**STATE OF MAINE**

**Department of Environmental Protection**

***Bureau of Land Resources***

**RFP#201903060**

**Grants for Stream Crossing Public Infrastructure Improvements**

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| **RFP Coordinator** | *All communication regarding this RFP must be made through the RFP Coordinator identified below*.**Name:** John Maclaine **Contact Information:** john.maclaine@maine.gov  |
| **RFP Release Dates** | For each application year and round a new application will be available at <http://www.maine.gov/dafs/procurementservices/vendors/grants>. The official release dates for each are: **Round 1 the 2nd Tuesday of April** and **Round 2 the 2nd Monday in September.** |
| **Submitted Questions Due** | Questions regarding this RFP can be submitted at any time, after the release date of each Round while this RFP is open. All questions must be submitted, by e-mail, to the address identified above. Please include “RFP#201903060”in the subject line of your email. |
| **Semi-Annual Application Submittals** | Applications may be submitted semi-annually for evaluation. The semi-annual application submission deadline is 4:00pm while the RFP is active, **Round 1 is the 1st Monday of June** and for **Round 2 is the 2nd Tuesday in November**. Applications are required to be submitted prior to the submission date and time to be considered for each semi-annual enrollment period. A new application will be available semi-annually while the RFP is active at <http://www.maine.gov/dafs/procurementservices/vendors/grants> **Electronic (email) Submission Address:** Proposals@maine.gov |

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# **PUBLIC NOTICE**

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**State of Maine**

**Department of Environmental Protection**

**RFP#201903060**

**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.

For the current RFP version, current 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 semi-annual application submission deadline is 4:00pm while the RFP is active, Round 1 deadline is the 1st Monday of June and for Round 2 deadline is the 2nd Tuesday in November, when they will be opened. 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.

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**RFP DEFINITIONS/ACRONYMS**

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

1. **RFP:** Request for Proposals
2. **State:** State of Maine
3. **Department:** Department of Environmental Protection
4. **Bankfull Stage:** The point or stage where the water just fills the stream channel. Recorded as the distance from the deepest part of the channel to the bankfull point as measured in a given cross section profile of the stream channel.  **(See Appendix E: STREAM HABITAT AND CROSSING DESIGN RESOURCES)**
5. **Bankfull Width:** Width of stream channel when stream is at bankfull stage
6. **Cut off:** Unable to travel by motor vehicle to any location other than the immediate area where the road crossing has failed
7. **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.
8. **Matching Local Funding:** Funding from non-state sources used to match the amount of grant funding.
9. **Maine IF&W:** Maine Department of Inland Fisheries and Wildlife
10. **Maine DMR:** Maine Department of Marine Resources
11. **USFWS:** United States Fish and Wildlife Service
12. **Agency:** Maine DEP, Maine IF&W, Maine DMR, USFWS, or other public wildlife or fisheries agency.
13. **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.
14. **Culvert:** A culvert is a structure surrounded by soil or other fill materials that allows water to pass under a road or similar obstruction. A culvert may be 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.
15. **Bridge**: A bridge is 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.

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

**Bureau of Land Resources**

**RFP#201903060**

**Grants for Stream Crossing Infrastructure Improvements**

# **PART I INTRODUCTION**

##

## 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 Bidder(s).

To fund these improvements, the Maine Legislature allocated bond money through the passage of Public Law 2017, Chapter 299, An Act to Authorize a General Fund Bond Issue to Improve Highways, Bridges, and Multimodal Facilities and Upgrade Municipal Culverts, which was approved by voters in the general election in November of 2017.

Pursuant to Public Law 2017, Chapter 299, the Department is charged with disbursing funds that match local funding for vital public infrastructure improvement projects involving stream crossings and culvert upgrades.

## 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 applications 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. Applications are to follow the format and respond to all questions and instructions specified below in the “Application Submission Requirements” section of this RFP.
4. Applicants shall take careful note that in evaluating an application submitted in response to this RFP, the Department will consider materials provided in the application 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 application shall be signed by a person authorized to legally bind the Applicant.
6. The RFP 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 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.).

<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 RFP.
2. The State of Maine Division of Procurement Services 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.
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.

## Eligibility to Submit Bids

In Maine, 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. Eligible projects must be located on a municipal road. Private Landowners and State and federal agencies are not eligible recipients.

## Contract Term

The Department is seeking a cost-efficient applications(s) to provide services, as defined in this RFP, for an Department. The initial contract period for awards associated with this RFP will be two years from the approval of a contract with the 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 may opt to renew the contract for a one (1) year renewal period, and subject to continued availability of funding and satisfactory performance.

## Grant Funds Available and Number of Awards

The Department anticipates making multiple award(s) as a result of this RFP process.

Funds for awards were allocated by the Legislature and approved by voters through a bond measure. Awards will be available for stream crossing public infrastructure improvement projects, to be allocated over multiple rounds of RFPs, striving to take into account municipalities’ budget cycles and contingent on Department staff resources. The Department is setting a ceiling on each grant award of $95,000. 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.

1. **Semi-Annual Application Submittals**

Applications will be accepted and reviewed on a semi-annual basis. Applicants must submit a new application for each new submission opportunity. A new application will be released and available to applicants for each round of grant awards at <https://www.maine.gov/dafs/bbm/procurementservices/vendors/grants>.

#

# **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. Eligible recipients must describe how the proposed project meets the following criteria:

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

More detailed information is included in the current year and round **Grant Application Form**.

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. The Department reserves the right to provide partial funding of proposed projects. After award of the grant, the Department will, upon coordination with the recipient, designate when the grant money must be expended by and the payment schedule by which the funds will be disbursed.

Grant awards cannot be given on culvert replacements that have already occurred. Also, 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 goal of Stream Smart is 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/>

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

The Stream Habitat Viewer helps bring people together to restore and conserve Maine’s natural heritage while looking for opportunities to ease the financial burdens of road and dam owners. The 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:**

Developed by USGS. Allows you to calculate drainage area, etc. just by clicking on a stream-road crossing

<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 while meeting goals of restoring and maintaining stream habitat connectivity and enhancing the stability of roads and culvert crossings.

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

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

Beginning with Habitat (BwH), 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:

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

# **PART III KEY RFP EVENTS**

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## 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. Submitted questions 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 Grant 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:** No question or their responses will be posted during the 7-days prior to the application 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.

## Revisions

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 Application

Multiple projects may be submitted for a given applicant, if desired. Applicants must submit a separate application for each project.

1. **Applications Due:** Applications must be received by email no later than 4:00 p.m. local time, on the date listed on the cover page of this RFP. Applications received **after** the 4:00 p.m. deadline will not be considered unless funding is available after reviewing and awarding all accepted applications.
2. **Delivery Instructions:** Email application submissions are to be submitted to the State of Maine Division of Procurement Services, via email to 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:

“**RFP#201903060 Application Submission**”

1. Applicant’s submissions are to be as follows:

- **File #1**: *PDF format preferred*

 Application and all related/required attachments

# **PART IV APPLICATION SUBMISSION REQUIREMENTS**

The Applicant’s applications must follow the outline used below. Failure to use the outline specified in this section may result in the application 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 an application.

## 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 and may result in the application being disqualified for consideration.

##

## Application Contents

 Applicants must submit a separate proposal for each project.

The Applicant’s application shall address the following:

# Cover Letter

# Application

# Photos, Diagram, and Location Map

# **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 RFP.
			2. Officials responsible for making decisions on the selection of a grantee 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 whose application 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 application proposals 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. 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, instead, will arrive at a consensus as to assignment of points for each criterion.
2. **Scoring the Application Cost Proposal:** 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, along with the amount and quality of proposed matching funds or services.
3. **Negotiations:** The Department reserves the right to negotiate with the successful Applicant to finalize an awarded 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 selected applicants who submits a proposed contract significantly different from the application 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.

## Selection and Award

**1.** The final decision regarding the award of the contract will be made by representatives of the Department 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: <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.

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# **PART VI CONTRACT ADMINISTRATION AND CONDITIONS**

## Contract Document

**1.** The successful Applicant 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 C: Exceptions to Rider B

 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 Procurement Services website at the following link: <https://www.maine.gov/dafs/procurementservices/sites/maine.gov.dafs.procurementservices/files/inline-files/BP54revised1017.doc>

 Other forms and contract documents commonly used by the State can be found on the Division of Procurement Services website at the following link: <https://www.maine.gov/dafs/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):

 <https://www.maine.gov/dafs/procurementservices/policies-procedures/chapter-110>

 This provision means that a contract cannot be effective until at least 14 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 awarded 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.

**2.** Payments and Other Provisions

The State anticipates paying the Contractor 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#201903060**

**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>