



LONG CREEK WATERSHED MANAGEMENT DISTRICT
Request for Proposals
Long Creek Private BMP Incentive Program
July 11, 2022

1. INTRODUCTION.

The Long Creek Watershed Management District (“LCWMD”) was formed as a quasi-municipal special purpose district to implement the *Long Creek Watershed Management Plan* (the “Plan”). Implementation of the Plan is required by those landowners and operators in the Long Creek Watershed who have chosen to participate in the implementation of the Plan under the *General Permit – Post Construction Discharge of Stormwater in the Long Creek Watershed* (“Long Creek General Permit”) issued by the Maine Department of Environmental Protection (“Maine DEP”).

In June 2020, LCWMD will have implemented the structural and non-structural Best Management Practices (“BMPs”) identified in the Plan over the course of ten years. Moving forward, LCWMD will continue to carry out the non-structural BMPs identified in the Plan, however, the Plan does not specifically identify construction of structural BMPs or stream restoration projects after the initial ten years of implementing the Plan.

In an effort to continue improving water quality in Long Creek during years ten to fifteen of the Long Creek Watershed restoration effort, LCWMD has developed this *Private BMP Incentive Program* (“Program”) to encourage Participating Landowners to directly invest in undertaking activities that will improve water quality in Long Creek. This is particularly important at this time because significant new development and redevelopment projects are anticipated in the Long Creek Watershed during years ten to fifteen of the restoration effort.

The Program provides financial incentives to landowners who undertake activities that will address the water quality issues identified in the Plan. LCWMD’s Board of Directors has established a fund of \$295,000 to implement the Program in LCWMD’s fiscal year 2023. Pursuant to this Request for Proposals (“RFP”), LCWMD is accepting applications from Participating Landowners for awards of these funds to undertake Projects that will improve water quality in Long Creek.

2. DEFINITIONS.

- A. *Best Management Practice.*** Best Management Practice (“BMP”) means structural management structures, facilities, and improvements and non-structural activities that remove pollutants from stormwater or prevent pollutants from entering stormwater.
- B. *Board.*** Board means the Long Creek Watershed Management District Board of Directors.
- C. *Executive Director.*** Executive Director means the Executive Director of LCWMD.

- D. *Participating Landowner*. Participating Landowner means an entity that has entered into an agreement with the Long Creek Watershed Management District to cooperate in implementing the *Long Creek Watershed Management Plan* as a requirement of filing a Notice of Intent to Comply for permit coverage under the *General Permit – Post Construction Discharge of Stormwater in the Long Creek Watershed* issued by the Maine Department of Environmental Protection.
- E. *Project*. Project means the construction of a structural BMP or implementation of a non-structural BMP or other practice that will improve water quality in Long Creek.
- F. *Substantially Complete*. The time at which the Project has progressed to the point where the Project can be utilized for its intended purpose.

3. ELIGIBLE APPLICANTS.

- A. Funds under the Program are available to Participating Landowners for undertaking eligible projects pertaining to the improvement of water quality in Long Creek.
- B. Program funding may only be awarded to Participating Landowners that: (1) have a current Participating Landowner Agreement with LCWMD; (2) have filed a current Notice of Intent to Comply with the Long Creek General Permit with Maine DEP; (3) are in compliance with the terms of their Participating Landowner Agreement; and (4) are current on payments required to be paid to LCWMD as a condition of the Long Creek General Permit and the Participating Landowner Agreement.

4. AVAILABLE FUNDING.

- A. Funding for the Program is allocated by the Board as part of LCWMD's annual budgeting process. The total amount of Program funding available in each fiscal year is determined at the discretion of the Board taking into account each fiscal year's other necessary expenses.
- B. The total amount of funding available for award in fiscal year 2023 (July 1, 2022, through June 30, 2023) is \$295,000.
- C. Awards may be made for up to 75% of the cost for each eligible Project, subject to a per-award limit of \$50,000. For complex projects, the applicant may submit separate applications for the design and construction phases of the project for up to 75% of the eligible project cost per phase, subject to a combined limit of \$50,000.
- D. Approved Program funds will be disbursed to the applicant upon the applicant submitting documentation to LCWMD that the Project is substantially complete. If a separate application is submitted for design costs, funds for the design phase will be reimbursed upon the applicant submitting a complete application for the construction phase of the project.
- E. LCWMD will evaluate all proposals that conform to the requirements of the RFP until allocated Program funds are exhausted.

5. NOTICES AND DEADLINES.

- A. **Questions About the Request for Proposals.**

Comments and/or questions concerning this RFP may be submitted to LCWMD's Executive Director, Peter Carney, via email to pcarney@restorelongcreek.org, by phone to (207) 894-4320, or delivery to Long Creek Watershed Management District, "Long Creek Private BMP Incentive Program," c/o CCSWCD, 35 Main Street, Suite 3, Windham, ME 04062, at any time during the pendency of the RFP.

B. Applications.

Applications will be accepted on a rolling basis **anytime from the date of the issuance of the RFP through June 30, 2023**. Applications may be submitted to LCWMD via email to pcarney@restorelongcreek.org or by mail or hand delivery to Long Creek Watershed Management District, c/o CCSWCD, 35 Main Street, Suite 3, Windham, ME 04062. Applications will be accepted until the allocated funds are exhausted.

6. PRELIMINARY CONSULTATIONS.

Applicants may contact LCWMD to arrange a site visit between LCWMD staff and the applicant before applying for funding. LCWMD staff is available to review materials, conduct preliminary site visits, explain the application process, and to answer questions related to the program.

7. ELIGIBLE PROJECTS.

A. The following types of projects are eligible for funding:

- i. Construction of new, or retrofit of existing, structural stormwater BMPs, implementation of stream restoration projects, and implementation of non-structural BMPs, that are not otherwise required by local, state, or federal permitting requirements;
- ii. That address one or more water quality or habitat concerns within Long Creek, including temperature, dissolved oxygen, chlorides, nutrient levels, metal concentrations, runoff volume, geomorphology, fish habitat, and macroinvertebrate habitat; and
- iii. For which there is not already a mechanism for meaningful credit available through Participating Landowner Agreements for the Project (*e.g.* treatment credits).

B. Examples of the types of Projects that the funding will support include, but are not limited to, the following:

- Structural stormwater BMPs such as gravel wetlands, underdrained soil filters, vegetated swales, and rain gardens;
- Stream protection or restoration projects;
- Wetland protection or restoration projects;
- Establishment or enhancement of vegetated buffers;
- Non-structural good housekeeping and pollution prevention projects;
- Implementation of snow removal practices or acquisition of snow removal equipment that will result in a reduction in the use of chlorides from winter salt application;
- Heated sidewalks; and

- Green roofs.
- C. For structural BMPs, applicants are encouraged to rely on the list of widely accepted and approved stormwater BMPs established by Maine DEP (included in Maine DEP’s Stormwater BMP Manual): <https://www.maine.gov/dep/land/stormwater/stormwaterbmps/#>.

For practices that are not included on the Maine DEP list of approved practices, but that you believe meet the goals of the incentive program, contact LCWMD to discuss your idea before applying. Background information on the practice, relationship to those approved by Maine DEP, and a justification of the practice’s use must be provided.

- D. The applicant is solely responsible to determine the applicability of any regulatory requirements prior to applying for funds under this Program.

8. MATERIALS TO BE SUBMITTED BY APPLICANTS.

A. Proposal Form. A completed Proposal Form, included as **Attachment A**, to this RFP. The proposal form is available in Microsoft Word format on LCWMD’s website at www.restorelongcreek.org on the “Documents” tab under “Current Request for Proposals/Qualifications.”

B. Applicant Information.

- i. Legal name;
- ii. mailing address;
- iii. telephone number; and
- iv. email address.

C. Project Coordinator. Identification of a Project Coordinator authorized to make decisions on behalf of the applicant as an officer, an employee, or other approved position recognized by the applicant. The Project Leader will be responsible for all Project coordination and correspondence with LCWMD for the duration of the Project.

D. Title, right, or interest. Documentation establishing the applicant’s authority to implement the Project. Proposals that do not document adequate title, right, or interest to implement the proposed Project will be rejected.

E. PROJECT INFORMATION.

- i. **Project Title.** The title of the Project.
- ii. **Project Location.** Street address, and municipal tax map and lot number.
- iii. **Site Map.** A map showing the location of the project and configuration of the subject property.
- iv. **Project Description.** A summary of the Project, including details such as the type of Project, location, and main objectives. The Project description should be succinct and provide a clear idea of the Project outputs based on intended outcomes.

- v. **Experience.** The applicant's or Project team's experience in completing similar projects including a brief description and the location of any relevant previously completed projects.
 - vi. **Consultants.** Identification of whether a consultant and/or contractor has been or, will be selected. A description of the background of the selected consultant/contractor. Information on whether the applicant sought competitive bids, estimates, or quotes.
- F. Technical Information.** Technical information proportional to the scale of the Project that is sufficient to allow the Board to determine the scope of the project, such as:
- i. Existing conditions plans;
 - ii. Proposed conceptual or complete design documents;
 - iii. Basis of Design reports;
 - iv. Grading plans;
 - v. Stormwater plans and report; and/or
 - vi. Planting plans.
- C. Project Deliverables.** Identify Project deliverables and metrics, such as square feet of treated area or expected percent reduction in stormwater pollutants.
- D. Project Timeline.** Include a table of major tasks, with start and end dates.
- E. Permit Status.** Identify whether the Project requires permits of any nature including any local, state, or federal authorities, and, if so, where the project is in the permitting process.
- F. Project Not Otherwise Required.** A statement that the Project is not required under an existing or pending permit, decree, or enforcement action, or any local, state, or federal requirement.
- G. Maintenance Plan.** Identify who will be responsible for maintenance, the scope of maintenance, and how the Project will be maintained in the future.
- H. Budget.** A detailed budget proportional to the scale of the project that includes the total amount of funds being requested.
- i. A descriptive budget narrative in which the applicant explains and justifies the costs requested in the proposal, for example: 1) if staff costs are requested a detailed justification for those staff costs must be provided that includes a scope of work for the staff costs requested, tasks for the scope of work, and hours associated with those tasks and 2) the source of any contractor/consultant cost estimates. If implementation of the work is contingent upon award of other funds, this must be made clear in the budget justification section.
 - ii. For any staff cost requests, list the percentage of overall time devoted to the Project by each staff member in the budget item column. Personnel costs included in budgets must be directly involved in the Project work. Requests that do not include full justification for personnel involved may not be fully funded.

- iii. Identify whether the applicant has requested financial support from any other sources for the Project not listed as match in the budget submitted.
- iv. Applicants may request Program funds for indirect costs, which must be listed separately and must be less than 10% of the total funds request.

9. SELECTION PROCESS.

- A. Proposals may be reviewed by members of the Board, LCWMD staff, and/or technical consultants assigned by the Board.
- B. Awards of Program funds will be made by the Board to applicants whose proposals conform to the RFP, that will be the most advantageous to LCWMD, and that are in the best interests of the public.
- C. After evaluating a proposal, that Board may make a conditional award of Program funds or an award of Program funds for less than the requested amount. Awards for less than the requested amount will be based upon the following criteria:
 - i. **Quality of Application (Scale of 1 to 10)**
 - (1) The level of completeness and attention to detail.
 - (2) All required application components are included for sound evaluation of the application.
 - ii. **Justification (Scale of 1 to 20)**
 - (1) Justification of the need for the project or practice proposed.
 - (2) The nature, extent, and severity of the water quality problem.
 - iii. **Likelihood of Project Success/Environmental Outcomes (Scale of 1 to 30)**
 - (1) The likelihood of project success defined as the accomplishment of outcomes proposed and includes.
 - (2) Are methodologies and/or designs sound and consistent with best practices?
 - (3) Does the proposed project team have the necessary qualifications to conduct the work? If the applicant does not possess the technical expertise to lead a project, are qualified technical experts, agencies, or organizations identified as partners or consultants/contractors.
 - iv. **Demonstration Value (Scale of 1 to 15)**
 - (1) Does the project have demonstration value and/or transferability?
 - (2) Has any effort been made to connect this project to other watershed restoration efforts?
 - (3) Can the project be used as a model or pilot for future efforts?
 - (4) Will the project persist and be well-maintained?
 - v. **Budget and Value (1 to 25)**

- (1) Does budget reflect actual project costs?
- (2) Were multiple bids/estimates obtained? To demonstrate cost efficiency, applicants are encouraged to solicit estimates or bids from at least three consultants or contractors that can be used to prepare an accurate budget for the proposed project.
- (3) Are all budget line items justified in the project narrative? Requests for non-construction costs such as costs for soil borings, surveys, designs, permit fees, and the associated project management, consultant costs, administrative costs, associated with non-construction costs (*e.g.*, project development) will be considered, but should be limited.
- (4) Does the budget include line items to obtain all necessary permits and complete as-built drawings?

D. An assessment of the proposal's overall cost relative to the project results.

- i. Projects scoring 75 points, or more, are eligible for the maximum award of 75% of eligible project costs.
- ii. Projects scoring between 50 points and 74 points are eligible for a maximum award of 50% of eligible project costs.
- iii. Projects scoring between 25 points and 49 points are eligible for a maximum award of 25% of eligible project costs.
- iv. Projects scoring less than 25 points are not eligible for funding.

Provided, however, that the maximum award percentages may be adjusted downward to reflect available funding.

E. LCWMD reserves the right to waive any informalities in proposals, to reject non-responsive proposals, to reject any and all proposals or parts or subparts thereof for any reason, to negotiate with any applicant, and to select one or more applicants deemed to have submitted a proposal that in the judgment of LCWMD is in the best interests of LCWMD.

10. AGREEMENT. LCWMD will require a funding agreement, similar to the form of the agreement included as **Attachment B** to this RFP, which will establish the terms and conditions of a funding award, assure long-term protection of the Project, and identify future maintenance responsibilities upon Project completion.

11. POST PROJECT REPORTING REQUIREMENTS. The Board may condition awards of Program funds on post-project reporting requirements that are proportional to the scale and cost of the project including, but not limited to, water quality monitoring, biological modeling, and economic information related to the Project.

ATTACHMENT A: Proposal Form



Private BMP Incentive Program Proposal Form

All questions must be answered with clear and comprehensive data; if necessary, add additional pages.

Applicant Information	
Legal Name of Participating Landowner:	
Mailing Address:	
Project Coordinator:	
Phone:	Email:

Title, Right, or Interest
<i>Attach documentation (e.g. deed, lease, easement) establishing the applicant's authority to implement the Project. Proposals that do not document adequate title, right, or interest to implement the proposed Project will be rejected.</i>

Project Information		
Project Title:		
Project Location (street address):		
Site Map: Attach a map showing location of project.	Tax Map:	Lot:
Project Description:		
Project Team's Experience:		
Project Consultant(s):		
<i>Technical Information: Attach supporting technical information proportional to the scale of the Project that is sufficient to allow the Board to determine the scope of the project, such as: existing conditions plans; proposed conceptual or complete design documents; Basis of Design reports; Grading plans; Stormwater plans and report; and/or Planting plans.</i>		

Project Deliverables
Identify Project deliverables and metrics, such as square feet of treated area or expected percent reduction in stormwater pollutants:

Project Timeline	
Anticipated Project/Design Start Date:	
Anticipated Design Completion Date (if a phased project):	

<i>Anticipated Construction Start Date (if a phased project):</i>	
Anticipated Project/Construction Completion Date:	

Permit Status
Federal Permit(s) Required:
State Permit(s) Required:
Municipal Permit(s) Required:
Other Permit(s) Required:

Maintenance Plan
If maintenance is required, identify who will be responsible for maintenance, the scope of maintenance, and how the Project will be maintained in the future:
<i>If a written maintenance plan has been developed for the project, please attach the plan.</i>

Budget	
<i>Please submit a detailed budget proportional to the scale of the project that includes the total cost of the project and the amount of funds being requested.</i>	
Total Project Cost:	\$
Total Funds Requested (up to 75% of the project cost, subject to an aggregate limit of \$50,000):	\$

The applicant, by submitting a proposal, agrees: that it has carefully read and fully understands the information provided by LCWMD in the *Long Creek Private BMP Incentive Program RFP* dated July 11, 2022; that the Project is not required under an existing or pending permit, decree, or enforcement action, or any local, state, or federal requirement; that the information contained within its proposal is true and correct to the best of its knowledge; and that it shall provide LCWMD any and all requested documentation in a timely manner.

Dated at _____, _____ this _____ day of _____, 20_____.

 (Legal Name of Applicant)

By: _____
 (Signature)

Title: _____

ATTACHMENT B: Funding Agreement



Private BMP Incentive Program Funding Agreement

This Private BMP Incentive Program Funding Agreement ("**Agreement**"), dated as of [DATE], is entered into by and between [PARTICIPATING LANDOWNER], a [STATE OF ORGANIZATION] [corporation/LLC/OTHER ENTITY], with offices located at [ADDRESS] ("**Participating Landowner**") and the **Long Creek Watershed Management District**, a quasi-municipal, special purpose district established as a separate legal entity and instrumentality and body corporate and politic under the laws of the State of Maine, with a mailing address of 35 Main Street, Suite 3, Windham, Maine 04062 ("**LCWMD**").

WHEREAS, LCWMD has requested proposals in its *Long Creek Private BMP Incentive Program* ("Program") Request for Proposals dated July 11, 2022, under which Participating Landowners were invited to apply for funds to undertake activities that will improve water quality in Long Creek, attached hereto as **Exhibit A**;

WHEREAS, Participating Landowner has submitted a [IDENTIFY PROPOSAL] dated [DATE OF PROPOSAL] for an award of funding under the Program (the "**Proposal**"), attached hereto as **Exhibit B**; and

WHEREAS, LCWMD desires to award funding to Participating Landowner to implement the [Project/design phase of the Project/construction phase of the Project] identified in the Proposal as set forth in LCWMD's Award Letter to Participating Landowner, attached hereto as **Exhibit C**;

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Participating Landowner and LCWMD (hereinafter, collectively, the "**Parties**", or each, individually, a "**Party**") agree as follows:

- A. **Purpose:** LCWMD's Board of Directors has approved an award of funding to Participating Landowner to implement the [Project/design phase of the Project/construction phase of the Project] identified in Participating Landowner's Proposal that will abate stormwater pollution at the site(s) described in Participating Landowner's Proposal.
- B. **LCWMD agrees to:** Reimburse Participating Landowner the amount of \$[AMOUNT], which reflects [PERCENTAGE]% of the [total/design phase/construction phase] cost of the Project identified in Participating Landowner's Proposal.
- C. **Participating Landowner agrees to:**
 1. [Implement/Design/Construct] the Project described and detailed in Participating Landowner's Proposal.
 2. Ensure that any required permits are acquired prior to commencing implementation of the Project.

3. [Substantially Complete/Submit an application for the construction phase of] the Project no later than [DATE], unless extended in writing by both parties.
4. Provide LCWMD with documentation of all direct and indirect expenses, reimbursable staff time, and financial support from other sources that were relied on for the award of the funds.
5. Allow LCWMD access to the Project site for a period of five years from the date of Substantial Completion to monitor the effectiveness of the Project and to ensure that any required maintenance is performed in accordance with the maintenance provisions identified in the Proposal.
6. Perform any required maintenance in accordance with the maintenance provisions identified in the Proposal, and for a period of five years from the date of Substantial Completion repair or replace the Project to its original condition as necessary such that the Project functions as designed.

D. Payment:

1. LCWMD will reimburse Participating Landowner for the agreed upon amount upon [Substantial Completion/the applicant submitting a complete application for the construction phase] of the Project.
2. If the actual Project cost is less than the Project cost identified in Participating Landowner's Proposal, the payment due from LCWMD will be reduced to the agreed upon percentage of total Project cost (stated in paragraph B above) applied to the actual [Project/Project phase] cost.

E. Amendments: If necessary, the parties may mutually agree to amend this Agreement. Participating Landowner will notify LCWMD, in advance, regarding proposed changes to this Agreement or the Project design and/or specifications or cost estimate. Changes to this Agreement must be documented in writing, signed by the parties, and attached to this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as of the Effective Date by their respective authorized officers.

[Participating Landowner]

By: _____

Signature

Its: (Title)

LONG CREEK WATERSHED MANAGEMENT DISTRICT

By: _____

Peter J. Carney

Its: Executive Director

Exhibit A: Request for Proposals

SAMPLE

Exhibit B: Proposal

SAMPLE

Exhibit C: Award Letter

SAMPLE