**STATE OF MAINE**

**Department of Environmental Protection**

***Bureau of Land Resources***

**RFP# 202008127**

**2020 Grants for Stream Crossing Public Infrastructure Improvements**

|  |  |
| --- | --- |
| **RFP Coordinator** | *All communication regarding this RFP must be made through the RFP Coordinator identified below*.**Name:** John Maclaine **Title:** Coordinator, Nonpoint Source Training Center **Contact Information:** john.maclaine@maine.gov  |
| **Submitted Questions Due** | Questions regarding this RFP can be submitted at any time, while this RFP is open. All questions must be submitted by e-mail to the RFP Coordinator at the email address identified above. Please include “RFP#201903060”in the subject line of your email. *All questions must be received by the RFP Coordinator by:***Date:** November 9, 2020 no later than 12:00 p.m., local time |
| **Proposal Submission** | *Proposals must be received by the Division of Procurement Services by:***Submission Deadline:** November 16, 2020, no later than 11:59 p.m., local time. *Proposals must be submitted electronically to the following address:***Electronic (email) Submission Address:**Proposals@maine.gov  |

TABLE OF CONTENTS

 **Page**

**PUBLIC NOTICE 3**

**RFP DEFINITIONS/ACRONYMS 4**

**PART I INTRODUCTION 5**

1. PURPOSE AND BACKGROUND 5
2. GENERAL PROVISIONS 5
3. ELIGIBILITY TO SUBMIT PROPOSALS 6
4. CONTRACT TERMS 6
5. NUMBER OF AWARDS 6

**PART II SCOPE OF SERVICES TO BE PROVIDED 7**

A. GRANT OVERVIEW SPECIFICATIONS 7

B. STREAM HABITAT AND CROSSING DESIGN RESOURCES 8

**PART III KEY RFP EVENTS 9**

1. QUESTIONS 9
2. AMENDMENTS 9
3. SUBMITTING THE PROPOSAL 9

**PART IV PROPOSAL SUBMISSION REQUIREMENTS 11**

1. PROPOSAL FORMAT 11
2. PROPOSAL CONTENTS 11

**PART V PROPOSAL EVALUATION AND SELECTION 12**

1. EVALUATION PROCESS – GENERAL INFORMATION 12
2. SCORING WEIGHTS AND PROCESS 12
3. SELECTION AND AWARD 13
4. APPEAL OF CONTRACT AWARDS 13

**PART VI CONTRACT ADMINISTRATION AND CONDITIONS 14**

1. CONTRACT DOCUMENT 14
2. STANDARD STATE AGREEMENT PROVISIONS 14

**APPLICATION INFORMATION 16**

# **PUBLIC NOTICE**

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

**State of Maine**

**Department of Environmental Protection**

**RFP# 202008127**

**2019 Grants for Stream Crossing Public Infrastructure Improvements**

The State of Maine is seeking proposals for public infrastructure improvement projects on municipal roads involving culvert upgrades for stream crossings. DEP will administer grants for projects to improve and upgrade this vital public infrastructure to improve public safety, flooding, water quality, and improve aquatic habitat connectivity.

A copy of the RFP, current year Application, Question & Answer Summary and revisions related to this RFP, can be obtained at the following website: <https://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. The application submission deadline for this year’s single grant round will be 11:59 p.m. on the November 16, 2020. Applications will be opened at the Burton M. Cross Office Building, 111 Sewall Street - 4th Floor, Augusta, Maine. Applications not submitted to the Division of Procurement Services’ aforementioned email address will not be considered for contract award.

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

**RFP DEFINITIONS/ACRONYMS**

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

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **Agency** | Maine DEP, Maine IF&W, Maine DMR, USFWS, or other public environmental, wildlife, or fisheries agency |
| **Bankfull Stage** | The point or stage where the stream flow fills the stream channel before overtopping its banks  |
| **Bankfull Width** | The maximum width the stream attains before spilling to its floodplain at bankfull stage. Bankfull width is typically marked by a change in vegetation, topography, or texture of sediment. Field measured, averaged bankfull width measurements are considered the most accurate. Calculated or estimated bankfull width values are available using StreamStats and Maine Stream Habitat Viewer, however, these values are not considered as accurate and should be used to corroborate field measurements **(See Part II:B.4. STREAM HABITAT AND CROSSING DESIGN RESOURCES)** |
| **Bridge** | A structure designed to span a portion or all of a stream. Bridges consist of a deck supported by abutments. It may have more than one cell or section separated by piers. *NOTE: this definition is in the context of this RFP; MaineDOT has a separate legal definition* |
| **Culvert** | A structure surrounded by soil or other fill materials that allows water to pass under a road or similar obstruction. A culvert may take the form of a pipe, arch, or box made from metal, plastic, reinforced concrete, stone, or other materials and can have a bottom or consist of a natural bottom |
| **Cut off** | Unable to travel by motor vehicle to any location other than the immediate area where the road crossing has failed, in other words, the number of homes that will be stranded by the failure without vehicular access or egress  |
| **Department** | Department of Environmental Protection |
| **Diadromous fish species**  | Fish species that migrate between freshwater and saltwater environments during their life cycle. These species include Atlantic salmon, shortnose sturgeon, Atlantic sturgeon, alewife, American eel, rainbow smelt, sea lamprey, blueback herring, and American shad |
| **Heritage Ponds** | Lakes and ponds that contain state heritage fish, as defined in Title 1, Chapter 9 Section 212-A. This list includes waters identified as eastern brook trout waters and arctic charr waters that have never been stocked |
| **Maine DMR** | Maine Department of Marine Resources |
| **Maine IF&W** | Maine Department of Inland Fisheries and Wildlife |
| **Matching Local Funding** | Funding provided from non-state sources used to match the amount of grant funding. In this context it does not necessarily mean a 1:1 match of the funding request |
| **RFP** | Request for Proposal |
| **State** | State of Maine |
| **USFWS**  | United States Fish and Wildlife Service |

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

**Bureau of Land Resources**

**RFP# 202008127**

**Grants for Stream Crossing Infrastructure Improvements**

# **PART I INTRODUCTION**

## A. Purpose and Background

The Maine Department of Environmental Protection (Department) is seeking proposals to provide grants for public infrastructure improvements and culvert upgrades at stream crossings on municipal roads as defined in this Request for Proposals (RFP) document. This document provides instructions for submitting proposals, the procedure and criteria by which the Provider(s) will be selected and the contractual terms which will govern the relationship between the State of Maine (State) and the awarded Applicant(s).

To fund these improvements, the Maine Legislature allocated bond money through the passage of [Public Law, Chapter 467, LD 1815, 128th Maine State Legislature “An Act To Authorize a General Fund Bond Issue To Improve Multimodal Facilities, Highways and Bridges and Municipal Culverts](http://legislature.maine.gov/legis/bills/bills_128th/chapters/PUBLIC467.asp)”.

In Public Law, Chapter 467, the Department is charged with disbursing funds that match local funding for vital public infrastructure improvement projects involving stream crossings and culvert upgrades.

## B. General Provisions

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

[State of Maine Freedom of Access Act](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 proposals received in response to this RFP.
2. 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 Proposals

In order to be eligible, the project must be for the replacement or upgrade of a stream crossing culvert located in the State of Maine on a municipal road. Crossings owned by, or located on property owned by private individuals, State, and federal agencies are not eligible recipients.

Eligible project sponsors for Stream Crossing Public Infrastructure Improvement funds are: local governments, municipal conservation commissions, soil & water conservation districts, and private non-profit organizations.

## D. Contract Term

The Department is seeking a cost-efficient project proposal(s) to provide grant funds to municipal stream crossing infrastructure projects best meeting the criteria as defined in this RFP, as determined by the outlined scoring process. The initial contract period for awards associated with this RFP will be two years from the approval of a contract as detailed in the procedural requirements of this RFP and the Department contracting process. The actual contract start date will be established by a completed and approved contract.

Contract Extension: Following the initial term of the contract, the Department may opt to renew or extend the contract for an additional one (1) year period, subject to continued availability of funding and satisfactory performance. The maximum term of the anticipated contract resulting from this RFP is defined as 3 years.

## E. Grant Funds Available and Number of Awards

The Department anticipates making multiple awards as a result of this RFP process.

Funds for awards were allocated by the Legislature and approved by voters through a bond measure. A total of $5 Million is available for this 2020 round. The Department is setting a ceiling on each grant award of $125,000. The Department reserves the right to revise the size of the grants and offer the grants over more or fewer RFP cycles. Grant awards cannot be used to cover the full cost of the proposed projects.

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

1. **Grant Overview Specifications**

The Department is inviting proposals for projects to implement public infrastructure improvements at stream crossings on municipal roads to upgrade culverts in order to improve fish and wildlife habitat and increase community safety.

Eligible recipients may apply for grant monies for improvements to public infrastructure. Project proposals must provide for local matching funds and address improvements, modifications, repairs, or upgrades to existing culverts or stream crossings. Project selection will be based upon the degree to which the proposed project meets the following criteria:

1. Improves habitat for wildlife, fish, and other aquatic life (e.g. through the replacement of blocked or poorly sized culverts or stream crossings);
2. Improves public safety by reducing risk of infrastructure failure (e.g. culvert washouts);
3. Improves community flooding protection, mitigation and preparation; and
4. Represents an efficient and cost-effective investment (e.g. total local funding, avoided costs)

More detailed information is included in the **2020 Grant Application Form** which can be found at<https://www.maine.gov/dafs/bbm/procurementservices/vendors/grants>

A portion of the grant money may be used to cover design and engineering services related to the infrastructure improvements, up to a maximum of 8% of the grant award. This 8% of the award amount will be disbursed to the Awardee upon contract finalization and confirmation that engineering services have been engaged for the project. Payments on remaining awarded funds will be made to the awardee upon receipt of an invoice(s) to DEP with proof of qualifying expenditures. The Department reserves the right to provide partial funding of proposed projects and make additional awards if there are unused funds remaining or returned.

Grant awards cannot be given on culvert replacements that have already occurred. Additionally, monies from this grant cannot be used for any permanent land acquisitions, conservation easements, or other purposes.

# **Stream Habitat and Crossing Design Resources**

* 1. **Maine Stream Smart Program:**

Stream Smart is a training program and resource for anyone responsible for constructing road-stream crossings. The goals of Stream Smart are to connect fish and wildlife habitat while protecting roads and public safety and to prepare for the large and frequent storm events that have been washing out roads around the state and the northeast.

 <http://maineaudubon.org/streamsmart/>

**Technical Assistance with Stream Smart Crossings, Tidal Stream Crossings:** <https://www.maineaudubon.org/wp-content/uploads/2018/11/SS-Technical-assistance-5.pdf>

* 1. **Maine Stream Habitat Viewer:**

The Stream Habitat Viewer displays habitats for several stream-dependent species important to Maine’s economy, ecology, and way of life. It also provides locations and information about dams and road crossings, which can act as barriers to the movements of fish and wildlife.

<https://webapps2.cgis-solutions.com/MaineStreamViewer/>

* 1. **StreamStats:**

Stream Stats is a model developed by USGS. Allows you to calculate drainage area, estimate bankfull width, etc. just by clicking on a stream-road crossing. See application materials for further instructions on how to incorporate this information into proposals.

<https://streamstats.usgs.gov/ss/>

* 1. **Maine Stream Smart Road Crossing Guide:**

This guide was developed to provide basic explanations for installing and replacing crossings in an effective and cost-efficient manner, meeting goals of restoring and maintaining stream habitat connectivity, and enhancing the stability of roads and the crossings. See Appendix A of this guide for worksheets to assist with assessing your crossing site, including bankfull width and stream slope measurements.

<https://www.maine.gov/mdot/publications/docs/brochures/pocket_guide_stream_smart_web.pdf>

* 1. **Maine Beginning with Habitat Program:**

Beginning with Habitat (BwH) is a collaborative program of federal, state and local agencies and non-governmental organizations. BwH compiles habitat information from multiple sources, integrates it into one package, and makes it accessible to towns, land trusts, conservation organizations and others to use proactively. Accompanying information depicts and describes various habitats of statewide and national significance found in a town.

<https://www.beginningwithhabitat.org/>

**Beginning with Habitat Map Viewer:**

An interactive map displaying information from the BwH program.

# <http://webapps2.cgis-solutions.com/beginningwithhabitat/>

# **Maine Department of Transportation Resources:**

**Maine DOT Hydraulic Capacity Standard & Guidance** *(100 year flood sizing):*

# [https://www.maine.gov/dep/land/grants/MaineDOT-Q100-Guidance.pdf](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.maine.gov%2Fdep%2Fland%2Fgrants%2FMaineDOT-Q100-Guidance.pdf&data=02%7C01%7CJohn.Maclaine%40maine.gov%7C1972baec9b724f1e9c7208d82a619a3b%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637305945966521332&sdata=Jae6PwALEHH3GLrPdqDBDlvi0lzqErzlzuuZkJV6z4o%3D&reserved=0)

# **Policies and Laws Related to Bridges in Maine:**

# <https://www.maine.gov/mdot/publications/docs/brochures/bridge-upgrade-fact-sheet-092019.pdf>

# **2020 Municipal Stream Crossing Grants Online Workshop Video**

# An informational video created by the department with assistance from Maine Audubon, Army Corps of Engineers and Maine DOT to give potential applicants an idea of the grant goals and expectations, guidance on regulations and permitting, as well as how to collect certain field and engineering data required for this RFP.

# <https://youtu.be/-1kjctR8GYs>

# **PART III KEY RFP EVENTS**

## Questions

**1. General Instructions**

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

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

c. Submitted Questions must include the RFP Number and Title in the subject line of the e-mail. The Department assumes no liability for assuring accurate/complete/on-time e-mail transmission and receipt.

**2. Question & Answer Summary:** Responses to all questions will be compiled in writing and posted on the following website no later than seven (7) calendar days prior to the proposal due date: <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

Any revision/amendment to this RFP such as contact information, submission requirements, etc. will be posted on the following website: <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 revisions/amendments posted on this website are considered binding. Applicants should utilize the most current RFP revision document posted on the web-site. The revision date will be posted in the footer of the RFP and match the application file attachment.

## Submitting the Proposal

Multiple projects may be submitted for a given applicant, if desired. Applicants must submit a separate application for each project. In the event more than two (2) projects from a municipality score high enough for grant award, only the top two (2) scoring projects will be funded unless additional funding is available and at the discretion of the Proposal Review Team.

1. **Proposals Due:** Proposals must be received by email no later than 11:59 p.m. local time, on the date listed on the cover page of this RFP. Proposals received **after** the 11:59 p.m. deadline will not be considered.
2. **Delivery Instructions:** Email proposal submissions are to be submitted to the State of Maine Division of Procurement Services to the email address provided on the RFP Cover Page (Proposals@maine.gov).
3. Only proposals received by email will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
4. Applicants are to insert the following into the subject line of their email submission:

“**RFP# 202008127 Proposal Submission**”

1. Applicant’s proposals are to be sent as a single file, with each file named as it is titled in bold below, and include:

- **“2020R1 *Town Name-Road Name*”** : *PDF format preferred, file name should be unique for each project submitted and include the municipality of the crossing and the road name (if multiple crossings are located on one road, please add a number to distinguish each project). Include all requested materials including Cover letter, Application Form, and all supplemental materials in this single file.*

# **PART IV PROPOSAL SUBMISSION REQUIREMENTS**

This section contains instructions for Applicants to use in preparing their proposals. Failure to respond to all questions and instructions throughout this document, may result in the proposal being disqualified as non-responsive or receiving a reduced score. The Department, and its evaluation team for this RFP, has sole discretion to determine whether a variance from the RFP specifications should result in either disqualification or reduction in scoring of a proposal.

## Application Format

* 1. The Applicant’s application shall includethe **Grants for Stream Crossing Public Infrastructure Improvements Application**. The Application shall be dated and signed by a person authorized to enter into contracts on behalf of the Applicant. Failure to complete and submit the appendix or attachment may result in the disqualification of the Applicant’s proposal, at the discretion of the Department. Application materials should be provided in Times New Roman font with a minimum of 11-point font size.
	2. It is the responsibility of the Applicant to provide all information requested in the RFP package at the time of submission. Failure to provide information requested in this RFP may, at the discretion of the Department’s evaluation review team, result in a lower rating for the incomplete sections or potentially result in the proposal being disqualified from consideration.

## Proposal Contents

Applicants must submit a separate proposal for each project.

The Applicant’s proposal shall include the following:

# Cover Letter

# 2020 Grants for Stream Crossing Public Infrastructure Improvements Application with completed “Cost Proposal Form” and “Debarment, Performance and Non-Collusion Certification Form” and

# All requested supplemental materials as outlined in the Application.

# **PART V PROPOSAL EVALUATION AND SELECTION**

Evaluation of the submitted proposals shall be accomplished as follows:

## Evaluation Process - General Information

* + - 1. An evaluation team, comprised of qualified reviewers, will judge the merits of the proposal(s) received in accordance with the criteria defined in the RFP.
			2. Officials responsible for making decisions on the selection of a contractor shall ensure that the selection process accords equal opportunity and appropriate consideration to all who are capable of meeting the specifications. The goals of the evaluation process are to ensure fairness and objectivity in review of the proposals and to ensure that the contract is awarded to the Applicant(s) whose proposal(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 proposals 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 proposals will not be permitted during any interview/presentation process.

## 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. Specifics of these categories are detailed in the current Grant Application.

**Public Infrastructure Information (25 points)**

**Environmental Benefit (50 points)**

**Proposed Culvert/Crossing Cost & Budget Information (25 points)**

1. **Scoring Process:** The review team will use a consensus approach to evaluate and score the criteria above. Members of the review team will not score those sections individually but will arrive at a consensus as to assignment of points for each criterion.
2. **Scoring the Application Cost Proposal:** Cost proposals should be as detailed as possible. Regarding the grant funds requested and the proposed work, the review team will consider the degree to which the project represents a good return for the investment (money, time, etc.) as well as whether the project work and cost estimates (tasks and budget) are reasonable for the expected outcomes. The review team will also consider the amount and quality of proposed matching funds or services and the likelihood of successful completion as proposed.
3. **Negotiations:** The Department reserves the right to negotiate with the successful Applicant to finalize a contract at the same rate or cost of service as presented in the selected proposal. Such negotiations may not significantly vary the content, nature, or requirements of the proposal 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 Applicant who submits a proposed contract significantly different from the proposal they submitted in response to the advertised RFP. In the event that an acceptable contract cannot be negotiated with the highest ranked Applicant, the Department may withdraw its award and negotiate with the next-highest ranked Applicant, and so on, until an acceptable contract has been finalized. Alternatively, the Department may cancel the RFP, at its sole discretion.
4. **Selection and Award**

1. The final decision regarding the award of the contract will be made by representatives of the Department and is subject to approval by the State Procurement Review Committee.

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

3. Issuance of this RFP in no way constitutes a commitment by the State of Maine to award a contract, to pay costs incurred in the preparation of a response to this request, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel, or any other costs incurred by the Applicant.

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

## Appeal of Contract Awards

Any person aggrieved by the award decision that results from this RFP may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in 5 MRSA § 1825-E and 18-554 Code of Maine Rules, Chapter 120 (found here: [Chapter 120](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-120)).  The appeal must be in writing and filed with the Director of the Bureau of General Services, 9 State House Station, Augusta, Maine, 04333-0009 within 15 calendar days of receipt of notification of contract award.

# **PART VI CONTRACT ADMINISTRATION AND CONDITIONS**

## Contract Document

**1.** The successful 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)

**2.** Allocation of funds is final upon successful negotiation and execution of the contract, subject to the review and approval of the State Procurement Review Committee. Contracts are not considered fully executed and valid until approved by the State Procurement Review Committee and funds are encumbered. No contract will be approved based on an RFP which has an effective date less than fourteen (14) calendar days after award notification to Applicants. (Referenced in the regulations of the Department of Administrative and Financial Services, Chapter 110, § 3(B)(i): [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 RFP process, date of formal award notification, length of contract negotiation, and preparation and approval by the State Procurement Review Committee. Any appeals to the Department’s award decision(s) may further postpone the actual contract effective date, depending upon the outcome. The contract effective date listed in this RFP may need to be adjusted, if necessary, to comply with mandated requirements.

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

## Standard State Agreement Provisions

**1.** Agreement Administration

a. Following the award, an Agreement Administrator from the Department will be appointed to assist with the development and administration of the contract and to act as administrator during the entire contract period. Department staff will be available after the award to consult with the successful Applicant in the finalization of the contract.

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 RFP, at its sole discretion.

**2.** Payments and Other Provisions

The State anticipates paying the Awardee 8% of the contract award upon finalizing a Service Contract with the State. This initial payment is intended for use in the engineering and design of the awarded stream crossing project. Following the initial payment, the State anticipates paying the awardee upon the receipt of an accurate and acceptable invoice for qualifying services. An invoice will be considered accurate and acceptable if it contains a reference to the State of Maine contract number, contains correct pricing information relative to the contract, and provides any required supporting documents, as applicable, and any other specific and agreed-upon requirements listed within the contract that results from this RFP. Final payment will require submission of post-construction photos of the structure and certification by the applicant that the structure was installed as designed.

**State of Maine**

**Department of Environmental Protection**

**GRANT APPLICATION FORM**

**RFP# 202008127**

**Grants for Stream Crossing Public Infrastructure Improvements**

**For this grant, the current year and round application will be available in a separate file from the RFP document located at:**

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