

RFP: Selection of Clean Water Service Provider for Seven Vermont Watershed Basins, Per Act 76 of 2019

DRAFT

Proposal by: Chittenden County Regional Planning Commission
110 West Canal Street, Suite 202, Winooski, VT 05404

Yellow=text from RFP Green=text needs more work

SCOPE OF WORK (10 page max)

(c) (1) A detailed scope of work, no more than 10 pages in length, describing how the deliverables will be met. The plan shall include at a minimum:

A proposal for **how the entity will implement the items listed in the Scope of Work section,** above, including how the applicant will oversee identification, prioritization, development, construction, verification, inspection, operation, and maintenance of clean water projects.

The CCRPC is seeking to serve as the Clean Water Service Provider (CWSP) for the Northern Lake Champlain Direct Drainages Basin (herein after “Basin 5”).

The Chittenden County Regional Planning Commission (CCRPC) will comply with the forthcoming final rules and guidance, as a condition of relevant grants issued under Act 76.

Our Vision:

Our Vision is to couple CCRPC’s well-honed skills in group facilitation, grant administration, and program management to support the on-the-ground expertise of partner organizations and municipalities in developing and implementing non-regulatory water pollution projects. We will be assisted on a regular basis with these administrative and programmatic tasks by the Northwest Regional Planning Commission (NRPC). In coordination with the Vermont Department of Environmental Conservation (DEC), the Northern Lake Champlain Direct Drainages Basin Water Quality Council and assisted by numerous partner organizations and municipalities, the CCRPC and NRPC will implement a systematic and open process to bring cost-effective projects from concept through development to installation to annual ongoing operation and maintenance.

Project Identification and Prioritization:

Start-up activities:

Upon designation by the State of Vermont and issuance of a contract or grant agreement, the CCRPC will first set up a dedicated webpage at www.ccrpcvt.org to host all relevant content related to acting as the Clean Water Service Provider for Basin 5. Secondly, the CCRPC will organize three separate informational meetings, one each in Chittenden, Franklin and Grand Isle

counties so that the CCRPC and NRPC staff can meet with water quality partners and the public so that everyone is brought up to speed about the anticipated and planned operations of the CCRPC as the CWSP for Basin 5. Finally, the CCRPC will formally begin tracking expenses and activities related to CWSP-services so as to be able to meet any financial or programmatic requirements the DEC may proscribe in its agreement with CCRPC.

Formation of Basin Water Quality Council:

If we are designated as a CWSP, our first step will be to form the Basin Water Quality Council for Basin 5. This Council will be developed in accordance with applicable statute, rules and guidance. The CCRPC and the NRPC will first invite three different groups to select members consistent with Act 76, as follows:

- to: Franklin County, Grand Isle County and Winooski Natural Resource Conservation Districts (NRCDs) and Vermont Association of Conservation Districts to select two (2) persons representing NRCDs;
- to: Addison County, Chittenden County and Northwest Regional Planning Commissions (RPC) to select two (2) persons representing RPCs; and
- to: Addison County River Watch Collaborative, Friends of Northern Lake Champlain, Lake Champlain Committee, Lake Champlain International, Lake Iroquois Association, South Chittenden River Watch (Lewis Creek Association), St. Albans Area Watershed Association, Watersheds United Vermont (WUV), and any other similar organizations that may be identified by Watersheds United Vermont to select two persons representing local watershed protection organizations.

The CCRPC and NRPC will also make a request to:

- applicable local land conservation organizations such as the Charlotte Land Trust, Hinesburg Land Trust, Richmond Land Trust, South Burlington Land Trust and statewide land conservation organizations such as New England Forestry Foundation, Northeast Wilderness Trust, The Nature Conservancy of Vermont, Trust for Public Lands, Vermont Housing & Conservation Board, Vermont Land Trust and the Vermont River Conservancy and any other similar organizations that may be identified to select one (1) representative of those organizations.
- applicable municipalities in Chittenden County, Franklin County and Grand Isle County to select two (2) representatives. CCRPC and NRPC will likely use their existing clean water advisory committees to select a representative from each region.

The CCRPC and NRPC will assist the BWQC in establishing Council Rules of Procedure which will define member terms and charges of the BWQC including but not limited to project identification and prioritization. These rules will be consistent with the pending rules and guidance now under development.

Initial inventory of possible projects:

In order to be able to assist the BWQC with project identification and project prioritization, upon commencement of an agreement with the Vermont DEC, the CCRPC and the NRPC will first meet with the Vermont DEC Watershed Planner for Basin 5, Karen Bates, to identify likely high priority potential non-regulatory projects in the Basin. The primary source for these projects will be the DEC Watershed Projects Database, <https://anrweb.vt.gov/DEC/cleanWaterDashboard/WPDSearch.aspx>.

We will then review the initial list of projects with BWQC members and all other partners in the basin to identify additional projects that are not yet in the database or that will need project identification/development funding to be further scoped for consideration. Often watershed groups and RPCs receive project ideas organically through phone calls, emails, field work, stakeholder and municipal outreach and these projects at any given point in time may not be in the state database. The CCRPC and NRPC will make sure to include these projects during the identification phase. These project ideas might include, for example, stream reaches that may never have been formally assessed for fluvial erosion hazards or for floodplain restoration opportunities.

We will likely separate the potential project list into two broad categories, consistent with the rules and guidance to be issued by DEC: first, Identification/Development and second, Design/Implementation. We anticipate that up to **XX%** of overall project funding will be allocated towards the Identification/Development phase based on data developed by the Friends of the Winooski and other partners' project experience.

One option which offers good potential for displaying the project priorities will be the utilization of an ArcGIS Dashboard. CCRPC already uses this option to assist its municipalities with identification and tracking of each town's progress in meeting the requirements of the Municipal Roads General Permit, see: <http://map.ccrpcvt.org/reidashboard>. The CCRPC and NRPC therefore will develop a watershed project dashboard to easily identify eligible projects and share with the BWQC for prioritization. Project data within Basin 5 will be imported into this dashboard from the watershed project database and/or Clean Water Project Explorer. This ArcGIS online dashboard will be used to display information on project status, eligibility determinations, projected phosphorus reduction, cost (both project and Operations and Maintenance), and feasibility factors (landowner willingness, etc.). Additionally, any projects that are currently in the watershed database that are deemed "ineligible" by the DEC will be recorded as such and an explanation included in order to track that information.

Prioritization of Projects:

After the Basin 5 Water Quality Council is formally convened, the CCRPC and the NRPC will assist the Council with developing the best mechanisms to present and analyze the potential projects to make for the most efficient process for the BWQC to prioritize investments in Basin 5 to meet the assigned reduction target.

As proscribed in Act 76, the prioritization of projects rests with the BWQC. The CCRPC and NRPC will act in administrative and technical capacity to assist the BWQC with this process. This prioritization process will also be informed by and consistent with the 2020 update to the Basin 5 Tactical Basin Plan which should be completed this summer. The BWQC, CCRPC and NRPC will use DEC's Clean Water Project Explorer <https://anrweb.vt.gov/DEC/cleanWaterDashboard/ProjectExplorerer.aspx> as well as DEC's Clean Water Roadmap: <https://anrweb.vt.gov/DEC/CWR/CWR-tool> to inform this process.

We expect that, consistent with draft guidance under development by DEC, potential Design/Implementation projects will receive a technical score using a system developed by DEC to evaluate pollution reduction and related water quality benefits related to cost. We also expect to supplement the technical score with additional scoring of co-benefits and project readiness done by the BWQC. As the CWSP, CCRPC and NRPC will develop the draft scoring for review and action by the BWQC in a public meeting. Given the importance of this step, we intend to invite all partners in the basin to participate in this discussion and provide input to the BWQC as they make the decision about priorities for funding. Before any project will be approved for construction, the CCRPC and NRPC will ensure that necessary permits are in place with the project implementer.

It is expected that Identification/Development investment will go through a similar process but that it will be based more on prioritizing the problem as identified in the Tactical Basin Plan rather than a solution at this stage. It may be that investments in Identification/Development are done in more of a funding program style to a given partner or partnership rather than per project.

Development of formal partnerships between the CCRPC as CWSP and the broader water quality improvement community:

Consistent with our vision, the vast majority of funding would be invested in partners to identify, develop, design, build, operate, and maintain the prioritized projects. Therefore, CCRPC proposes to develop a system to get as many partners in the basin as possible under master agreements to carry out these tasks.

Note that the intent of an RFQ process is not to select just a few partners. Rather, the purpose of this RFQ process is to be inclusive and welcoming and to find out the different capabilities of numerous organizations, municipalities and businesses in each of the various key tasks required of the CWSP, namely: identification, development, design, construction, inspection, verification, operations and maintenance.

Establishing a pre-qualified list will allow for rapid deployment of funds for developing, constructing and operating the desired non-regulatory water quality projects. Once projects have been prioritized by the Council and determined to be primed for either further development work or actual implementation task orders can be issued under one master agreement.

Consistent with any rules and guidance developed by DEC, we propose to use a request for qualifications (RFQ) process to solicit, identify and develop formal relationships (aka master agreements) with needed non-profit and governmental partners such as watershed associations, watershed groups, natural resource conservation districts, land trusts, land managers, municipalities and conservation organizations. We have already identified many of those (see list of BWQC invitees above) but we also need to find out if there are emergent groups or individuals that might be able to assist in this large endeavor. We may also use the RFQ process to identify and develop agreements with individuals and firms with technical and scientific expertise as well as firms with experience in construction of water quality projects to assist project partners if requested.

The CCRPC will work closely with the Council and with the DEC in developing the details of the RFQ. The CCRPC already has good templates in place and already uses every few years to select firms for, for example, Transportation Planning, Public Participation, Water Quality Project Design & Construction Management, Land Use Planning, Brownfields Site Assessment and Archeological Assessment. After consultation with DEC staff and the BWQC we anticipate that the RFQ would solicit organizations and firms with expertise in:

- Project identification and development: working with landowners, identification of project alternatives, constraints, permitting issues; development of conceptual plans and cost estimates
- Water Quality Project Design, Construction Oversight and Construction: development of final designs, final cost estimate and bid documents, physical implementation of projects and/or contracting for same; oversight of project implementation and progress and financial reporting of same
- Verification and Inspection: experience and ability in providing third party oversight and inspections of water quality construction projects.
- Operations & Maintenance: experience in operations and maintenance of typical non-regulatory projects; experience with record-keeping and reporting on same

Verification and Inspection:

As the CWSP, CCRPC will either develop the expertise in-house or hire consultants with experience in water quality project construction oversight and inspection to verify that projects are constructed, operated and maintained in accordance with DEC rules and/or permits and with accepted engineering or design practices. Dan Albrecht has received certificates from the American Stormwater Center as both a Certified Stormwater Inspector and as a MS4 Low-Impact Development / Green Stormwater Infrastructure Inspector and could handle inspections/verifications not requiring an engineer's certification but consistent with DEC requirements. The proposed RFQ process will likely garner both engineering firms as well as other qualified individuals and organizations who can assist the CCRPC and NRPC in these efforts.

Operations and Maintenance:

As the CWSP, CCRPC and the NRPC expects to work with the BWQC on how to best invest in partners to operate and maintain installed projects and practices. The amounts of these investments are not known at this time, but we expect them to be some percentage of the cost of implementation or a flat annual fee, depending on the type of project.

(c) (2) A description of support systems – systems currently in use or proposed by the applicant to support their IT and financial systems, and, and a statement committing to use DEC-developed IT solutions for project tracking and reporting.

CCRPC has well-developed IT and financial systems. Our IT system consists of a file server, 20+ laptops, 3 printers, a Network Attached Storage back-up system as well as an off-site back-up system. The back-up system runs hourly onsite and at the off-site location. Pam Brangan, CCRPC GIS Data & IT Manager helps troubleshoot minor IT issues as needed. CCRPC is also assisted by The Tech Group, an on-call tech support consulting firm based in South Burlington. The firm monitors the computer system (server and user laptops) 24x7 in an effort to minimize issues. Lastly, our email system is routed through a 3rd party SPAM/virus software to reduce the chances of virus' or phishing programs infiltrating our system.

CCRPC has well established and proven accounting systems that meet all federal and state standards for managing federal and state awards. CCRPC currently manages around \$5 to \$6 million dollars a year in federal, state, local and non-profit grants. CCRPC uses QuickBooks accounting software, which is backed up on the file server and can be accessed in the office or remotely. Financial systems and procedures have been developed and updated periodically in CCRPC's Administrative and Operating Policies and Procedures *(see attachment X)* as approved by the CCRPC Executive Committee and are available upon request. CCRPC is audited each fiscal year by an independent Certified Public Accounting firm and has been free of any significant findings for at least the last ten years. CCRPC expends more than the current threshold, \$750,000 in a fiscal year, of federal funds and therefore undergoes a Federal Single Audit each year. CCRPC's financial systems have consistently demonstrated the ability to manage state and federal funds and is considered a low risk auditee.

The CCRPC commits to using DEC-developed IT solutions for project tracking and reporting.

(c) (3) A description of current and proposed staffing and partnerships to meet CWSP obligations

Dan Albrecht, CCRPC Senior Planner will be the overall CWSP Program Manager and have oversight of individual projects in Chittenden County. Dan has been with the CCRPC since 2003 and has managed several relevant projects. Dan holds an M.S. in Natural Resources Planning from the University of Vermont and an M.A in Anthropology from McGill University. Through a subgrant to the Northwest Regional Planning Commission, Amanda Holland, NRPC Regional Planner, will assist the CCRPC with management of CWSP projects in Franklin and Grand Isle counties as well as serve as the primary liaison with NRPC region partners. Amanda holds an

MS in Natural Resources from the University of Vermont and has been with the NRPC since 2013. See details in **section (h)** below of the Attachments and Mr. Albrecht's and Ms. Holland's applicable work experience.

Mr. Albrecht and Ms. Holland will be supervised by their respective Executive Directors, Charlie Baker and Catherine Dimitruk. At this time, neither CCRPC nor NRPC plans to hire new staff as part of this administrative and managerial effort. However, should the workload grow in the years beyond FY22, consideration may be given to hiring persons with the needed expertise in project management.

CCRPC and NRPC will operate primarily in an administrative and managerial role for overall CWSP operations. CCRPC and NRPC staff on an ongoing basis will also meet regularly with the DEC and the Basin 5 Water Quality Council to both continually update the list of potential projects for identification and prioritization as well track ongoing projects as they move from prioritization to development to construction to operation.

Other CCRPC and NRPC staff will assist Mr. Albrecht and Ms. Holland on an ad hoc basis in variety of tasks. Respective GIS staff will assist in maintenance of a project tracking database and an accompanying GIS dashboard. Forest Cohen CCRPC's Senior Business Manager will have responsibility for overall financial reporting and compliance. Charlie Baker and Regina Mahony, CCRPC Executive Director and Planning Program Manager, respectively and Catherine Dimitruk and Bethany Remmers, NRPC Executive Director and Assistant Director will exercise overall program and staff oversight to assure compliance with state rules and guidance.

The CCRPC will rely on existing and potential water quality partners to carry out project development, construction, inspection, verification, operations and maintenance of water quality projects. These partners will come from the list of BWQC along with new partners who may be identified through the RFQ process.

(c) (4) A description of current or proposed operating policies, including internal controls, personnel, procurement, accounts payable, accounts receivable, fixed assets, reconciliation, governing board oversight (for corporate/corporate non-profit entities), records, implementation of Vermont Open Meetings laws, and payroll. Documented policies may replace descriptions as appropriate.

CCRPC has a formal "*Administrative and Operating Policies and Procedures*" manual (**see Attachment X**) which has been updated on a regular basis including most recently on April 2020. The document addresses in detail the required elements noted in the RFP as follows.

- Part 1 – Personnel Policy Manual
- Part 2 – Procurement Policy, pages 71–79.
- Part 3 – Accounting & Internal Controls Policies & Procedures
 - Internal Controls, page 83.

- Fraud Prevention Policy, page 92.
- Record Retention Policy, pages 96-98.
- Appendix C – Financials Procedures, pages 99-115, cover;
 - Accounts Payable
 - Accounts Receivable
 - Fixed Assets
 - Reconciliation
 - Payroll
 - Federal Awards Management

More text about procurement

The CCRPC is governed by the CCRPC Board and CCRPC Executive Committee with the guidance of the Executive Director. The CCRPC Board has general authority over all planning documents, external policy positions, and the annual budget and work program. The Executive Committee oversees the *Administrative and Operating Policies and Procedures* and supervision of the Executive Director. The Executive Director has the responsibility of ensuring compliance with all relevant federal and state laws, supervision of staff and budget oversight. (*See attached Bylaws for more detail.*)

As a subdivision of the State, CCRPC has always been required to follow the Vermont Open Meetings Law. The CCRPC has established a dedicated webpage for its Commission and its numerous committees and posts agenda packets and minutes in compliance with the Open Meetings Law. We also have conducted numerous public engagement efforts around draft planning documents. We expect that we will use our experience in this area to post draft policies or priorities of the BWQC for review and comment by the public. We will compile comments and propose suggestion to address the comments to the BWQC as applicable.

(c) (5) Identify staff and organization experience with facilitation, consensus building, water quality projects, and project management.

With regards to facilitation and consensus building and bringing diverse stakeholders to agreement, the CCRPC is well-suited to this role as it continually engages in this type of work on an ongoing basis across the 19 communities of Chittenden County to develop and reach consensus on a variety of regional plans and topic-based plans. Most notably are the 2018 ECOS Plan (Ecology, Community, Opportunity, Sustainability) which includes the Regional Plan, the Metropolitan Transportation Plan and the Comprehensive Economic Development Strategy for the County and the Annual Unified Planning Work Program outlining CCRPC's planned projects totaling over \$5 Million. Mr. Baker and Ms. Mahony are heavily involved in both of these efforts. They work not only with representatives of the county's 19 municipalities but also with 20+ partner organizations in health, human services, energy, transportation, natural resources and academia. Ms. Dimitruk, likewise, consults with numerous partners on regional plans for Franklin and Grand Isle counties.

Other major plans which we update every few years include the Chittenden County Multi-Jurisdictional All-Hazards Mitigation Plan, the CCRC Public Participation Plan, the Active Transportation Plan, and the County Energy Plan. In addition to monthly Commission meetings, CCRPC staff also facilitate and organize regular meetings of its Brownfields, Clean Water, MS4, Planning, and Transportation Advisory Committees. With their expertise in facilitating high-level multi-partner planning processes, Mr. Baker, Ms. Mahony and Ms. Dimitruk will assist the BWQC in their work to prioritize CWSP-administered funds for water quality projects.

Throughout his 25-year career, first in Alaska and second, here in Vermont (*see attached résumé*), Dan Albrecht has primarily functioned as a project/program manager. In recent years, he has managed the following broad-based programs for CCRPC including several related to water quality:

- Clean Water Block Grants (CWBG) and Design Implementation Block Grants (DIBG) via Southern Windsor County RPC: management and closeout of seven CWBG grants-six for Implementation and one for Final Design (total combined project costs of \$xxx,000); start-up of two DIBG grants for Final Design (total combined project costs of \$xxx,000)
- DEC Stormwater Master Plan grants: management and closeout of grants for development of Stormwater Master Plans for the towns of Jericho, Milton, Richmond and Underhill (total combined project costs of \$xxx,000)
- Vermont Municipal Tactical Basin Planning Support: managing CCRPC and its ten partner RPCs in carrying out a multi-faceted scope to improve basin plans and promote municipal involvement (DEC funds: FY16-\$300,000; FY17-\$330,000; FY18-\$310,000; FY19-\$250,000 and FY20-\$250,000);
- Chittenden County Brownfields Program: management of six environmental engineering firms which conduct Environmental Site Assessments and prepare Cleanup Plans (EPA funds: FFY16-\$400,000 & FFY18-\$300,000). Since 2016, the CCRPC has issued and managed XX task orders to these firms to aid redevelopment at XX sites.
- 2017 update of County and 18 municipal All Hazards Mitigation Plans (\$74,250 HMGP grant with VDEMHS, 4/2015 – 12/2017);
- Fluvial Erosion Hazard studies and planning: management of river geomorphology engineering firms (\$123,020; FEMA PDM-08 grant, 10/2008–9/2012).
- Regional Stormwater Education Program: oversight of social marketing campaign related to MS4 Public Education & Outreach (FY2005-FY2012) \$60k annually; municipal dues

Amanda Holland of NRPC has 16 years of experience in natural resources management and has been working directly with municipalities and area watershed groups on water quality related issues for the past nine years (see attached résumé). At NRPC Amanda manages the water quality and natural resources program which encompasses: initiating an education and outreach program to comply with MS4 stormwater regulations; managing consultants and private landowners on a lakeshore stabilization mini-grant program; creating a simplified methodology to identify non-point source pollution for resource managers; providing municipal technical assistance on flood resiliency; and coordinating a group of forest industry professionals to develop regional policies on stewardship. She has been a member of the American Institute of Certified Planners since 2016.

Note: The RFP also requires responses to the following questions which CCRPC will circulate later in April to partners for review

- d) Qualifications, experience, or other criteria qualifying the applicant to perform the scope of work described above in the particular basin(s) for which they are applying.
- e) Information showing that the applicant is solvent, liquid, and not overly leveraged, including financial statements for the last three years of operations (audited, if available).
- f) Letters of reference/support from at least three entities eligible to serve as a member of the basin's BWQC. Letters from a diversity of entities are encouraged. Additional references/letters from other entities, such as from may also be submitted.
- g) A statement identifying individuals who were involved in the preparation of the proposal as well as a single point of contact.
- h) A detailed description of the organization's experience with grant management and project staff qualifications and experience. This can include resumes, reports, and descriptions of expertise.
- i) A detailed description of the organization's experience with facilitation, consensus building, project management and project staff qualifications and experience. This can include resumes, reports, and descriptions of expertise.
- j) A detailed description of the organization's experience with water quality projects, including non-regulatory project implementation.
- k) A certificate of insurance, indicating that the entity or entities have met the insurance requirements listed in Attachment C. Professional liability insurance may be required for CWSPs or their subcontractors/subgrantees; proof of professional liability coverage is not required at this time.
- l) A completed Certification of Good Standing
- m) A completed Risk Assessment Questionnaire