**STATE OF MAINE**

**Department of Environmental Protection**

*Bureau of Water Quality*

**RFA# 202002031**

**Grants for Nonpoint Source Pollution Control Projects**

**Watershed-Based Plan Development**

|  |  |
| --- | --- |
| **RFA Coordinator** | *All communication, including questions and application submission, regarding this RFA must be made using the email address below.***Contact Information:** Wendy Garland wendy.garland@maine.gov  |
| **RFA Release Dates** | *Each year, a new grant application will be available at* [*https://www.maine.gov/dafs/bbm/procurementservices/vendors/grants*](https://www.maine.gov/dafs/bbm/procurementservices/vendors/grants)*.The official release date will be the* ***2nd Wednesday in March***. |
| **Submitted Questions Due** | *All questions must be submitted to the email address identified above. Please include* **RFA# 202002031** *in the subject line of your email. For 2020, submitted questions are due by* ***April 8, 2020****. In 2021 and beyond, submitted questions are due the* ***2nd Wednesday in April****.*  |
| **Initial Application Submission** | *Applications must be received by the Division of Procurement Services by:* **Submission Deadline:** **April 22, 2020** no later than 11:59 p.m., local time. *Applications must be submitted electronically to the following* **Electronic (email) Submission Address:** Proposals@maine.gov  |
| **Annual Application Submittals** | *After the initial RFA application submission deadline, application evaluations will be held on an annual basis. Application submission deadlines will be* ***11:59 p.m. on the******4th Wednesday in April*** *while the RFA is active. Applications are required to be submitted prior to the submission date and time in order to be considered for that enrollment period.* **Electronic (email) Submission Address:** Proposals@maine.gov  |

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# **PUBLIC NOTICE**

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**State of Maine**

**Department of Environmental Protection**

**RFA# 202002031**

**Grants for Nonpoint Source Pollution Control Projects**

**Watershed-Based Plan Development**

The State of Maine is seeking applications for projects to help communities develop watershed-based plans to restore nonpoint source (NPS) impaired water bodies or to protect water bodies threatened by NPS pollution.

The current RFA version, current application, Question & Answer Summary and all amendments related to this RFA, can be obtained at the following website: <http://www.maine.gov/dafs/bbm/procurementservices/vendors/grants>

Applications must be submitted to the State of Maine Division of Procurement Services, via e-mail, to the following email address: Proposals@maine.gov. Application submissions for 2020 must be submitted no later than 11:59 pm, local time, on April 22, 2020. For 2021 and beyond, applications may be submitted annually per the submission deadline detailed in the RFA. Applications will be opened at the Burton M. Cross Office Building, 111 Sewall Street - 4th Floor, Augusta, Maine the following business day. Applications not submitted to the Division of Procurement Services’ aforementioned email address by the aforementioned deadline will not be considered for contract award.

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**RFA DEFINITIONS/ACRONYMS**

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

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **CWA** | Federal Clean Water Act |
| **Department or DEP** | Department of Environmental Protection |
| **EPA** | US Environmental Protection Agency |
| **NPS**  | Nonpoint Source |
| **RFA** | Request for Proposals |
| **State** | State of Maine |
| **WBP** | Watershed-Based Plan |

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

*Bureau of Water Quality*

**RFA# 202002031**

**Grants for Nonpoint Source Pollution Control Projects**

**Watershed-Based Plan Development**

# **PART I INTRODUCTION**

## A. 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 Proposals (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. EPA encourages states to give priority to watershed restoration planning and to incorporate climate change considerations into their water quality planning, as appropriate. 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/>.

## B. 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 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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>

1. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in applications received in response to this RFA.
2. 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.
3. All applicable laws, whether or not herein contained, shall be included by this reference. It shall be the Applicant’s responsibility to determine the applicability and requirements of any such laws and to abide by them.

## C. Eligibility to Submit 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.

**D. 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.

|  |  |
| --- | --- |
| **Estimated Project Start Date** | **Project Completion Date** |
| October 1st  | Up to 2 years from start date |

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>.

## E. Grant Funds Available and Number of Awards

The Department will administer grant funds to align with fund availability.

|  |  |  |
| --- | --- | --- |
| **Funding Source** | **Estimated Date Available** | **Total Estimated Amount Available** |
| Section 604(b) of theFederal Clean Water Act | October 1st | $50,000 |
| Section 319 of the Federal Clean Water Act | October 1st | $20,000 |

The Department expects to award two (2) to four (4) grants, in the range of $10,000 to $50,000 per award, as a result of this RFA process. 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.

**F. Annual Application Submittals**

This RFA offers an annual application submittal. Applicants must submit a new application for each new submission opportunity. A new application will be released and available each year at <http://www.maine.gov/dafs/bbm/procurementservices/vendors/grants>. Applications will be accepted per the details provided on the RFA cover page and any RFA amendments each year this RFA is active.

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

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) (April 2013), EPA noted “WBPs provide a watershed-specific roadmap to guide cost-effective, well-informed restoration and protection efforts.”

1. **NPS Priority Watersheds Lists**

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/sites/production/files/2015-09/documents/319-guidelines-fy14.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 needs to consider potential NPS impacts associated with climate change (e.g., culvert sizing, sea level rise, marsh migration) 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>.

1. **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* (<http://www.maine.gov/dep/water/grants/319-documents/2016GrantAdminGuidelinesFinal2.docx>).
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 Section 319 Management Program Quality Assurance Program Plan*. (<http://www.maine.gov/dep/water/grants/319-documents/ME-319%20QAPP%202017-12-20-17%20Final.pdf>). Projects involving the collection and analysis of water quality samples will require a Quality Assurance Project Plan (QAPP) or other Quality Plan (e.g., Sampling & Analysis Plan) developed in accordance with the DEP Quality Management Plan (Section 7.3 or 7.4).

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. <http://www.maine.gov/dep/water/grants/319-documents/quapp.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/final-stream-corridor-survey-qapp-11-30-18.pdf>

# **PART III KEY RFA EVENTS**

## Questions

**1. General Instructions**

a. 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.

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

d. 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 Grant RFAs 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.

## Amendments

All amendments released in regard to this RFA will also be posted on the following website: [Division of Procurement Services Grant RFAs 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.

## 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 this RFA, at which point they will be opened. Applications received **after** the 11:59 p.m. deadline will be **rejected** without exception.
2. **Delivery Instructions:** Email application submissions are to be submitted to the State of Maine Division of Procurement Services, via email, to the email address provided on the RFA Cover Page (Proposals@maine.gov).
3. Only applications received by email will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
4. Applicants are to insert the following into the subject line of their email submission:

“**RFA# 202002031 Application Submission**”

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

- **File #1**: *PDF or MS Word format*

 Application Cover Page

Debarment, Performance and Non-Collusion Certification

- **File #2**: *MS Word format*

 Organization Qualifications and Experience (including litigation)

 Work Plan

* **File #3:** *PDF or MS Word format*

Location Map

Attachments (if applicable)

# **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 22 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.
* 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: 11 pages)

The applicant should complete the work plan 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. **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 APPLICATION EVALUATION AND SELECTION**

Evaluation of the submitted applications shall be accomplished as follows:

## Evaluation Process - General Information

* + - 1. An evaluation team, comprised of qualified reviewers, will judge the merits of the applications received in accordance with the criteria defined in the 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.

## 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 (15 points)**

Consider the *adequacy* of 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.

Includes all elements addressed above in RFA Part IV, 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 RFA Part IV.B.4 Work Plan and Application (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 Application (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 Application (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; 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, Park IV.B.7. Attachments, and Application (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, Part IV.B.7. Attachments, and Application Instructions (All Sections and Project Budget).

* 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[[1]](#footnote-1)?

Scored by Municipal Planning Assistance Program (MPAP) in the Maine Department of Agriculture, Forestry and Conservation as described in #3.

1. **Scoring Process:** With the exception of the Comprehensive Plan points (described in #3 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 #4.
2. **Comprehensive Plan Scoring Process:** The Comprehensive Plan points will be recommended for each project by staff from the Municipal Planning Assistance Program (MPAP) in the Maine Department of Agriculture, Forestry and Conservation.  MPAP staff first reviews program records to determine which towns within the watershed have a current comprehensive plan finding of consistency. MPAP then determines the proportion of the watershed that falls within the boundaries of towns having a current finding and recommends a score by applying this proportion to the maximum possible points (See example below.)  MPAP’s scoring table and recommendation are shared with and discussed by the review team, and a final point score is assigned.

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](https://www.maine.gov/dacf/lupc/laws_rules/rule_chapters/Statute_2015.pdf), 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.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Applicant** | **Watershed** | **Town(s)** | **Comp Plan Consistency** | **% Watershed with Consistent Plan** | **Recommended Points** |
| Town of Old Orchard Beach | Goosefare Brook | Old Orchard Beach | No | 67% | 3 |
| Saco | Yes |

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 Proposals to an extent that may affect the price of goods or services requested. The Department reserves the right to terminate contract negotiations with a selected respondent who submits a proposed contract significantly different from the application they submitted in response to the advertised 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.

## 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.

## 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**

## Contract Document

**1.** The successful applicant(s) 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)

**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): [Chapter 110](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.** 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 this RFA may need to be adjusted, if necessary, to comply with mandated requirements.

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

## Standard State Service Contract Provisions

**1.** Contract Administration

a. 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 successful Applicant in the finalization of the contract.

b. 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.** Payments and Other Provisions

The State anticipates issuing project payments 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 this RFA.

# **PART VII RFA Application**

For this grant, the current year application will be available in a separate file from the RFA document and will be located at: <http://www.maine.gov/dafs/bbm/procurementservices/vendors/grants>

1. 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-1)