OF MAINE**

**Department of Environmental Protection**

*Division of Environmental Assessment, Nonpoint Source Grant Program*



**RFA# 202303053**

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

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| --- | --- |
| **RFA Coordinator** | *All communication regarding the RFA must be made through the RFA Coordinator identified below*.**Name:** Alex Wong **Title:** Nonpoint Source Program Coordinator**Contact Information:** Alex.Wong@Maine.Gov |
| **Submitted Questions Due** | *All questions must be received by the RFA Coordinator identified above by:***Date:** May 1, 2023, no later than 11:59 p.m., local time |
| **Application Submission** | *Applications must be received by the Division of Procurement Services by:***Submission Deadline:** May 19, 2023, no later than 11:59 p.m., local time.*Applications must be submitted electronically to the following address:***Electronic (e-mail) Submission Address:** Proposals@maine.gov |

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**RFA TERMS/ACRONYMS with DEFINITIONS**

The following terms and acronyms, as referenced in the RFA, shall 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 |
| **TMDL** | Total Maximum Daily Load |
| **WBP** | Watershed-based Plan |

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

*Environmental Assessment, Nonpoint Source Grant Program*

**RFA# 202303053**

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

**PART I INTRODUCTION**

1. **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 statute ([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 2020-2024](https://www.maine.gov/dep/land/watershed/nps-program-plan.html) 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](https://www.epa.gov/sites/production/files/2015-09/documents/319-guidelines-fy14.pdf) 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). The EPA encourages states to incorporate environmental justice (EJ) and equity considerations into their watershed-based plan implementation projects, as outlined in their policy memo “Continued Actions in FY23 to Increase Equity and Environmental Justice in the Nonpoint Source Program” dated September 30, 2022. This RFA includes new scoring criteria for proposals to increase EJ and equity in Maine’s NPS Grants Program (Part 5.B.4, Disadvantaged Community Scoring, below). In addition, the EPA encourages states to implement nonpoint source watershed projects that consider climate resiliency.

Grants for projects selected under this RFA will be funded with monies provided to the Department by the 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 the 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](http://www.maine.gov/dep/water/grants/319-documents/reports/).

1. **General Provisions**
2. 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 aforementioned RFA Coordinator. 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.
3. Issuance of this 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 this RFA. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
4. All applications should adhere to the instructions and format requirements outlined in this 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 below in the “Application Submission Requirements” section of this RFA.
5. Applicants shall 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 an applicant’s experience and capabilities.
6. The application shall be signed by a person authorized to legally bind the Applicant and shall contain a statement that the application and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the application opening.
7. The RFA and the selected Applicant’s application, including all appendices or attachments, shall be the basis for the final contract, as determined by the Department.
8. Following announcement of an award decision, all submissions in response to this RFA 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>
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 this RFA.
10. The State of Maine Division of Procurement Services reserves the right to authorize other Departments to use the contract(s) resulting from this RFA, if it is deemed to be beneficial for the State to do so.
11. 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.
12. **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)].

1. **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 | 1/1/24 | 12/31/25 |
| No-Cost Extension (with Department approval) | 1/1/26 | 12/31/26 |

Applicants may schedule work to be conducted for up to two years. The Department may set the grant agreement expiration date for up to three years, to enable a time extension. The Department recognizes that unforeseen delays or extenuating circumstances sometimes occur that require additional time to complete a project. If this is necessary, the Department may approve a no-cost time extension for up to one year beyond the original project completion date specified in the work plan, but for no later than the grant agreement expiration date. Department procedures for considering a time extension are described in Nonpoint Source Grant Administrative Guidelines, <http://www.maine.gov/dep/water/grants/319.html.>

1. **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 $1,300,000 will be available for implementation projects, pending EPA and State approvals and federal budget appropriation consistent with recent years. DEP anticipates the following funding allotments will be made:
	1. At least 50% of the Section 319 funds ($650,000) will be for grants to help restore impaired waters; and
	2. No more than 50% of the Section 319 funds ($650,000) will be for grants 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 9 to 12 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.

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

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: BMP construction (and BMP design); technical assistance; cost sharing construction of BMPs; training and technology transfer; information outreach; project management; and monitoring to evaluate the outcome of the project. 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>
	2. Ineligible Activities. Grant (or match) funds under this RFA may not be used:
	3. 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).
	4. 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.
	5. 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.
	6. 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 319 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. WBP 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.b., 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. Total project cost is defined as grant funds requested plus non-federal match. To determine the amount of non-federal match required multiply the total project cost by 0.40.

For planning purposes, the amount of non-federal match required may be estimated by, multiplying 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. For more information, refer to the Work Plan Section XI. Project Budget instructions.

1. **Procurement of Services and Subgrants**
2. 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* <http://www.maine.gov/dep/water/grants/319.html>.

1. 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)].

**G. Environmental Data Quality Assurance**

Project activities will need to 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* (12/20/17) <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 RFA EVENTS**

1. **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 must use **Appendix E** – Submitted Questions Form – for submission of questions. The form is to be submitted as a WORD document.
		2. The Submitted Questions Form must be submitted, by e-mail, and received by the 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 following website no later than seven (7) calendar days prior to the application due date: [Division of procurement Services RFA Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/grants). It is the responsibility of all interested parties to go to this website to obtain a copy of the Question & Answer Summary. Only those answers issued in writing on this website will be considered binding.
2. **Amendments**

All amendments released in regard to the RFA will also be posted on the following website: [Division of Procurement Services RFA Page.](https://www.maine.gov/dafs/bbm/procurementservices/vendors/grants) It is the responsibility of all interested parties to go to this website to obtain amendments. Only those amendments posted on this website are considered binding.

1. **Submitting the Application**
	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. 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.
	2. **Delivery Instructions:** E-mail application submissions are to be submitted 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.
		2. E-mails containing links to file sharing sites or online file repositories will not be accepted as submissions. Only e-mail applications that have the actual requested files attached will be accepted.
		3. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. Please check with your organization’s Information Technology team to ensure that your security settings will not encrypt your application.
		4. File size limits are 25MB per e-mail. Applicant’s may submit files separately 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 listed above.
		5. Applicant’s are to insert the following into the subject line of their e-mail application submission: **“RFA# 202303053 Application Submission – [Applicant’s Name]”**
		6. Applications are to be broken down into multiple files, with each file named as it is titled in bold below, and include:
* **File 1 [Applicant’s Name] – Preliminary Information:**

*Word or PDF format*

**Appendix A** (Cover Page)

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

All required eligibility documentation stated in PART IV.

* **File 2 [Applicant’s Name] – Work Plan:**

*Word*

**Appendix C** Work Plan and all required information and attachments stated in PART IV.

* **File 3 [Applicant’s Name] – Location Map:**

*Word or PDF format*

All required information and attachments stated in PART IV.

**PART IV APPLICATION SUBMISSION REQUIREMENTS**

Applications must follow the instructions below. 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.

## Application Format

* 1. The applicant is asked to be brief and concise in responding to the RFA questions and instructions. The application 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 Times New Roman 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.

## Application Contents

The application must include the following:

1. **Application Cover Page** (max: 1 page)

Applicants should complete the application cover page that is provided with the application. The application cover page must be the first part of the application package. The application cover page shall be dated and signed by a person authorized to enter into contracts on behalf of the Applicant.

**2. Debarment, Performance and Non-Collusion Certification Form** (max: 1 page)

Applicants should complete the form that is provided with the application. Failure to provide this certification may result in the disqualification of the application, at the discretion of the Department.

1. **Applicant Qualifications and Experience**

**a. Summary of the Organization’s Qualifications and Experience** (max: 2 pages)

Present a brief summary of applicant’s qualifications to carry out the project and to manage the grant. Summarize relevant experience, especially experience with NPS projects, and financial, administrative and technical qualifications of the organization. Summarize relevant experience of the person to be assigned to manage the project.

* If you plan to issue a sub-grant to an eligible recipient, provide their name, qualifications and contact information.
* If you plan to acquire consultant services, list key qualifications and experience that you will request in your solicitation for services.
* If you plan to use volunteer partners to accomplish a significant part of the project (e.g., conducting a watershed survey, gathering monitoring data), list pertinent key qualifications.
* Make note of all tasks to be delegated to sub-grantees and/or consultants.

**b.** **Litigation** (does not count toward page limit)

Attach a list of all current litigation in which the applicant is named and a list of all closed cases that have closed within the past five (5) years in which applicant paid the claimant either as part of a settlement or by decree. For each, list the entity bringing suit, the complaint, the accusation, amount, and outcome. If no litigation will be included, write “none” on submitted attachment.

1. **Work Plan** (max: 15 pages)

The applicant should complete the grant application using the instructions included in the application and this RFA. Prepare the work plan in a direct, concise style and use the format provided, including the numbering and section and sub-section headings.

The project budget section of the application shall include the costs necessary for the applicant to fully comply with the contract terms and conditions and RFA requirements. No costs related to the preparation of the application for this RFA or to the negotiation of the contract with the Department may be included in the application. Only costs to be incurred after the contract effective date that are specifically related to the implementation or operation of contracted services may be included.

Refer to DEP’s NPS Grants webpage for an example of the typical content and format of a work plan to develop a watershed-based plan. <http://www.maine.gov/dep/water/grants/319.html>

1. **Location Map** (max: 1 page)

Provide a location map of the project’s watershed area on one page (8.5" by 11"), clearly showing the waterbody(s), town(s), and the watershed boundary.

1. **Progress Implementing Watershed-based Plan** (max: 2 pages)

Applicants should complete the form that is included with the application. Follow the instructions provided at the top of the form.

1. **Attachments** (max: 6 pages)

An attachment is any document included with the application that is not required by the RFA. The page count includes the list of the attachments.

* Use attachments if you want to provide additional information.
* If you want to provide letters of commitment from project partners, the letters should clearly describe the work activity, services or funds that will be committed for the project. General letters of support for a project are discouraged.

**PART V PROPOSAL EVALUATION AND SELECTION**

Evaluation of the submitted applications shall be accomplished as follows:

1. **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 RFA.
	2. Officials responsible for making decisions on applications 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(s) whose application(s) 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 applications that present their rates and other requested information as clearly and completely as possible.
2. **Scoring Weights and Process**

**1. Scoring Weights:** The score will be based on a 100-point scale and will measure the degree to which each application meets the following criteria.

* 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 B, 3. Applicant Qualifications and Experience.

* 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 Part IV.B.4 Work Plan, and Appendix C Section II (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 RFA Part IV.B.4 Work Plan, and Appendix C Section III (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 RFA Part IV.B.4 Work Plan, and Appendix C Section IV (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 RFA Part IV.B.4 Work Plan, and Appendix C (All Sections).

* 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

Includes all elements addressed in RFA Part IV.B.4 Work Plan, and Appendix C (All Sections).

* 1. **Comprehensive Plan (5 points)**

How much of the watershed falls within the jurisdiction of towns that have a current State comprehensive plan finding of consistency[[2]](#footnote-3)?

Scored by Department staff as described in #3 below.

**h. Disadvantaged Community (5 points)**

How much of the watershed falls within census tracts identified as “disadvantaged” using the Climate and Economic Justice Screening Tool (CEJST)[[3]](#footnote-4) (<https://screeningtool.geoplatform.gov/en/#9.14/44.2895/-69.6528>).

Scored by Department staff as described in #4 below.

1. **Scoring Process:** With the exceptions of the Comprehensive Plan points (described in #3 below) and Disadvantaged Community Points (described in #4 below), the review team will use a consensus approach to evaluate and score the applications. 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 scoring criteria. The Cost Effectiveness criteria will be scored as described below in #5
2. **Comprehensive Plan Scoring Process:** 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 5 points will be awarded based on the percentage of watershed for which consistent comprehensive plans exist using the following formula:

$$\frac{Area of the watershed with a Consistent Comprehensive Plan}{Total area of the watershed}×5$$

Final score will be rounded to the nearest whole number.

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. Disadvantaged Community Scoring Process: The portion of the direct watershed comprised of census tracts identified as “Disadvantaged” using the Climate CEJST will be calculated by DEP staff. An interactive map that shows NPS Priority Watersheds and disadvantaged areas identified by CEJST is available at: [https://www.arcgis.com/home/webmap/viewer.html?webmap=62de2464f85645858fbd3ed52e655d4b&extent=-73.7157,42.529,-62.9491,48.2102]](https://www.arcgis.com/home/webmap/viewer.html?webmap=62de2464f85645858fbd3ed52e655d4b&extent=-73.7157,42.529,-62.9491,48.2102%5d)

Up to 5 points will be awarded based on the percentage of watershed that is disadvantaged using the following formula:

$$\frac{Area of the watershed indentified as "Disadvantaged"}{Total area of the watershed}×5$$

Final score will be rounded to the nearest whole number.

1. **Cost Effectiveness Scoring Process:** 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 & 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.

1. **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 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.
2. **Selection and Award**

**1.** The final decision regarding the award of the contract will be made by representatives of the Department after consulting with the Environmental Protection Agency and receiving approval by the State Procurement Review Committee.

**2.** Notification of selection or non-selection will be made in writing by the Department.

**3.** Issuance of this RFA 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.

1. **Appeal of Contract Awards**

Any person aggrieved by the award decision that results from this RFA 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.

**PART VI CONTRACT ADMINISTRATION AND CONDITIONS**

1. **Contract Document**
	1. The awarded Applicant will be required to execute a State of Maine Service Contract with appropriate riders as determined by the issuing department.

The complete set of standard State of Maine Service Contract documents, along with other forms and contract documents commonly used by the State, may be found on the Division of Procurement Services’ website at the following link: [Division of Procurement Services Forms Page](https://www.maine.gov/dafs/bbm/procurementservices/forms)

* 1. Allocation of funds is final upon successful negotiation and execution of the contract, subject to the review and approval of the State Procurement Review Committee. Contracts are not considered fully executed and valid until approved by the State Procurement Review Committee and funds are encumbered. No contract will be approved based on an 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.

* 1. The State recognizes that the actual contract effective date depends upon completion of the RFA process, date of formal award notification, length of contract negotiation, and preparation and approval by the State Procurement Review Committee. Any appeals to the Department’s award decision(s) may further postpone the actual contract effective date, depending upon the outcome. The contract effective date listed in the RFA may need to be adjusted, if necessary, to comply with mandated requirements.
	2. 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.
1. **Standard State Contract Provisions**
	1. Contract Administration

Following the award, a Contract Administrator from the Department will be appointed to assist with the development and administration of the contract and to act as administrator during the entire contract period. Department staff will be available after the award to consult with the awarded 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.

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

**Appendix A** – Application Cover Page

**Appendix B** – Debarment, Performance, and Non-Collusion Certification

**Appendix C** – Work Plan and Instructions

**Appendix D** – Progress Implementing Watershed-based Plan

**Appendix E** – Submitted Questions Form

**APPENDIX A**

**State of Maine**

**Department of Environmental Protection**

**APPLICATION COVER PAGE**

**RFA# 202303053**

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

|  |  |
| --- | --- |
| **Applicant’s Organization Name:** |  |
| **Chief Executive - Name/Title:** |  |
| **Tel:** |  | **E-mail:** |  |
| **Headquarters Street Address:** |  |
| **Headquarters City/State/Zip:** |  |
| ***(Provide information requested below if different from above)*** |
| **Lead Point of Contact for Application - Name/Title:** |  |
| **Tel:** |  | **E-mail:** |  |
| **Headquarters Street Address:** |  |
| **Headquarters City/State/Zip:** |  |

* This application and the pricing structure contained herein will remain firm for a period of 180 days from the date and time of the bid opening.
* No personnel currently employed by the Department or any other State agency participated, either directly or indirectly, in any activities relating to the preparation of the Applicant’s proposal.
* No attempt has been made, or will be made, by the Applicant to induce any other person or firm to submit or not to submit an application.
* The above-named organization is the legal entity entering into the resulting contract with the Department if they are awarded the contract.
* The undersigned is authorized to enter contractual obligations on behalf of the above-named organization.

*To the best of my knowledge, all information provided in the enclosed application, both programmatic and financial, is complete and accurate at the time of submission.*

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

**APPENDIX B**

**State of Maine**

**Department of Environmental Protection**

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

**RFA# 202303053**

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

|  |  |
| --- | --- |
| **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 application:*

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 application for this contract been convicted of or had a civil judgment rendered against them for:*
	1. *Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or contract.*
	2. *Violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.*
3. *Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (b) of this certification.*
4. *Have not within a three (3) year period preceding this application had one or more federal, state, or local government transactions terminated for cause or default*.
5. *Have not entered into a prior understanding, agreement, or connection with any corporation, firm, or person submitting a response for the same materials, supplies, equipment, or services and this application is in all respects fair and without collusion or fraud. The above-mentioned entities understand and agree that collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.*

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

**APPENDIX C**

**State of Maine**

**Department of Environmental Protection**

## WORK PLAN AND INSTRUCTIONS

**RFA# 202303053**

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

***Instructions:*** *Complete work plan using the instructions and format below and in RFA Part IV, B, 4.* ***Delete italicized instructions prior to submittal.*** *Refer to DEP’s NPS Grants webpage for examples of the typical content of a work plan to develop a watershed-based plan.* [*http://www.maine.gov/dep/water/grants/319.html*](http://www.maine.gov/dep/water/grants/319.html)*. (Maximum length: 11 pages)*

**I. Project Information**

|  |  |
| --- | --- |
| **Project Title** | *Title should begin with the name of the watershed (e.g., Orion Stream Watershed-based Plan Protection Project).* |
| **Applicant’s Organization** |  |
| **Applicant’s Organization UEI#** |  |
| **Project Start Date**  | *Month and Year*  |
| **Project Completion Date**  | *Month and Year*  |

**II. Waterbody and Watershed Information**

**a. Background**

|  |  |
| --- | --- |
| **Waterbody Name**  |  |
| **Waterbody Size (e.g., lake acres, stream miles)**  |  |
| **Watershed Area (in acres or square miles)** |  |
| **Watershed Location (town(s), county(s)** |  |
| **Title and Date of Existing or Past Watershed-based Management Plan** | *DEP maintains a list of active plans at* [*https://www.maine.gov/dep/water/grants/319.html*](https://www.maine.gov/dep/water/grants/319.html) |
| **Public Access to Waterbody** | *Briefly list public access.* |

**b. Waterbody and Watershed Physical Characteristics**

*Provide a brief overview of the physical characteristics of the waterbody and its watershed. (Do not repeat above information.) Describe any major tributaries or other waterbodies located in the watershed. Describe the land uses in the watershed. List the downstream watershed(s).*

**c. Description of Waterbody Uses and Value**

*Summarize the extent of uses of the waterbody by the public. Consider uses including, but not limited to: drinking water supply* (if applicable please provide the size of population served)*; public recreational opportunities; scenic and aesthetic benefits; aquatic and terrestrial habitat benefits, and commercial benefits; and potential for increased public use and improved wildlife habitat. Describe public access to the waterbody.*

*The Beginning with Habitat webpage provides several map viewers that can be used to search for watershed resources (*[*http://webapps2.cgis-solutions.com/beginningwithhabitat/*](http://webapps2.cgis-solutions.com/beginningwithhabitat/)*).*

**III. Water Quality Problem or Threat**

**Water Quality Listing Status**

|  |  |
| --- | --- |
| Is water quality listed as impaired?  | *Answer yes or no. Refer to the most recent DEP Integrated Water Quality Monitoring and Assessment Report – Appendices Categories 4 and 5 (*[*https://www.maine.gov/dep/water/monitoring/305b/index.html*](https://www.maine.gov/dep/water/monitoring/305b/index.html)*).*  |
| If impaired, what is the listed cause(s) and/or impaired use? | *State the listed cause(s) and/or impaired use (e.g., streams – benthic macroinvertebrates; lakes – trophic trend; marine – elevated fecal indicators). See Integrated Report reference above.* |
| Name and date of any DEP TMDL report(s) for the waterbody.  | *Approved TMDLs are available at* [*http://www.maine.gov/dep/water/monitoring/tmdl/tmdl2.html*](http://www.maine.gov/dep/water/monitoring/tmdl/tmdl2.html)*.* |

**Water Quality Overview**

*Summarize available water quality information for the waterbody and provide details on important water quality parameters. For an impaired waterbody, describe the extent and severity of the impairment. For a threatened waterbody, describe the water quality parameter(s) that is threatened and any indications that water quality is under stress. Water quality information available at:*

* *Resources listed in Section III.a. (above)*
* *Lakes Stewards of Maine –* [*www.lakesofmaine.org*](http://www.lakesofmaine.org)
* *Maine Volunteer River Monitoring Program –* [*https://www.maine.gov/dep/water/monitoring/rivers\_and\_streams/vrmp/reports.html*](https://www.maine.gov/dep/water/monitoring/rivers_and_streams/vrmp/reports.html)
* *Maine DEP Biomonitoring Program -* [*https://www.maine.gov/dep/water/monitoring/biomonitoring/data.html*](https://www.maine.gov/dep/water/monitoring/biomonitoring/data.html)
* *Maine Department of Marine Resources Shellfish Program –* [*https://www.maine.gov/dmr/shellfish-sanitation-management/maps/index.html*](https://www.maine.gov/dmr/shellfish-sanitation-management/maps/index.html)

**IV. Watershed Nonpoint Pollution Sources and NPS Mitigation Activities**

**a. Summary of Watershed Assessments and Priority Nonpoint Pollution Sources**

*Summarize the findings of any past assessments or surveys to identify the nature, extent and severity of nonpoint pollution sources in the watershed (e.g., provide the number, impact rating, land use etc. of sites identified in most recent watershed survey, if applicable). Describe the important nonpoint sources and critical source areas that need to be addressed. If there is an approved TMDL for the waterbody, summarize any applicable information. For impaired waters, describe the likely or known nonpoint sources associated with the impairment. For threatened waters, describe NPS threats that may cause the waterbody to not attain water quality standards in the future and the extent to which the waterbody is threatened by NPS pollution.*

**b. Description of Watershed Activities to Address NPS Pollution**

*Include a brief description of any past or ongoing activities to address NPS sources in the watershed. Briefly summarize any Section 604(b) or 319 grant-funded projects in the watershed. If this proposal seeks to update an existing plan, summarize what was accomplished through the previous plan. Provide background information describing why the**development and subsequent implementation of a watershed-based plan is appropriate and likely to be successful. Comment on the potential to successfully restore the waterbody to attain its water quality standards or substantially protect a threatened waterbody.*

**V. Purpose**

*In five (5) sentences or less, state the specific purpose of the project and the anticipated major project accomplishments or outputs. If the proposal seeks to update an existing watershed-based plan, please indicate this and describe the reason(s) for the update and anticipated extent of changes needed in the plan.*

*Examples:*

* *This purpose of this project is to protect Eagle Pond’s water quality by reducing the export of sediment and phosphorus into the pond and raising public awareness about watershed stewardship actions. In this Phase I project, BMPs will be installed at 24 high and medium impact NPS sites identified in the watershed survey. The project will raise public awareness through a buffer planting workshop, a gravel road workshop, lake association outreach (newsletter, website and annual meetings), and three press releases aimed at encouraging landowners to address NPS sites.*
* *This project is part of an overall effort to restore Shady Brook’s water quality by reducing sediment and bacteria loading from identified watershed NPS sources. This Phase II project will address seven NPS sites on town and private roads and implement BMPs on at least one agricultural NPS site. Technical assistance will be provided to an additional five agricultural landowners. The public will be informed about the project through at least two press releases and via online media.*
* *This project is part of an overall effort to restore Oyster Creek. This project phase will reduce fecal contamination associated with agricultural manure and pet waste areas. The project will enhance over 350 feet of riparian buffer on Maplewood Farm and provide technical assistance and cost-sharing for BMP installation at one small residential or hobby farm. Pet waste disposal signage and bag dispensers will be placed in two high priority neighborhoods. Public outreach will include two press releases and a tour of the Maplewood Farm project.*
* *This project is part of a multi-phased effort to restore Winding Stream’s water quality. This Phase II project will focus on reducing nutrient and bacteria loading and improving riparian buffers and instream habitat. Eight NPS sites will be addressed, including four stormwater BMP installations, two buffer enhancement projects, and one in-stream restoration project. The project will host one buffer planting workshop and two educational events about septic systems.*

**VI. Environmental Outcome**

*Provide a concise statement of the expected environmental result, outcome, or end-state that this proposed work would likely achieve. (Note that this is not the number of BMPs and NPS sites planned through the project.) If the environmental outcome is not expected to be achieved before this project ends, describe the progress to be made towards the outcome.*

*Examples:*

* *This project will help the lake meet Class GPA water quality standards. The long-term goal is to reduce phosphorus loading to eliminate nuisance algal blooms to improve water clarity. The in-lake phosphorus concentration goal is 15 parts per billion. The total phosphorus load reduction needed is 450 lbs. phosphorus. The project will reduce phosphorus loading by an estimated 45 lbs.*
* *This project will help to maintain Class GPA standards in Great Diamond Lake. Preliminary estimates indicate this project will reduce pollutant loading to the lake by 15 tons of sediment and 13 pounds of phosphorus.*
* *The project will reduce ambient fecal coliform bacteria levels to enable reopening of 200 acres of closed shellfish harvest area.*
* *The project will reduce bacteria levels and beach advisories and help restore the river and estuary so it can attain Class B and SB standards.*

**VII. Partner Coordination, Roles and Responsibility**

*Briefly list the participation and commitment expected from other key project partners (e.g., municipalities, watershed associations, interest groups, federal, state, or regional agencies, etc.). Describe the project role of each group (e.g., project advisor, technical assistance, engineering services, outreach, steering committee, etc.). If the project role the is technical in nature (i.e. technical assistance, engineering services, watershed survey, etc.,) please provide the partners qualifications. You may (optional) provide letters of commitment from entities as project attachments (RFA Part IV. B. 6. Attachments) that indicate a commitment to provide those specific services.*

* *If the applicant plans to pass-through funds to an eligible sub-grantee to accomplish a significant part of the project, then provide a brief description of the work and sub-grantee.*
* *If the applicant plans to purchase services as part of their project work, provide a brief description of the service and indicate that the applicant will use appropriate competitive procurement procedures outlined in the DEP’s NPS Grant Administrative Guidelines.*
* *If the applicant plans to utilize volunteer partners to accomplish a significant part of the project (e.g., conducting a watershed survey, gathering monitoring data), then provide a brief description of the work, the volunteer partner, and the volunteer partners qualifications.*
* *Identify the appropriate entity that will lead the plan implementation, or exhibit that an entity will be recruited to assume the leadership role to engage stakeholders and implement the WBP.*

*Examples:*

**Maine Department of Environmental Protection** will administer project funding, serve as the project advisor and provide project and technical support.

The **US Environmental Protection Agency** will provide work plan guidance and project funding, pending acceptability of final workplan and availability of federal funds.

The **Green Lake Association** will participate on the steering committee, advertise project activities in their newsletter and provide $1,000 in cash match. It is anticipated that the GLA will be the entity leading plan implementation with support from other partners.

The **Green Lake Association** will coordinate and lead a watershed survey. In doing so, the GLA will provide $1,500 of in-kind match. The GLA Board Chair is a retired watershed project agreement administrator and has many years of experience leading watershed surveys.

**Phillips County Planning Commission** will serve as a subgrantee for the project. The planner will serve on the steering committee, provide GIS mapping services and review local ordinances.

A **consulting engineer** will be hired (following procurement procedures in the DEP’s NPS Grant Administrative Guidelines) to identify stormwater retrofit opportunities and develop preliminary costs.

**VIII. Tasks, Schedules and Estimated Costs**

*List each major project task in numbered sequence. Generally, there should be 5 to 7 tasks. Subtasks may be used to organize information within a task (e.g., subtasks 5a, 5b, etc.) For each task, identify who will do the task and what will be done. Describe the work in quantifiable terms. If a task cannot be readily quantified, then the actions should be explained in specific enough terms so that both the work and the expected output are clear. The task description should provide information sufficient to support the estimate of total cost for the task. For examples of task descriptions, refer to sample NPS work plans at the Department’s NPS Grants webpage.* [*http://www.maine.gov/dep/water/grants/319.html*](http://www.maine.gov/dep/water/grants/319.html)

*In the tables provided for each task, include:*

* *Month/year for the start and completion of the task (e.g., October 2021 to October 2022).*
* *Estimate of the total grant, match and total cost to complete the task.*
* *Breakdown of grant cost by budget category listed in project budget Part 2 (e.g., $3,000 salary, $230 supplies).*
* *Breakdown of match cost by budget category listed in project budget Part 2 (e.g., $2,450 donated services, $250 travel).*

*Include the following standard language between the Section III. heading and Task 1 heading:*

All press releases, outreach materials, project signs, and plans will acknowledge that the project is funded in part by the United States Environmental Protection Agency under Section 604(b) (or 319(h) if applicable) of the Clean Water Act. Project staff will consult with DEP on EPA’s public awareness terms and conditions for Section 604(b) (or 319(h) if applicable) grants before the project commences. In addition, project staff will consult with DEP and EPA before project signs are designed. Refer to the Service Contract, Rider A. Section III. D. Acknowledgement.

*Include the following if applicable:* MDEP guidelines *“Using Project Funds for Construction of BMPs at Road-related Sites”* will be used to evaluate road-related NPS sites and determine if NPS project funds can be used to help a landowner pay for construction of road-related BMPs.

*Include the following if applicable:* The project will be conducted within the Municipality Name’s Urbanized Area designation. The project activities are not permit requirements under Municipality Name’s Municipal Separate Storm Sewer System (MS4) General MEPDES permit.

**Task 1 – Project Administration**

*Label Task 1 “Project Administration”. Task 1 should describe work and costs for overall administration of the project (sub-agreements or sub-contracts) and required administrative reports (progress reports and final project report).* *Include the following language and adjust/elaborate as needed:*

(Applicant) will administer the project according to the service contract with DEP. (Applicant) will track project progress, expenses, matching funds, and submit reports (semi-annual progress reports and final project report) and other deliverables.(Applicant) will establish (or continue use of) an NPS Site Tracker spreadsheet tool to efficiently accumulate and record information about NPS sites observed during this project to enable continued activity in future years to maintain existing BMPs and address new NPS sites.

|  |  |
| --- | --- |
| Start and Completion Dates  |  |
| Grant Cost: $ | Match Cost: $ | **Total Cost: $** |
| Breakdown of Grant by Cost Category:  |
| Breakdown of Match by Cost Category: |

**Task 2 – Title**

Task Description

|  |  |
| --- | --- |
| Start and Completion Dates  |  |
| Grant Cost: $ | Match Cost: $ | **Total Cost: $** |
| Breakdown of Grant by Cost Category:  |
| Breakdown of Match by Cost Category: |

**Task 3 – Title**

Task Description

|  |  |
| --- | --- |
| Start and Completion Dates  |  |
| Grant Cost: $ | Match Cost: $ | **Total Cost: $** |
| Breakdown of Grant Cost by Cost Category:  |
| Breakdown of Match by Cost Category: |

**Task 4 – Title**

Task Description

|  |  |
| --- | --- |
| Start and Completion Dates  |  |
| Grant Cost: $ | Match Cost: $ | **Total Cost: $** |
| Breakdown of Grant Cost by Cost Category:  |
| Breakdown of Match by Cost Category: |

**Task 5 – Pollutant Load Reduction Estimates**

*Label the final task “Pollutant Load Reduction Estimates” and include the following language and adjust/elaborate as needed:*

Project staff will estimate NPS pollutant load reductions and resources protected under this project. During design or installation of conservation practices at NPS sites, appropriate field measurements will be recorded to prepare estimates of pollutant load reductions. Estimates will be prepared for all NPS sites, unless there is not an applicable estimation method. Methods to be used are the EPA Pollution Load Estimation Tool (PLET, <http://www.epa.gov/nps/plet>) and/or the U. S. Forest Service WEPP Road Model at <http://forest.moscowfsl.wsu.edu/fswepp/> Results will be provided using DEP’s "Pollutants Controlled Report" (PCR), which will be submitted to the MDEP, by December 31st of each project year.

|  |  |
| --- | --- |
| Start and Completion Dates  |  |
| Grant Cost: $ | Match Cost: $ | **Total Cost: $** |
| Breakdown of Grant Cost by Cost Category:  |
| Breakdown of Match by Cost Category: |

*(Add additional tasks as needed.)*

**IX. Deliverables**

*List 5-7 project deliverables (and associated task number). Project deliverables are the primary products or outputs of the project work that must be provided to DEP for review and approval. Semi-annual progress reports and a Final Project Report are required deliverables for all projects. Examples of deliverables listed in a work plan:*

* Sub-agreements, semi-annual progress reports, final project report, NPS site tracker (Task 1)
* Newspaper articles, press releases, and stream crossing signage templates (Task #)
* NPS Site Report for each NPS Site (Task #)
* Copy of updated ordinance and amendments (Task #)
* Pollutants Controlled Reports each year until project completion (Task #)

*Include the following language: “*An electronic copy of each deliverable will be provided to the DEP Contract Administrator. Each deliverable will be labeled according to procedures described in DEP document *Nonpoint Source Grant Administrative Guidelines*, [*http://www.maine.gov/dep/water/grants/319-documents/2016GrantAdminGuidelinesFinal2.docx*](http://www.maine.gov/dep/water/grants/319-documents/2016GrantAdminGuidelinesFinal2.docx)*.*”

1. Subagreements (if applicable), semi-annual progress reports, final project report, NPS Site Tracker (Task 1)

2.

3.

4.

5.

*(Add additional deliverables as needed.)*

**X. Project Coordinator**

|  |  |
| --- | --- |
| Name  |  |
| Organization  |  |
| Mailing Address |  |
| Telephone Number |  |
| Email Address |  |

**XI. Project Budget**

***Instructions:*** *Complete project budget using the instructions and format below and in RFA Part IV.B.4. Delete italicized instructions prior to submittal. Refer to* [*http://www.maine.gov/dep/water/grants/319.html*](http://www.maine.gov/dep/water/grants/319.html) *for examples of project work plans (including budgets) for watershed-based plan projects.*

|  |  |
| --- | --- |
| **Federal Funds:**  | **$** |
| **Non-Federal Match:** | **$** |
| **Proposed Total Cost:** | **$**  |

**Part 1. Estimated Personnel Expenses: (Applicant staff only)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Position Name & Title** | **Hourly****Rate** | **Number of Hours** | **Salary & Fringe** | **Total Applicant****Personnel Expenses** |
|  |  |  |  |  |
|  |  |  |  |  |
|   |  |  |  |  |
| **Totals** |  |  |  |  |

**Part 2. Budget Estimates by Cost Category**

|  |  |  |  |
| --- | --- | --- | --- |
| **Cost Category** | **Federal Funds****(EPA) CWA 319** | **Non-Federal Match** | **Total Cost** |
| Salary & Fringe (from Part 1) |  |  |  |
| Subgrant  |  |  |  |
| Contractual |  |  |  |
| Donated Services – Labor |  |  |  |
| Travel  |  |  |  |
| Construction |  |  |  |
| Supplies |  |  |  |
| Other  |  |  |  |
| Indirect Costs |  |  |  |
| **Totals** |  |  |  |

|  |
| --- |
| **Part 2 Notes:** Include the following, as needed:Subgrant – (Include type of work, hourly rate and number of hours.)Contractual – (Include type of services, hourly rate and number of hours.)Donated Services-Labor – (Include hourly rate and number of hours.)Travel – (Include number of miles and rate.)Supplies – (Describe and provide cost breakdown.)Other – (Describe and provide cost breakdown.) |

**Part 3. Sources of Non-federal Match and Estimated Amounts**

|  |  |
| --- | --- |
| **Sources of Non-federal Match** | **Amount** |
| *(add rows as needed)* |  |
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|  |  |
| **Total** |  |

***Additional Project Budget Instructions***

1. ***Budget Information -*** *Provide estimated project costs in three parts:*

*Part 1. Estimated Personnel Expenses;*

*Part 2. Budget Estimates by Cost Category; and*

*Part 3. Sources of Non-federal Match and Estimated Amount.*

*Cost estimates listed in the work plan tasks should sum to the total cost in the Part 2, Budget Estimates by Cost Category, excluding indirect costs. Under Part 2, applicants should add notes to adequately describe the basis for the budget estimates within a cost category.*

1. ***Cost Categories -*** *Descriptions of cost categories:*
2. *Salary & Fringe: Salaries and fringe benefits to be paid for work on the project by applicant staff, as reflected in Part 1. “Totals” in Part 1 are used to complete the “Salary and Fringe” category under Part 2. Salary & Fringe should reflect only costs for personnel employed by the applicant.*
3. *Subgrant: Costs for subgrant to pass-through a portion of the NPS grant funds to an eligible subgrantee (also known as a lower tier subrecipient) for project work.*
4. *Contractual: Cost for a contract for the purchase of services (such as engineering, water quality monitoring, etc.) that will be provided to the grant recipient.*
5. *Donated Services - Labor: Value of volunteer personnel services to be used to meet match requirements. Includes the total value of labor (based on hours of work) donated to help accomplish the project.*
6. *Construction: Construction costs for design, materials, labor, and equipment rental for BMPs at NPS Sites. If applicable, include the value of volunteer services associated with construction on this line in the column for match.*
7. *Supplies: Office/field/lab supplies, data processing materials, books, paper and other office supplies, etc.*
8. *Travel: Project related charges for travel activities (e.g., travel, tolls, and auto rental charges). Vehicle costs should be shown as the number of miles times the mileage rate. Mileage rate cannot exceed the State of Maine rate in effect during the travel (currently $0.46/mile).*
9. *Equipment: Any single article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost of more than $5,000.*
10. *Other: Any direct costs not included in one of the above categories. May include costs for postage, publication and printing, license fees, equipment maintenance and repair, computer software, or other eligible costs.*
11. *Indirect Costs: If the organization intends to claim indirect costs, specify the current applicable indirect cost rate and the estimated total amount.*
* *If the applicant has a federally “Negotiated Indirect Cost Rate Agreement” (NICRA), this is the rate that must be used to determine indirect costs. DEP will require an organization to verify they have an effective NICRA before execution of the contract for the grant.*
* *If the applicant does not have a federally NICRA, the organization may use the de minimis rate of 10% of modified direct costs.*

*FMI, see Code of Federal Regulation Title 2 Part §200.414 Indirect (F&A) costs, paragraph (f).*

[*http://www.ecfr.gov/cgi-bin/text-idx?SID=b24c83fa40382277cf3249c3bfc718e1&mc=true&node=se2.1.200\_1414&rgn=div8*](http://www.ecfr.gov/cgi-bin/text-idx?SID=b24c83fa40382277cf3249c3bfc718e1&mc=true&node=se2.1.200_1414&rgn=div8)

1. ***Matching Fund Requirements***
2. *Minimum Amount. The Maine DEP requires that subrecipients must provide a non-federally sourced match of at least 40% of the total project cost. To calculate the amount of non-federal match required, multiply the amount of grant funds requested times 0.667. Example: if the application requests $60,000 of grant funds, then at least $40,020 of non-federal match is required. ($60,000) x (0.667) = $40,020.*
3. *Description of Match. Subrecipients are obliged to document non-federally sourced matching funds or services contributed to the project. Non-federally sourced matching funds are the portion of allowable project costs contributed to a federally-funded project that do not come from federal sources. Non-federally sourced match includes, but is not limited to, allowable costs borne by the applicant and contributions of cash or services from individuals, organizations, municipalities or non-federal public agencies. Non-federally sourced match contributions may include:*
	1. *Cash contributions, and/or*
	2. *In-kind contributions. An in-kind contribution is the value of a non-cash contribution to meet cost sharing requirements. An in-kind contribution may consist of the value of goods or services, property, and equipment directly benefitting the project.*
4. *Volunteer Services. Unpaid volunteer time/services donated to the project by individuals as project match must be valued at rates consistent with those ordinarily paid for similar work/services in the applicant’s organization. For example, when documenting donated personnel time as match, use the amount you would pay the person to do the job for which they are volunteering. Two methods for estimating the value of unpaid volunteer services:*
	1. *The organization “Independent Sector” provides average rates for volunteers. DEP will accept the most recent rate applicable to* ***Maine*** *(make sure to use the Maine, not the National, rate).* [*https://www.independentsector.org/resource/the-value-of-volunteer-time/*](https://www.independentsector.org/resource/the-value-of-volunteer-time/) *In January 2023, Maine’s posted rate was* ***$26.77/hour****.*
	2. *Use the appropriate occupation and Maine wage estimates provided by the Bureau of Labor Statistics, the U. S. Department of Labor. For example, in 2021 the mean hourly wage rate for Environmental Scientists was $31.97; and Environmental Science Technicians, $21.30 based on “Maine May 2021 State Occupational Employment and Wage Estimates”.* [*http://www.bls.gov/oes/current/oes\_me.htm*](http://www.bls.gov/oes/current/oes_me.htm)

**XII. Candidate NPS Site List**

***Instructions:*** *List and describe NPS sites where best management practices (BMPs) are likely to be installed under this application. Describe site conditions that cause polluted runoff to reach surface waters via an intermittent stream, ditch, channel, diversion or other form of concentrated flow. Optional: To further describe site conditions, provide descriptive information, sketches and/or photos. (Maximum length: 4 pages)*

| **NPS Site Name &****Location** | **Describe the NPS Site & Conditions at the Site Causing Polluted Runoff to Reach Surface Waters** | **BMPs Recommended** | **Construction Cost Estimates:****Grant, Match, Total** |
| --- | --- | --- | --- |
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**APPENDIX D**

**State of Maine**

**Department of Environmental Protection**

## PROGRESS IMPLETMENTING WATERSHED-BASED PLAN

**RFA# 202303053**

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

***Instructions:*** *Summarize Activities Completed to Date and Proposed Work. (Maximum length: 2 pages)*

* *In the first two columns, list up to 10 of the key actions called for in the WBP and associated page numbers in the plan.*
* *In the 3rd column:*

*A. List activities completed to date to implement the key action(s) in the WBP; and*

*B. List proposed work to be completed under this application corresponding to the action. If there is no work described in this application corresponding to the action, enter “not applicable”.*

| **Key Actions in** **Watershed-based Plan** | **WBP****Page #** | **A. List activities completed to date to implement the key action(s); and****B. List proposed work to be completed under this application corresponding to the action.** |
| --- | --- | --- |
| *Example: Improve stream habitat.* | *page 31* | *A. City installed three hemlock root wads and attached trunks within the bank of Goodall Brook through Phase I project.**B. Not applicable.* |
| *Example: Implement soil building practices to reduce cropland erosion.* | *page 59* | *A. In 2018, over 500 acres planted to multi-species cover crops through Phase I grant and NRCS EQIP.**B. Proposed work includes planting another 700 acres to multi-species cover crops.*  |
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**APPENDIX E**

**State of Maine**

**Department of Environmental Protection**

**SUBMITTED QUESTIONS FORM**

**RFA# 202303053**

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

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

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

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

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)
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)
3. In January of 2020, President Biden issued Executive Order 14008. The order directed the Council on Environmental Quality (CEQ) to develop a new tool. This tool is called the Climate and Economic Justice Screening Tool. The tool has an interactive map and uses datasets that are indicators of burdens in eight categories: climate change, energy, health, housing, legacy pollution, transportation, water and wastewater, and workforce development. The tool uses this information to identify communities that are experiencing these burdens. These are the communities that are disadvantaged because they are overburdened and underserved. [↑](#footnote-ref-4)