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ONGOING REQUEST FOR QUALIFICATIONS (RFQ): updated August 2023
TO MUNICIPALITIES & ORGANIZATIONS TO SERVE AS
WATER QUALITY IMPROVEMENT PROJECT MANAGERS/IMPLEMENTORS

Responses will be reviewed within 3 weeks of receipt.

Introduction

The Chittenden County Regional Planning Commission (CCRPC), in its role as the Clean Water Service Provider (CWSP) for the Northern Lake Champlain Direct Drainages Basin (aka Basin 5) is issuing this Request for Qualifications (RFQ). The purpose of this RFQ is to identify Municipalities & Organizations willing to serve as Project Managers/Implementors as described below. For more information about the CCRPC in its role as the Basin 5 CWSP, see:

<https://www.ccrpcvt.org/northern-lake-champlain-cwsp/>. and

<https://dec.vermont.gov/water-investment/watershed-planning/tactical-basin-planning/basin5>. The topic area of this RFQ is water quality improvement for non-regulatory

projects as envisioned by Act 76, the Clean Water Service Delivery Act. See information at:

<https://dec.vermont.gov/water-investment/statutes-rules-policies/act-76>.

The CWSP seeks to prequalify and provide funds to Municipalities and Organizations to serve as Subgrantees to provide Project Management / Implementation services for an initial three-year period from July 1, 2022, through June 30, 2025. Upon approval by the Basin 5 Water Quality Council of a qualified water quality project submitted by a prequalified Subgrantee, the CCRPC as Basin 5 CWSP may subgrant funds, subject to the concurrence of the Vermont Department of Environmental Conservation (DEC) for the performance of one or more phases of a water quality project as follows:

Project Phases and Project Types

Projects will be brought forward for consideration to the CCRPC as Basin 5 CWSP and its Basin 5 Water Quality Council for funding by prequalified Municipalities & Organizations identified through this RFQ. There is a possibility that projects may also be proposed by non-prequalified

entities, but they will need to meet qualifications prior to award of a subgrant. Projects will be mostly applicable to the stream and forest sectors within the Basin however projects within the developed land sector and agricultural sector may also be supported if certain conditions are met.

The CCRPC as the CWSP will utilize funding to support the completion of different Project Phases of various types of non-regulatory water quality improvement projects as follows (SEE APPENDIX FOR DETAILS ON PROJECT PHASES):

- a) Assessment & identification
- b) development,
- c) design,
- d) construction/implementation,
- e) operation & maintenance, and
- f) inspection, reporting & verification

Anticipated most common Project Types include:

- conservation easements (river corridor, wetland buffer, etc.)
- floodplain & stream restoration/reconnection,
- wetlands restoration,
- forestland and forest road best management practices (BMPs),
- riparian buffer restoration and tree plantings
- natural lakeshore stabilization/restoration projects.
- Additionally, traditional stormwater treatment and road project BMPs may also be applicable if treating runoff not required by a permit.
- Lastly, natural resource restoration projects on farm properties may be supported if not required by a permit and only if supported by the Vermont Agency of Agriculture, Farms & Markets.

The primary purpose of these projects shall be phosphorus reduction. The CCRPC as the Basin 5 CWSP, in consultation with the Basin 5 Water Quality Council, will seek to advance projects with favorable phosphorus-reduction performance metrics and that, to the extent feasible, also advance important co-benefits which also provide benefits to local governments and the public provided by or associated with a clean water project, including but not limited to flood resilience, hazard mitigation, education, ecosystem improvement, and local pollution prevention. On occasion, the CCRPC may also seek Council approval for the CCRPC to serve as a Project Manager/Implementor for certain phases of certain projects where appropriate and efficient.

Master Agreement and Subgrants

If a Municipality or Organization is deemed qualified through this RFQ, they will enter into a Subgrantee Master Agreement with the CCRPC operational for the period, May 1, 2023, through June 30, 2025. A Master Agreement does not contain a Scope of Work. Issuance of a Master Agreement in no way guarantees that a subgrantee will be awarded a Scope of Work or subgrant.

The Agreement will set out general terms regarding the potential receipt of subgrants for a discrete Scope of Work from the CCRPC, as Basin 5 CWSP, for the Subgrantee to perform one or more phases of a water quality project as described herein. The Subgrantee is empowered to bring proposals to the CWSP and its Basin 5 Water Quality Council to serve as Project Manager/Implementor of one or more phases of a non-regulatory water quality project in Basin 5 with a primary aim to reduce phosphorus loads.

Regarding procurement carried out under a subgrant, a Subgrantee may propose to use Subcontractors to provide professional services to assist with discrete project phases as long as that Subcontractor is competitively procured consistent with Act 76, the Act 76 Rule and DEC guidance. The CCRPC prequalified several engineering/consulting firms to assist the CCRPC and its Subgrantees with carrying out projects in Basin 5. Subgrantees may solicit quotes from this list of pre-qualified firms and/or from other firms when developing proposals to bring to the CWSP and the Basin 5 Water Quality Council.

Additionally, subgrantees must abide by the following:

1. efforts to contract for professional *services* (e.g., from subcontractors such as engineers, designers, etc.) must include soliciting proposals from at least three potential firms, either from pre-qualified CWSP contractors or the business community;
2. purchasing of *goods* shall require the solicitation of at least two different quotations, except when purchasing items valued at \$1,000.00 or less;
3. records related to the procurement of services shall be retained for the term of the contract plus three years;
4. records related to the procurement of goods shall be retained for one year after the audit covering the period of purchase of those goods;
5. procurement of a *good* or category of goods totaling \$15,000.00 or greater from one vendor in one year shall be by written contract;
6. equipment and other durable assets purchased shall be maintained.
7. when a subgrantee or a CWSP solicits bids for construction services (to install/implement a water quality project), the subgrantee or CWSP must competitively procure consistent with DEC Guidance.
8. a contractor may continue to work for a subgrantee or a CWSP on future phases (e.g., through Final Design, Construction/Implementation, etc. of a clean water project) but only under a strict set of circumstances. The circumstances are if the initial solicitation for contractor services mentions the need for both:
 - a. a cost quote and a detailed Scope of Work on the 'current' solicited phase, and
 - b. a cost range estimate (staff, equipment, etc.) and a general description of potential/anticipated work tasks on future phases, and

Thus, unless a subgrantee can show that a solicitation was sought from three or more firms for all, applicable proposed current and future phases of a project (e.g., Preliminary Design, Final Design, Construction Oversight, Operations/Management and/or Inspection/Verification), a subgrantee would need to repeat the procurement process at each step.

If the proposal is accepted by the Basin 5 Water Quality Council and meets DEC approval, the prequalified Subgrantee may receive a sole source award from CCRPC to carry out all or some of the proposed phases at a determined cost. Generally, a subgrantee may continue to manage further phases of a clean water project based upon an affirmative vote of the Basin 5 Water Quality Council and with the concurrence of DEC. Subgrantees shall be managed by the CCRPC consistent with Act 76, the Rule and Act 76 Guidance. Additionally, the BWQC may approve providing funds for a project phase which was not initially proposed by a Subgrantee and has no identified entity to act as Project Manager/Implementor. The CCRPC may choose to carry out this work itself as the CWSP and/or solicit a proposal from at least three of the pre-approved Subgrantees or other entities if appropriate to perform the work. Regardless, any such funding request must have the approval of the Council and DEC.

The CCRPC may extend or renew Subgrantee Master Agreements as allowed by Environmental Protection Rule Chapter 39 (Clean Water Service Provider Rule) and CWSP / Act 76 Guidance as promulgated by the State of Vermont. Agreement extensions will be based on performance for the prior term period and availability of funds. Services may commence upon engagement as a pre-qualified CWSP Subgrant. The Subgrants will be funded primarily by Water Quality Restoration Formula Grants. All requirements associated with those grants and any other funding sources used must be followed.

Format of Qualification Material Requirements

All Respondents are required to provide their Qualification Materials (QMs) using the RFQ Response Format referenced herein. The QMs shall not exceed 15 pages and shall be submitted as a single PDF.

To be considered responsive to this RFQ, each submission must provide all information detailed in the QM Requirements to dalbrecht@ccrpcvt.org. A confirmation email will be sent upon receipt of the QMs. Questions regarding this RFQ should be directed to dalbrecht@ccrpcvt.org. Please use "CWSP Subgrantee RFQ question" in the subject line. NO PHONE CALLS PLEASE. CCRPC will maintain a list of questions and answers at the CWSP website <https://www.ccrpcvt.org/northern-lake-champlain-cwsp/>.

Additionally, CCRPC is committed to furthering our understanding of the significant historical role land use policies and public investments have had in systemic racism and inequity and making sure that future public policy and capital investments encourage equity and provide increased opportunities and improved conditions for Black, Indigenous, people of color (BIPOC), and low-income residents. Successful respondents must be committed to working effectively with diverse community populations and expected to strengthen such capacity if selected.

RFQ RESPONSE FORMAT If desired use the MS Word document template available at: <https://www.ccrpcvt.org/northern-lake-champlain-cwsp/#rfq-rfp>

The Qualification Materials submitted require the following Categories of Required Information to be submitted in the following order in one single PDF. Please number items accordingly

1. Municipality or Organization name and business address, including telephone number and primary email contact.
2. If organization, please state date of incorporation in State of Vermont and type of organization. If your organization is a federally recognized 501-c-3, and/or or state registered non-profit, please state year(s) status confirmed. If neither, please name the organization which serves as your fiscal sponsor.

If municipality or regional planning commission, type in N/A regarding non-profit status.

3. Identification of basin(s) of interest. Please type in: Northern Lake Champlain Direct Drainages Basin (Basin 5)
4. Please list any and all grants from the State of Vermont for water quality related work that you have received and managed from 2018 through the present in the following format:

Year Awarded	State of Vermont Grant Source (abbreviated), Name of Project	Type of Project (note all phases: development, prelim. design, final design, construction)
<i>Example 2018</i>	<i>Example: DIBG: Jericho Center Circle Stormwater Improvements</i>	<i>Example: final design</i>
<i>Example 2020</i>	<i>GIA: Mutton Hill Road, 2 segments, stone-lined ditch</i>	<i>Example: Construction</i>

Abbreviation key: ERP-Ecosystem Restoration Program; CWBG-Clean Water Block Grant; DIBG-Design Implementation Block Grant; GIA- Grants-in-Aid; GSIBG-Green Schools Initiative Block Grant; PPDBG-Partnership Project Development Block Grant; WBBG-Woody Buffer Block Grant; WCLP-Watershed Conservation License Plate; (ADD AS NEEDED)

5. Please list any and all grants from Non-State-of-Vermont sources for water quality related work that you have received and managed from 2018 through the present in the following format:

Year Awarded	Non-State-of-Vermont Grant Source (abbreviated), Name of Project	Type of Project (note all phases: development, prelim. design, final design, construction)

<i>Example 2018</i>	<i>Example: LCBP: Allen Drive SW Treatment</i>	<i>Example: final design</i>
<i>Example 2020</i>	<i>USFWS: Browns River culvert upgrade</i>	<i>Example: Construction</i>

Abbreviation key: USACE- Army Corps of Engineers; EPA – Environmental Protection Agency; LCBP-Lake Champlain Basin Program); NRCS-Natural Resources Conservation Service; USFWS-U.S. Fish & Wildlife Service (ADD AS NEEDED)

6. Qualifications of and Experience of Key Staff

For each key staff member (up to three), respondents shall identify the person’s name, email address, tenure, role and their previous experience with similar projects (working with landowners, supervising subcontractors, grant/project management and reporting to funding agencies, and/or accounting/finance, etc.). Resumes are optional but if submitted please limit to one page per staff member. Typical staff members noted would be project managers, field staff and accounting / grant management staff

7. Financial and Accounting information proposed for work performed under this contract

- An hourly wage rate schedule for all potential employees billed to this contract for Fiscal Year 2024 starting July 1, 2023, thru June 30, 2024.
- Any proposed Overhead rates (e.g. Fringe benefits) expressed as a percentage of the hourly wage or as a cost per hour per employee for FY24. This can be a range if such detail is not available.
- Any proposed Indirect rate for FY24 that would be charged as well and if so to which types of expenses.
- An hourly dollar rate schedule for any equipment for FY24
- Any mileage rate for any vehicles for FY24
- Any proposed markup rate applied to bills from subcontractors, suppliers, etc. for FY24
- Type of accounting system.

[Note: Please include information on FY23 if you are submitting this information in response to the 2nd Call for Applications and you want to start your project before July 1, 2023.]

8. Diversity, Equity & Inclusion (DEI)

Please note, if applicable any partnerships or regular subcontracting or vendor relationships with any DBE¹ firms.

¹ *Disadvantaged business enterprise* or *DBE* means a for-profit [small business concern](#) - (1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and (2) Whose management and daily business operations are controlled by one or more of the [socially and economically disadvantaged individuals](#) who own it.

Lastly, please describe your commitment to, and experience with addressing diversity, equity and inclusion principles and how you would suggest incorporating these principles in the proposed project phases.

9. References

The respondent shall submit names, email addresses, and phone numbers of at least two references familiar with your municipality's /organization's ability, experience, and reliability in the performance and management of projects of a similar nature. Note: These can be from agencies that awarded grants to you.

Non-Discrimination and Title VI

The RESPONDENT shall affirmatively state that they will comply with the provisions of the Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and subsequent related acts, and all other federal statutory laws which provide in whole or in part that no person or entity on the grounds of race, color, national origin, sex, physical disability, or veteran status be excluded from participation in, be denied the benefits of, or be otherwise discriminated under the State, federal and USDOT assisted contracts, programs and activities.

Confidentiality

The successful response/proposal will become a matter of public record, as will all other responses received. In case a proposer includes any material that is considered to be proprietary and/or confidential under 1 VSA, Chapter 5, the proposer shall clearly designate the material as such, explaining why such material should be considered confidential. Under no circumstances can the entire response or cost proposal be marked confidential. If the Contractor marks portions of the proposal confidential, the Contractor shall provide a redacted version of the proposal for release to the public.

Subgrantee Selection Procedure

Review of Written Qualifications

Qualifications will be evaluated separately on a rolling basis considering the criteria listed below by a selection committee consisting of members of CCRPC staff.

- Responsiveness to providing the Categories of Required Information (10 Points)
- Academic and professional qualifications of the firm's assigned personnel for specific Project Phases and Type(s) (20 Points)
- Proven record of successfully completing similar Project Phase(s) and familiarity with Project Type(s) (60 Points)
- Demonstrated partnerships with DBEs, or experience/commitment to incorporating Diversity, Equity and Inclusion principles (10 points) in the performance of project phases

The CCRPC reserves the right to seek clarification of any proposal submitted and to select respondents that best promote the public interest. The selection committee will score each timely received Qualification Materials submitted. Qualification Materials will be reviewed, and a decision made on each submittal within 2 weeks of submission based upon achievement of a minimum score according to the criteria above. CCRPC anticipates qualifying several municipalities and organizations under the terms of this RFQ to potentially provide services to the CCRPC as Basin 5 CWSP.

All proposals become the property of the CCRPC upon submission. The cost of preparing, submitting and presenting a proposal is the sole expense of the contractor. The CCRPC reserves the right to reject any and all proposals received as a result of this solicitation, to negotiate with any qualified source, to waive any formality and any technicalities or to cancel the RFQ in part or in its entirety if it is in the best interest of the CCRPC. This solicitation of proposals in no way obligates CCRPC to award a master agreement or contract or scope of work.

Appendix: Details on Project Phases included in this request for qualifications are as follows:
(Note: These descriptions are for illustrative purposes only. Formal descriptions operative in any subgrant shall be as determined by DEC.)

A. Assessment/Identification

Sector-specific and multi-sector assessments follow established protocols to identify areas with the highest contributions of pollutants and recommend potential clean water project BMPs. Work includes landscape level assessments and field work, project identification, and project prioritization to target cost effective actions (e.g., SWMPs). Established assessment methodologies require the use the tools and protocols developed and provided by the DEC. It is expected that assessment work will lead to a prioritized list of potential clean water projects to pursue.

B. Project Identification & Development

Project Identification includes Initial Development and Project Screening.

Initial development may consist of:

- Discussions in person, via phone, via email and via video with landowners of location of water quality projects, with subcontracted water quality engineering/consulting firms
- Describing the restoration or water quality improvement needs and objectives a project could address;
- Identifying site design considerations;
- Identifying natural resources constraints and anticipated permits;
- Identify potential roadblocks or impediments for the project, if applicable;
- Proposing next steps for the project, e.g., design/implementation steps (if applicable); providing rough cost estimate of project phases; identifying potential funding sources.

Project screening may include determining where projects:

- Meet eligible project types and standards, as established by the CWSP and DEC;
- Include only eligible expenses, as established by the CWSP and DEC;
- Are on land eligible to receive/benefit from CWSP funded projects, as determined by the CWSP and DEC;
- Do not adversely impact natural resources, or where projects will adversely impact natural resources, impacts are allowable, as determined by DEC.

C. Project Design

Project design activities vary by project type but typically include:

- Completion of 30% Preliminary Design and 100% Final Designs consistent with the Vermont DEC Clean Water Initiative Program (CWIP)
- Completion of draft applications for any required permits (e.g, wetlands, municipal zoning permit, etc.)
- Completion of cost estimates and draft bid documents
- Completion of draft operations & maintenance plan and agreement(s)
- Procurement and Oversight of subcontractors needed to complete design work such as engineering firms, wetland specialists, geoen지니어ing, archeological, land surveyors, etc.
- Identification and preparation of deliverables, including plans and permits; and

- Documentation such as photos, plans, electronic files, etc.

Project design activities must be completed in accordance with the Department of Environmental Conservation's (DEC) CWIP funding policy and include all applicable milestones and deliverables.

D. Project Construction/Implementation

Project completion/implementation activities vary by project type but typically include:

- Review of bids for construction/implementation
- Regular oversight of firms such as construction firms, organizations or individuals physically engaged in the construction/implementation of a water quality improvement project
- Preparation and/or review of as-built plans
- Documentation such as photos, plans, electronic files, etc.
- Sign-off (punch list review) of work completed by subcontracted construction firms

Project development and implementation activities must be completed in accordance with the DEC CWIP funding policy and include all applicable milestones and deliverables. Completed project also must have an operation and maintenance plan and agreement in place, signed by responsible party(ies). The operation and maintenance plan and agreement must allow for ongoing independent verification in addition to monitoring, maintenance, and repairs.

E. BMP Operation and Maintenance

Befitting the term, BMP Operation and Maintenance activities include ongoing operation and routine maintenance of a broad range of Best Management Practices used to improve water quality. Operation and Maintenance activities will be performed consistent with standards contained in DEC's *Operation & Maintenance Manual for Clean Water Projects in Vermont*; hereafter referred to as "*The Manual*." Operation and Maintenance activities will be performed by individuals who meet any O&M training requirements established by DEC.

F. O&M Inspection, Reporting and Verification

O&M Inspection and Reporting activities consist of the independent inspection and documentation of BMPs and their condition. BMP documentation will include using DEC's Survey 1-2-3 smartphone application. Inspection and Reporting activities will be performed consistent with standards contained in *The Manual*. Inspection and reporting activities will be performed by individuals who meet any Inspection and Reporting training requirements established by DEC. In the case of inspections of specialized BMPs, individuals will also meet DEC's credential requirements, if any.

DEC's guidance on Operations and Maintenance recognizes the importance of BMP Operation, Maintenance, Inspection, and Reporting verification. Verification tasks will vary depending upon BMP type, as set forth in *The Manual*. Verification activities will be performed by individuals who meet any verification training requirements established by DEC. In the case of verifications of O&M activities associated with specialized BMPs, individuals will also meet DEC's credential requirements, if any.