

STATE OF MAINE
Department of Environmental Protection
Bureau of Land Resources
and
Land Use Planning Commission (LUPC)

RFP#201603057

Pre-Qualified Vendor List for
Sound and Scenic Assessment and Analysis

RFP Coordinator: Mike Mullen
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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.

Deadline for Submitted Questions: April 7, 2016, 5:00 p.m. local time

Proposals Due: April 21, 2016, no later than 2:00 p.m. local time

Submit to:

Division of Purchases
Burton M. Cross Building, 111 Sewall Street, 4th Floor
9 State House Station, Augusta ME 04333-0009

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Public Notice

**State of Maine
Department of Environmental Protection and
Land Use Planning Commission (LUPC)
Public Notice for RFP #201603057
Sound and Scenic Assessment and Analysis**

The State of Maine Department of Environmental Protection (Department) and the Land Use Planning Commission (LUPC) invite interested consultants to submit qualifications within the fields of sound assessment & analysis and scenic assessment & analysis. The Department and the LUPC intend to establish a list of pre-qualified consultants to provide outside peer review services, on an as-needed basis over a five year contract period, May 7, 2016 through May 6, 2021. In accordance with State procurement practices, the Department and the LUPC are hereby announcing the publication of a Request for Proposals (RFP) #201603057.

A copy of the RFP can be obtained by contacting the Department's RFP Coordinator for this project: Mike Mullen, Director, Land Division. The RFP Coordinator can be reached at the following email address: mike.mullen@maine.gov or mailing address: DEP, 28 Tyson Drive, 17 State House Station, Augusta, ME 04333. The RFP is also available for download from the Department's website, <http://www.maine.gov/dep/rfp/index.html> . The Department and the LUPC encourage all interested vendors to obtain a copy of the RFP and submit a competitive proposal.

Proposals must be submitted to the State of Maine Division of Purchases, located at the Burton M. Cross Office Building, 111 Sewall Street, 4th Floor, 9 State House Station, Augusta, Maine, 04333-0009. Proposals must be submitted by 2:00 pm, local time, on April 21, 2016, when they will be opened at the Division of Purchases' aforementioned address. Proposals not received at the Division of Purchases' aforementioned address by the aforementioned deadline will not be considered for contract award.

**State of Maine - Department of Environmental Protection and
the Land Use Planning Commission
RFP#201603057
Sound and Scenic Assessment and Analysis**

PART I INTRODUCTION

A. Purpose and Background

The Department of Environmental Protection (Department) and Land Use Planning Commission (LUPC) are seeking to establish a prequalified vendor list for Sound and Scenic Consulting Services in the areas of sound assessment and analysis and scenic assessment and analysis 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 Bidder(s).

The Maine Department of Environmental Protection (Department) and the Maine Land Use Planning Commission (LUPC) process applications under the Site Location of Development Law and LUPC’s Development Review and Approval Law, respectively. These laws require an applicant to demonstrate that a proposed project will meet the applicable regulatory standards for noise, impacts on scenic character (LUPC), and impacts to visual quality or existing scenic and aesthetic use (Department). Outside peer review of information provided by applicants addressing these issues may be required, depending on the complexity and scope of the proposed project and submissions.

B. General Provisions

1. Issuance of this RFP does not commit the Department or LUPC to issue an award or to pay expenses incurred by a Bidder 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.
2. 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 and LUPC. Proposals are to follow the format and respond to all questions and instructions specified below in the “Proposal Submission Requirements and Evaluation” section of this RFP.
3. Bidders shall take careful note that in evaluating a proposal submitted in response to this RFP, the Department and LUPC will consider materials provided in the proposal, information obtained through interviews/presentations (if any), and internal agency information of previous contract history with the Bidder (if any). The Department and LUPC also reserve the right to consider other reliable references and publicly available information in evaluating a Bidder’s experience and capabilities. The proposal shall be signed by a person authorized to legally bind the Bidder and shall contain a statement that the proposal and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the bid opening.
4. The RFP and the selected Bidder’s proposal, including all appendices or attachments, shall be the basis for the final contract, as determined by the Department and LUPC.
5. 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.).
6. The Department and LUPC, at their sole discretion, reserve the right to recognize and waive minor informalities and irregularities found in proposals received in response to this RFP.
7. The State of Maine Division of Purchases reserves the right to authorize other Departments to use the contract(s) resulting from this RFP, if it is deemed to be beneficial for the State to do so.

- 8. All applicable laws, whether or not herein contained, shall be included by this reference. It shall be Proposer’s/Vendor’s responsibility to determine the applicability and requirements of any such laws and to abide by them.

C. Eligibility to Submit Bids

Public agencies, private for-profit companies, and non-profit companies and institutions are invited to submit bids in response to this Request for Proposals.

D. Contract Term

The Department and LUPC are seeking a cost-efficient proposal to provide services, as defined in this RFP, 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 RFP and the contracting process. The actual contract start date will be established by a completed and approved contract.

Contract Renewal: Following the initial term of the contract, the Department and LUPC may opt to renew the contract for one renewal period of two years, and a second renewal period of one year, subject to continued availability of funding and satisfactory performance.

The term of the anticipated contract, resulting from this RFP, is defined as follows:

Period	Start Date	End Date
Initial Period of Performance	May 7, 2016	May 6, 2018
Renewal Period #1	May 7, 2018	May 6, 2020
Renewal Period #2	May 7, 2020	May 6, 2021

E. Number of Awards

The Department and LUPC anticipate creating a pre-qualified vendor list and entering into retainer contracts with multiple top scoring contractors as a result of this RFP process. An award is not a guarantee of work. Project work will be awarded by circulating project-specific scopes of services to all pre-qualified contractors. Proposals (“mini-bids”) will be evaluated on the basis of methodologies, contractors’ proposed cost and contractor availability.

Once the pre-qualified list is established, the Department and LUPC will notify all pre-qualified vendors when specific services are needed. Each vendor on the pre-qualified list will be given a description of the particular services needed and asked to respond within a specific timeframe with information on how that vendor proposes to provide the particular services, along with the cost for those services. The Department and LUPC, as applicable, will then select one vendor based on the availability, scheduling, methodologies, and costs submitted during the “mini-bid” process. Please note, the costs proposed under this RFP process will form the foundation of each vendors future “mini-bid” responses – that is, a vendor may not propose rates in the “mini-bid” that is above what is proposed in response to this RFP process (but a vendor may propose a rate lower, if it so chooses).

At the discretion of the State, large projects and/or projects with unique needs not covered within this RFP may be released and awarded through project specific RFPs. Vendors for those projects will not be selected from the pre-qualified list, but rather through a separate RFP process based on their specific needs/timelines. The Department and LUPC may also select vendors from the pre-qualification list without using the mini bid process for emergencies and for projects less than \$5,000.

This RFP offers an annual enrollment process for new vendors to be included on the pre-qualified vendor list. Once selected, vendors do not need to reapply. To allow other providers to be added to the list, each year the list will be reopened to additional proposals starting January 15th, 2017 through 2:00 PM (local time) the first business day of February, 2017 and every year thereafter between January 15th and 2:00 PM (local time) on the first business day of February. Proposals will be evaluated and vendors notified of the decision within 30 days of this date.

PART II SCOPE OF SERVICES TO BE PROVIDED

For the purposes of this RFP the Scope of Work includes, but may not be limited to:

A. Basic Requirements

1. Must be able to demonstrate direct experience in the last five years with projects or developments subject to the Site Location of Development Act, Natural Resources Protection Act, and the Development Review and Approval Law and/or LUPC's Land Use Regulation Law.

Site Location of Development Act:

<http://legislature.maine.gov/legis/statutes/38/title38sec481.html>

Natural Resources Protection Act:

<http://legislature.maine.gov/legis/statutes/38/title38sec480-A.html>

Development Review and Approval Law:

<http://legislature.maine.gov/legis/statutes/12/title12sec685-B.html>

2. Must be able to demonstrate direct experience in the last five years in the development, or review, of projects subject to Chapters 375 No Adverse Environmental Effect Standard, Chapter 315 Assessing and Mitigating Impacts to Scenic and Aesthetic Uses, and/or Chapter 10 Land Use Districts and Standards.

Chapter 375 No adverse Environmental Effect Standard:

www.maine.gov/sos/cec/rules/06/096/096c375.doc

Chapter 315 Assessing and Mitigating Impacts to Scenic And Aesthetic Uses:

www.maine.gov/sos/cec/rules/06/096/096c315.doc

Chapter 10 Land use Standards and Districts:

http://www.maine.gov/dacf/lupc/laws_rules/ch10.html

3. For Scenic Assessment & Analysis, must be able to demonstrate direct experience in the last five years in the development, or review, of projects subject to the scenic assessment requirements of Maine's Expedited Permitting of Grid-Scale Wind Energy Development, 35-A M.R.S. § 3451 et seq.

Expedited Permitting of Grid-scale Wind Energy Development:

<http://legislature.maine.gov/legis/statutes/35-A/title35-Asec3451.html>

4. For Sound Assessment & Analysis, must be able to demonstrate direct experience in the last five years in the development, or review, of projects subject to Chapter 375 Section 10 Control of Noise.

Chapter 375 No adverse Environmental Effect Standard:

www.maine.gov/sos/cec/rules/06/096/096c375.doc

5. For bidders with no direct experience in Maine related to the Basic Requirements above, must be able to demonstrate direct experience in the last five years with comparable scenic and sound statutory and regulatory standards for wind energy and other developments in other states/countries.

B. Tasks

1. Review noise or scenic studies submitted by project applicants to determine if they are reasonably accurate and technically correct according to Department and LUPC laws/regulations on noise and scenic impacts. The review shall include the submittal of a written technical review memorandum in which the contractor will comment on the assumptions, methodologies, analysis and conclusions presented by the applicant and/or the applicant's consultant. All written comments will be submitted to the Department and/or LUPC within 30 days of receiving a formal request for project review from the Department;
2. Visit a proposed project development site to gain first hand understanding of the individual site characteristics and facilitate understanding and aid in the development of technical review comments;
3. Attend a minimum of two Department and/or LUPC held public meetings;
4. Recommend to the Department and/or LUPC what, if any, additional studies and/or post-construction monitoring requirements that are warranted by a project and provide, as needed, technical review in the development of any required studies or post-construction monitoring methodology;
5. Review and comment on any post-construction monitoring data submitted as a condition of approval for a Department and/or LUPC permit.
6. Participate in meetings and/or conference calls to discuss the findings and recommendations with the applicant and the Department and/or LUPC;
7. Address questions raised by the Department and/or LUPC regarding the technical aspects of the project, findings and/or the contractor's recommendations;
8. Address questions raised by the general public relating to a project. The contractor will only be responsible for answering general public questions that have been directed to the contractor through the Department and/or LUPC;
9. Review and comment on any supplemental materials requested of the applicant by the Department and/or LUPC in response to the contractor's initial written comments;
10. Provide expert testimony or comment, as needed, at any legal proceeding before the Maine Board of Environmental Protection or the Land Use Planning Commission.

PART III KEY RFP EVENTS

A. Timeline of Key RFP Events

Event Name	Event Date and Time
Due Date for Receipt of Written Questions	April 7, 2016 at 5:00pm, local time
Due Date for Receipt of Proposals	April 21, 2016 at 2:00pm, local time
Estimated Contract Start Date (subject to change)	May 7, 2016

B. Questions

1. General Instructions

- a. It is the responsibility of each Bidder to examine the entire RFP and to seek clarification in writing if the Bidder does not understand any information or instructions.
- b. Questions regarding the RFP must be submitted in writing and received by the RFP Coordinator listed on the cover page of this RFP document as soon as possible but no later than the date and time specified in the timeline above.
- c. Questions may be submitted by e-mail, and include the RFP Number and Title in the subject line. The Department and LUPC assume no liability for assuring accurate/complete/on time e-mail transmission and receipt.
- d. Include a heading with the RFP Number and Title. Be sure to refer to the page number and paragraph within this RFP relevant to the question presented for clarification, if applicable.

2. **Summary of Questions and Answers:** Responses to all substantive and relevant questions will be compiled in writing and distributed to all registered, interested persons by e-mail no later than seven (7) calendar days prior to the proposal due date. Only those answers issued in writing by the RFP Coordinator will be considered binding. The Department and LUPC reserve the right to answer or not answer any question received.

C. Submitting the Proposal

1. **Proposals Due:** Proposals must be received no later than 2:00 p.m. local time, on the date listed in the timeline above, at which point they will be opened. Proposals received after the 2:00 p.m. deadline will be rejected without exception.
2. **Mailing/Delivery Instructions:** PLEASE NOTE: The proposals are not to be submitted to the RFP Coordinator at the requesting Department. The official delivery site is the State of Maine Division of Purchases (address shown below).
 - a. Only proposals received at the official delivery site prior to the stated deadline will be considered. Bidders submitting proposals are responsible for allowing adequate time for delivery. Proposals received after the 2:00 p.m. deadline will be rejected without exception. Postmarks do not count and fax or electronic mail transmissions of proposals are not permitted unless expressly stated in this RFP. Any method of hardcopy delivery is acceptable, such as US Mail, in-person delivery by Bidder, or use of private courier services.
 - b. The Bidder must send its proposal in a sealed package including **one (1) original and three (3) copies** of the complete proposal. Please clearly label the original. One electronic copy of the proposal must also be provided on CD or flash drive with the complete narrative and attachments in MS Word format. Any attachments that cannot be submitted in MS Word format may be submitted as Adobe (.pdf) files.
 - c. Address each package as follows (and be sure to include the Bidder's full business name and address as well as the RFP number and title):

Bidder Name/Return Address

Division of Purchases
Burton M. Cross Building, 4th Floor
111 Sewall Street
9 State House Station
Augusta ME 04333-0009

Re: RFP#201603057 – PQVL for Sound and Scenic Assessment and Analysis

PART IV PROPOSAL SUBMISSION REQUIREMENTS

This section contains instructions for Bidders to use in preparing their proposals. The Bidder's proposal must follow the outline used below, including the numbering and section and sub-section headings as they appear here. Failure to use the outline specified in this section or 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 LUPC evaluation team for this RFP have sole discretion to determine whether a variance from the RFP specifications should result in either disqualification or reduction in scoring of a proposal. Rephrasing of the content provided in this RFP will, at best, be considered minimally responsive. The Department and LUPC seek detailed yet succinct responses that demonstrate the Bidder's experience and ability to perform the requirements specified throughout this document.

A. Proposal Format

1. For clarity, the proposal should be typed or printed. Proposals should be single-spaced with 1" margins on white 8 ½" x 11" paper using a font no smaller than 12 point Times New Roman or similar.
2. All pages should be numbered consecutively beginning with number 1 on the first page of the narrative (this does not include the cover page or table of contents pages) through to the end, including all forms and attachments. For clarity, the Bidder's name should appear on every page, including Attachments. Each Attachment must reference the section or subsection number to which it corresponds.
3. Bidders are asked to be brief and to respond to each question and instruction listed in the "Proposal Submission Requirements" section of this RFP. Number each response in the proposal to correspond to the relevant question or instruction of the RFP. The proposal should be limited to a maximum total of 15 pages. Pages provided beyond the aforementioned maximum amount will not be considered during evaluation.
4. The following proposal elements, if applicable/requested, will not be counted as part of the maximum total number of pages allowed for the proposal: proposal cover page, table of contents, financial forms, any required attachments, appendices, or forms provided by the Department and LUPC in the RFP, organizational charts, job descriptions, or staff résumés.
5. The Bidder may not provide additional attachments beyond those specified in the RFP for the purpose of extending their response. Any material exceeding the proposal limit will not be considered in rating the proposals and will not be returned. Bidders shall not include brochures or other promotional material with their proposals. Additional materials will not be considered part of the proposal and will not be evaluated.
6. Include any forms provided in the application package or reproduce those forms as closely as possible. All information should be presented in the same order and format as described in the RFP.
7. It is the responsibility of the Bidder 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 and/or LUPC evaluation review team, result in a lower rating for the incomplete sections and may result in the proposal being disqualified for consideration.
8. Bidders should complete and submit the proposal cover page provided in Appendix A of this RFP and provide it with the Bidder's proposal. The cover page must be the first page of the proposal package. It is important that the cover page show the specific information requested, including Bidder address(es) and other details listed. The proposal cover page shall be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

B. Proposal Contents

Information related to the each of the Sections below must be submitted with the Bidder's proposal.

Section I Organization Qualifications and Experience

1. Overview of the Organization (limit 2 pages)

Present a brief statement of qualifications and short summary of relevant experience. If subcontractors are to be used, provide a list that specifies the name, address, phone number, contact person, and a brief description of the subcontractors' organizational capacity and qualifications.

2. Organization Location and Licensure (limit 2 pages)

- a. Location of the corporate headquarters. Also, describe the current or proposed location where services will be provided or from which the contract will be managed.
- b. Attach documentation of any applicable Maine licensure requirements (or any specific credentials required).
- c. Attach a certificate of insurance on a standard Acord form (or the equivalent) evidencing the Bidder's general liability, professional liability and any other relevant liability insurance policies that might be associated with this contract.

3. Organizational Experience (limit 3 pages)

Briefly describe the history of the Bidder's organization, especially regarding skills pertinent to the specific work required by the RFP and any special or unique characteristics of the organization which would make it especially qualified to perform the required work activities. Include similar information for any subcontractors.

4. Description of Experience with Similar Projects (limit 4 pages)

- a. Provide a description of at least five projects that occurred within the past five years which reflect experience and expertise needed in performing the functions described in the "Scope of Services" portion of this RFP. For each of the examples provided, a contact person from the client organization involved should be listed, along with that person's telephone number. Please note that contract history with the State of Maine, whether positive or negative, may be considered in rating proposals even if not provided by the Bidder.
- b. If the Bidder has not provided similar services, note this, and describe experience with projects that highlight the Bidder's general capabilities.

Section II Proposed Services

1. Services to be Provided (limit 3 pages)

Discuss the Scope of Services referenced above in Part II of this RFP and what the Bidder will offer. Give particular attention to describing the methods and resources you will use and how you will accomplish the tasks involved. If subcontractors are involved, clearly identify the work each will perform.

Section III Cost Proposal (limit 1 page)

The Bidder must specify the costs associated with performing the Scope of Services.

1. General Instructions

- a. The Bidder must submit a cost proposal that covers the entire period of the contract, including any optional renewal periods. Please use the expected contract start date of May 7, 2016 and an end

- date of May 6, 2018 in preparing this section.
- b. The cost proposal shall include the costs necessary for the Bidder to fully comply with the contract terms and conditions and RFP requirements.
 - c. Failure to provide the requested information may result in the exclusion of the proposal from consideration, at the discretion of the Department and LUPC.
 - d. No costs related to the preparation of the proposal for this RFP or to the negotiation of the contract with the Department and LUPC may be included in the proposal. 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.

2. Cost Proposal Form Instructions

The Bidder should fill out Appendix B, following the instructions detailed here and in the form. Attach a company rate sheet if applicable.

Section IV Required Proposal Attachments

The following documents must be attached to the back of each Bidder's proposal in the order as numbered below. The required documents will be reviewed and rated by the Department's evaluation team.

Attachment 1: Organization chart

Attachment 2: Licenses and professional certifications necessary for, or associated with, the performance of the Scope of Services.

PART V PROPOSAL EVALUATION AND SELECTION

Evaluation of the submitted proposals shall be accomplished as follows:

A. Evaluation Process - General Information

1. An evaluation team, comprised of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP, and in accordance with the most advantageous cost and economic impact considerations (where applicable) for the State.
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 Bidder whose proposal best satisfies the criteria of the RFP at a reasonable/competitive cost.
3. The Department and LUPC reserves the right to communicate and/or schedule interviews/presentations with Bidders if needed to obtain clarification of information contained in the proposals received, and the Department and LUPC 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. Therefore, Bidders should submit proposals that present their costs and other requested information as clearly and completely as possible.

B. 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 proposal meets the following criteria.

Section I. Organization Qualifications and Experience (50 points)

Includes all elements addressed above in Part IV, Section I.

Section II. Specifications of Work to be Performed (25 points)

Includes all elements addressed above in Part IV, Section II.

Section III. Cost Proposal (25 points)

Includes all elements addressed above in Part IV, Section III.

2. **Scoring Process:** The review team will use a consensus approach to evaluate the bids. Members of the review team will not score the proposals individually but instead will arrive at a consensus as to assignment of points on each category of each proposal. The contract award(s) will be made to the Bidder(s) receiving the highest number of evaluation points, based upon the proposals' satisfaction of the criteria established in the RFP. The Cost section will be scored according to a mathematical formula described below.
3. **Scoring the Cost Proposal:** The total cost proposed for conducting all the functions specified in this RFP will be assigned a score according to a mathematical formula. The lowest bid will be awarded 25 points. Proposals with higher bids values will be awarded proportionately fewer points calculated in comparison with the lowest bid.

The scoring formula is:

(Lowest submitted Bid Item #1 cost proposal / Bid Item #1 cost of proposal being scored) x 10 = pro-rated score

(Lowest submitted Bid Item #2 cost proposal / Bid Item #2 cost of proposal being scored) x 10 = pro-rated score

(Lowest submitted Bid Item #3 cost proposal / Bid Item #3 cost of proposal being scored) x 5 = pro-rated score

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

4. **Negotiations:** The Department and LUPC reserve the right to negotiate with the successful Bidder 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 and LUPC's Request for Proposals to an extent that may affect the price of goods or services requested. The Department and LUPC reserve the right to terminate contract negotiations with a selected respondent 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 Bidder, the Department and LUPC may withdraw their award and negotiate with the next-highest ranked Bidder, and so on, until an acceptable contract has been finalized. Alternatively, the Department and LUPC may cancel the RFP, at their sole discretion.

C. Selection and Award

1. The final decision regarding the award of the contract will be made by representatives of the Department and LUPC subject to approval by the State Purchases Review Committee.
2. Notification of contractor selection or non-selection will be made in writing by the Department and LUPC.
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 Bidder.
4. The Department and LUPC reserve the right to reject any and all proposals or to make multiple awards.
5. An award is not a guarantee of work.

D. 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: <http://www.maine.gov/purchases/policies/120.shtml>). 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.

If this RFP results in the creation of a pre-qualified or pre-approved list of vendors, then the appeal procedures mentioned above are available upon the original determination of that vendor list, but not during subsequent competitive procedures involving only the pre-qualified or pre-approved list participants.

PART VI CONTRACT ADMINISTRATION AND CONDITIONS

A. Contract Document

1. The successful Bidder will be required to execute a contract in the form of a State of Maine Agreement to Purchase Services (BP54). A list of applicable Riders is as follows:

Rider A: Specification of Work to be Performed

Rider B: Method of Payment and Other Provisions

Rider G: Identification of Country in Which Contracted Work Will Be Performed

The complete set of standard BP54 contract documents may be found on the Division of Purchases website at the following link: <http://www.maine.gov/purchases/info/forms/BP54.doc>

Other forms and contract documents commonly used by the State can be found on the Division of Purchases website at the following link: <http://www.maine.gov/purchases/info/forms.html>

2. Allocation of funds is final upon successful negotiation and execution of the contract, subject to the review and approval of the State Purchases Review Committee. Contracts are not considered fully executed and valid until approved by the State Purchases 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 Bidders. (Referenced in the regulations of the Department of Administrative and Financial Services, Chapter 110, § 3(B)(i): <http://www.maine.gov/purchases/policies/110.shtml>

This provision means that a contract cannot be effective until at least 14 days after award notification.

3. The Department and LUPC estimates having a contract in place by May 7, 2016. The State recognizes, however, 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 Purchases Review Committee. Any appeals to the Department's and LUPC's award decision(s) may further postpone the actual contract effective date, depending upon the outcome. The contract effective date may need to be adjusted, if necessary, to comply with mandated requirements.
4. In providing services and performing under the contract, the successful Bidder shall act independently and not as an agent of the State of Maine.

B. Standard State Agreement Provisions

1. Agreement Administration
 - a. Following the award, an Agreement Administrator from the Department and LUPC will be appointed to assist with the development and administration of the contract and to act as administrator during the entire contract period. Department and LUPC staff will be available after the award to consult with the successful Bidder in the finalization of the contract.
 - b. In the event that an acceptable contract cannot be negotiated with the highest ranked Bidder, the Department and LUPC may withdraw its award and negotiate with the next-highest ranked Bidder, and so on, until an acceptable contract has been finalized. Alternatively, the Department and LUPC may cancel the RFP, at its sole discretion.

2. 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 this RFP.

PART VII LIST OF RFP APPENDICES AND RELATED DOCUMENTS

1. Appendix A – State of Maine Proposal Cover Page
2. Appendix B – Cost Proposal Form

PART VIII APPENDICES

Appendix A

**State of Maine
Department of Environmental Protection and Land Use Planning Commission
PROPOSAL COVER PAGE**

**RFP#201603057
Sound and Scenic Assessment and Analysis**

Bidder's Organization Name:		
Chief Executive - Name/Title:		
Tel:	Fax:	E-mail:
Headquarters Street Address:		
Headquarters City/State/Zip:		
<i>(provide information requested below if different from above)</i>		
Lead Point of Contact for Proposal - Name/Title:		
Tel:	Fax:	E-mail:
Street Address:		
City/State/Zip:		

Hourly Rate Bid Item #1:	
Hourly Rate Bid Item #2:	
Hourly Rate Bid Item #3:	
<i>The proposed cost listed above is for reference purposes only, not evaluation purposes. In the event that the cost noted above does not match the Bidder's detailed cost proposal documents, then the information on the cost proposal documents will take precedence.</i>	

- This proposal 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, LUPC or any other State agency participated, either directly or indirectly, in any activities relating to the preparation of the Bidder's proposal.
- No attempt has been made or will be made by the Bidder to induce any other person or firm to submit or not to submit a proposal.
- The undersigned is authorized to enter into contractual obligations on behalf of the above-named organization.

Debarment, Performance, and Non-Collusion Certification

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 proposal:

- a. 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.*
- b. Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:
 - i. fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state or local government transaction or contract.*
 - ii. violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;*
 - iii. 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; and*
 - iv. have not within a three (3) year period preceding this proposal had one or more federal, state or local government transactions terminated for cause or default.**
- c. 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 proposal 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.*

Failure to provide this certification may result in the disqualification of the Bidder's proposal, at the discretion of the Department and LUPC.

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

Name:	Title:
Authorized Signature:	Date:

Appendix B

**State of Maine
Department of Environmental Protection and Land Use Planning Commission
COST PROPOSAL FORM**

**RFP#201603057
Sound and Scenic Assessment and Analysis**

Bidder's Organization Name: _____

Instructions: Bidders should complete the following cost proposal providing one fixed hourly rate for each personnel type listed below. Bidders should also submit a company rate sheet, if applicable.

<u>Bid Item</u>	<u>Fixed Hourly Rate</u>
#1 - Project Manager/Principal Reviewer:	\$ _____
#2 - Technical Assistants to the Project Manager/Principal Reviewer:	\$ _____
#3 - Administrative Personnel:	\$ _____