



AGENDA

Clean Water Advisory Committee

Thursday February 13th 4:00 – 6:00 PM

Central Vermont Regional Planning Commission,
29 Main St., Suite 4, Montpelier, VT

- 4:00 PM: Welcome and Introductions
Public Comments
- 4:05 PM: Changes to agenda
- 4:10 PM: Approval 1/9/20 minutes (enclosed)
- 4:15 PM: Basin Planning Discussion – Karen Bates, DEC Basin Planner
- 4:30 PM: Update on Board Meeting and CWAC Letter (enclosed) – Amy Hornblas, Chair, Pam DeAndrea, and Bonnie Waninger
- 5:30 PM: Clean Water Service Provider DRAFT RFP (enclosed)
- 5:50 PM: Other Announcements?
- 5:55 PM: Wrap-up. Next Meeting Date 3/12/20? Presentation by Jon Kim, Vermont Geological Survey on PFOAS monitoring?

Persons with disabilities who require assistance or special arrangements to participate in programs or activities are encouraged to contact Nancy Chartrand at 802-229-0389 or chartrand@cvregion.com at least 3 business days prior to the meeting for which services are requested.

1 **CENTRAL VERMONT REGIONAL PLANNING COMMISSION**
2 **CLEAN WATER ADVISORY COMMITTEE**
3 **January 9, 2020**
4 **Meeting Notes**

5
6 A meeting of the Central Vermont Regional Planning Commission’s Clean Water Advisory
7 Committee was held on January 9, 2020 in the Central Vermont Regional Planning Commission
8 Office.
9

10 Committee Members Present:

11 Amy Hornblas – CWAC Chair, Cabot/Board of Commissioners
12 Stewart Clark – Worcester Planning Commission
13 Larry Becker- Middlesex Conservation Commission
14 John Hoogenboom – Moretown Selectboard
15 Dona Bate – Montpelier City Council
16 Joyce Manchester – Moretown TAC
17 Ron Krauth – Middlesex/Board of Commissioners (on phone)
18 John Brabant – Calais/Board of Commissioners (on phone)
19

20 Committee Members Absent:

21 Russ Barrett – Northfield Conservation Commission
22 Rich Turner – Williamstown Planning Commission/Board of Commissioners
23 Michele Braun – Friends of Winooski River
24 Karen Bates – ANR
25 Corrie Miller – Friends of the Mad River
26 Brian Shupe – Friends of the Mad River
27 Gianna Petito - Winooski Natural Resources Conservation District
28

29 Others Present:

30 None.
31

32 **CALL TO ORDER**

33 Amy Hornblas called the meeting to order at 4:07 PM.
34

35 **PUBLIC COMMENTS**

36 None.
37

38 **CHANGES OR AMENDMENTS TO THE AGENDA**

39 None.
40

41 **APPROVAL OF DECEMBER 12 MINUTES**

- 42
- 43 • Stewart- line 10, page 3- Joyce was questioning why we should say funding would be allocated
44 by sector- intent was that we want it to be allocated with respect to the phosphorus contribution
45 from each sector. Stewart- add phosphorus contribution by sector.
 - Stewart- motion to approve as amended. Larry and Ron- seconded. Motion carried.

1 **UPDATE ON EXECUTIVE COMMITTEE MEETING**

2 There was an in-depth discussion among all members on the presentation of the letter to the
3 Executive Committee, the EC response to the letter, and next steps to prepare to present the letter
4 to the Board of Commissioners on Tuesday, Jan 14th. A summary of the discussion is provided
5 below.

6
7 There was general discussion of the content of the letter. Some members noted that the process
8 of writing the letter has been valuable to voice concern and focus attention but feels like the EC
9 misinterpreted the letter and didn't realize that EC needs to approve the letter and that the letter
10 would be coming from them (as opposed to coming from the CWAC). Pam noted that the letter
11 needs the approval of the Board because CWAC is a committee of the board, and it is CWAC's
12 charge to bring things to the Board. To be behind the letter, they need the backup information for
13 some statements in the letter. She noted that the plan did address some concerns about pesticides
14 but maybe not to the satisfaction of some members and she thinks the question from the EC is
15 that the CWAC already had an opportunity to express concern, so they are concerned about this
16 extra process step.

17
18 There was discussion among members of whether people had left CWAC because of the letter.
19 Amy- feels that the email memo they're attaching to the letter (in the BOC packet) insinuates
20 people have left CWAC because of the letter. She stated that she sent a Dec 7th email to CWAC
21 members and got 3 responses, Michele responded that it was funding and did insert a paragraph
22 about glyphosate.

23 Pam- recalled the meeting where Michele was trying to move past glyphosate issue and voiced it
24 was not in her mission. Patti Casey reiterated glyphosate is not being found in groundwater.
25 Michele from a scientific standpoint and from a mission standpoint feels that she could not spend
26 time discussing the letter or putting her signature on it. She noted that she knows Gianna didn't
27 feel comfortable putting her signature on it either- she was trying to help us understand that
28 glyphosate is used in some instances to eradicate knotweed and also works with farmers. She
29 noted that to say that this letter is not a reason why watershed groups aren't coming anymore is
30 not entirely true. This is something CWAC needs to deal with since they are valuable partners
31 for the CVRPC. The reason is funding too of course, but it is also this letter for some. Gianna
32 was fine with the CWAC creating a letter but didn't want to be included in the signatures. She's
33 really not coming because of funding. Corrie's not coming because of funding and distance. The
34 whole start of the conversation of a resolution letter after basin plan was finalized was part of
35 Michele not coming anymore, but funding was also an issue for her. It's not a priority for her
36 mission for her organization to deal with a lot of these other issues. With basin planning funding
37 through WUV, maybe this will help them come back to the table. With watershed groups for
38 them to come here to meet their mission and make it valuable for them, we should be project
39 focused.

40 Dona- said she thinks it's important to note that the memo is not accurate- only one person does
41 not want to come because of letter.

42
43 **There was discussion among members of whether to present the letter to the Board for
44 approval or just raise awareness of their concerns and ask for direction from the Board.**

45 Stewart- suggested members give the Board a better explanation of where the information came
46 from and be prepared with answers to the questions. He noted members were seeking awareness

1 and want people to be aware of these problems as they work with the Tactical Basin Plan.

2 Amy/Dona-noted the Basin Plan is a federal government document and it's mandated to only
3 focus on phosphorus and that needs to be part of the discussion. They suggested the Plan could
4 get an addendum. Stewart noted he also suggested an addendum to the EC.

5 Joyce- said she would prefer explaining why their concerns with the Basin Plan using some of
6 the points from the letter and not worry about getting the letter approved.

7 There was discussion of using the CWAC Rules of Procedure (points #1, #4, and #6) to
8 underscore their motivation for the letter. Point #6 in the ROP is to focus on solutions and #1 is
9 to oversee programming.

10 Dona- suggested creating a 1-pager with specific points from the Rules and then stating their
11 concerns using the five points in the letter and that they were concerned the comments didn't get
12 due attention. Amy said she would put that 1-pager together. Dona said she would prefer to make
13 this letter and this request to the Board and have them vote on it.

14

15 There was discussion among Dona, Pam, and Stewart about how EC had stated that the CWAC
16 had spent a substantial amount of time on the letter. Pam noted that it's more that we're spending
17 many meetings on the letter than the # of minutes.

18

19 Larry asked Pam whether people believe phosphorus is a toxin. Pam noted that from a chemistry
20 standpoint phosphorus is a nutrient and that Karen added a strategy at the end of the plan that
21 says we'll deal with toxins, and that was supposed to be the lump of everything else besides
22 phosphorus that members had concerns over.

23

24 John said that his concern with the letter is that the whole key is scientific evidence and a lot of
25 the letter is opinion. But we are asking them to approve a letter when we really don't have all the
26 backup information. Maybe we should turn things around and take a different role and going
27 forward, ask what they would like us to do.

28

29 Dona/Joyce- said they could still present the letter and ask the Board to direct them.

30 Pam- noted that someone may point out that the plan is based on implementing strategies based
31 on available data, so if they don't have specific data there's not going to be a specific strategy to
32 address it. She said that could be a strategy itself moving forward with ANR, perhaps specific
33 toxins should be monitored. That was Karen's original response to some of the CWAC's
34 concerns, they can't put anything in the plan unless they have the water quality data to inform.

35 • Joyce- "Expenditures should be roughly"...I don't think expenditures should be roughly
36 equal to phosphorus source contribution. Start with "consideration should be given..."

37 • Amy- Also add town and role and identify who is commissioner.

38 • Joyce- Page 5, 2nd bullet on point 1 – strike

39 • John- Introductory sentence –strike the word significant.

40 • Stewart- And take dates out

41

42 Amy made a motion to approve letter as amended. Stewart seconded. Motion carried.

43

44

45

1 **REVIEW CWAC RULES OF PROCEDURE**

- 2 • Pam- We need to talk about membership to be prepared for when the Board appoints
3 members in the spring.
- 4 • Larry- 1st page- “advice of this committee where possible should be science based”-
5 questioning why “where possible” is needed.
- 6 • Pam- Happy to drop that.
- 7 • Dona- I would say we can include personal experience
- 8 • Joyce- “and not” instead of “,not”
- 9 • Larry- But letter isn’t backed up by reams of references and full report. Something other than
10 “where possible”.
- 11 • Dona- Depends on how you define science based- usually talking about published study.
- 12 • Stewart- I was thinking more basic science like law of gravity, not individual studies.
- 13 • Pam- You had wanted to look at the rules of procedure again and maybe change them before
14 the Board reappoints members in the spring.
- 15 • Dona – We shouldn’t change the membership as much, but perhaps who is voting and who is
16 not a voting member should possibly be revised.
- 17 • Ron – There can be multiple interpretations on scientific studies. Maybe we should drop the
18 “whim” from the statement on page 1.
- 19 • Larry – Perhaps we should say we have “Prevailing” concerns in addition to science based
20

21 **CVRPC GRANT APPLICATIONS TO DEC AND LCBP-**

22 LCBP grant - Pam gave an overview of the grant application CVRPC submitted today to the
23 Lake Champlain Basin Program for an outreach and education grant. This grant would expand
24 CVRPC’s 2018 work with High Meadows on Water Wise Woodlands program, which focused
25 on educating forest landowners on the importance of intact forested headwaters for water quality
26 and flood resilience. We will work with conservation commissions of Plainfield, Marshfield, and
27 Cabot to pinpoint private landowner focus areas for outreach on future neighborhood scale or
28 multi-property forest management plans. To help the CCs with focus area identification, the
29 CVRPC will use maps developed as part of Water Wise Woodlands, which identify parcels not
30 currently enrolled in Current Use that would benefit from being retained as forests due to certain
31 properties (proximity to a waterbody, hydric soils, and steep slopes). The CVRPC will help the
32 communities have three hands on walk in the woods events and distribution of materials on the
33 importance of forested headwaters.

34 Partnership project development grant to DEC – The CVRPC will be submitting a grant next
35 week to the DEC in collaboration with Lamoille County Planning Commission (LCPC) to help
36 both RPCs develop projects for further funding for either design or implantation.

37 **OTHER ANNOUNCEMENTS**

38 None

39 **SCHEDULE**

40 Next meeting 2/13/20. Ideas for future CWAC meetings. Project development. Information that
41 the health department is collecting on private wells. Jon Kim perhaps to come and present on
42 PFOAS and radioactivity distribution.
43 Meeting adjourned at 6:05 pm.

December, 2019

RE: Concerns from CVRPC Clean Water Advisory Committee

In 2018/2019, the clean water advisory committee (CWAC) reviewed the Winooski River Tactical Basin Plan and found significant gaps in water quality policies and practices. As the scope of water quality considerations is wide, at present the CWAC is concerned with the following:

1. The Winooski Basin Plan is incomplete and thus contributes to ill-informed allocation of funds to improve water quality.
 - Phosphorus load allocations and reduction targets do not include the role of chemical fertilizers.
 - Funding allocated among land use sectors for phosphorus mitigation is not proportional to phosphorus loading contributions.
 - Many municipalities are required to spend more on technological infrastructure to create small changes in loading.
2. Practices to reduce sediment or phosphorus may exacerbate other water quality problems.
 - No-till methods to decrease sediment runoff may increase the use of Glyphosate (aka Roundup) and other pesticides that reduce water quality and may lead to ecosystem damage.
3. Other Pesticide / Herbicide Concerns are not included in the plan:
 - Pesticides, including neonicotinoids, remain and are re-cycled in surface water and groundwater, and are potential threats to beneficial insects.
 - The Statewide PFAS (including PFOA) contamination problem needs to be identified and described.
4. Phosphorus reduction programs will not go far in reducing the problem:
 - Efforts to address phosphorus, such as the *Required Agricultural Practices*, do not focus sufficient attention on chemical fertilizers.
 - Reducing phosphorous input to Lake Champlain, while important, will not by itself solve the Lake's phosphorous problem. Residual, legacy phosphorous incorporated in lake sediment must be identified as a factor limiting phosphorous reduction in lake waters.

5. Groundwater:

- Groundwater quality and the interaction between groundwater and surface water is not factored into surface water management strategies. The CWAC recommends including the interaction of groundwater and surface water in the planning and strategies for surface water quality improvement.

6. Solutions:

- Expenditures should be roughly proportional to a sector's phosphorus loading contributions and the potential benefits of the remediation given the cost of remediation is equal across sectors. Consideration should also be given to allocating funding to sectors where phosphorus reduction per dollar would be greater. However, the modeling used to assess those contributions should include all sources, especially chemical phosphorus application.
- A shift to local small-farm agriculture will provide better control of phosphorous release to surface waters, and programs/policies should support this shift.
- Greater funding needed where phosphorus loading is greatest.
- Strengthen heavy forest cutting regulations to reduce storm water runoff.

Thank you for assisting our efforts to address water quality concerns we feel are lacking in the river basin plans. The CWAC would like to forward this letter to others. The Chair and members of the CWAC are available to meet to explain these concerns. Thank you for your assistance.

Sincerely,
The CVRPC Clean Water Advisory Council

Dona Bate - Montpelier
Russ Barrett – Northfield
Larry Becker – Middlesex
John Brabant – Calais
Stewart Clark – Worcester
John Hoogenboom – Moretown
Amy Hornblas – Chair
Ron Krauth – Middlesex
Joyce Manchester – Moretown

SELECTION OF CLEAN WATER SERVICE PROVIDERS FOR VERMONT WATERSHED BASINS, PER ACT 76 OF 2019

Release Date: January xx, 2020

Proposals Due: April xx, 2020

Contact for Proposals: Chris Rottler, ANR, Department of Environmental Conservation,
Watershed Investment Division, (802) 461-6051, chris.rottler@vermont.gov

THE STATE WILL MAKE NO ATTEMPT TO CONTACT VENDORS WITH UPDATED INFORMATION. IT IS THE RESPONSIBILITY OF EACH VENDOR TO PERIODICALLY CHECK <http://www.vermontbidsystem.com> FOR ANY AND ALL NOTIFICATIONS, RELEASES AND AMENDMENTS ASSOCIATED WITH THE RFP.

Introduction and Purpose

The Clean Water Service Delivery Act of 2019 (Act 76) establishes a water quality project delivery framework to support Vermont's clean water goals. Act 76 establishes new regional organizations called Clean Water Service Providers (CWSPs). With policy and priority setting from their related Basin Water Quality Councils (BWQCs), CWSPs will administer formula-based State grants for the purpose of identifying, constructing, and maintaining non-regulatory water quality projects necessary to achieve the Lake Champlain and Lake Memphremagog phosphorus TMDLs and other pollutant reduction targets both inside and beyond these specific basins. Formula grants received by CWSPs will be based on a standard allocation reflecting targets for non-regulatory phosphorus and other pollutant reductions to be established by the State of Vermont for all basins. Operations and Maintenance funds will also be provided to CWSPs as a formula grant, based on projects implemented.

Pursuant to Act 76, the State will in 2023 publish a schedule of additional impaired waters for which non-regulatory pollution reduction targets shall be established in other basins. CWSPs will also be eligible to receive formula grants for work in their assigned basin once these targets are established, and the Clean Water Board recommends funding allocations. CWSPs may receive formula grants or other competitive funding for clean water implementation work, which may address phosphorus or other pollutants. CWSPs, where active, will also serve to coordinate statutory partner engagement and BWQC engagement in the tactical basin planning process, with support from the State's basin planning staff.

Act 76 does not prescribe the type of host organization that may serve as CWSPs, nor all their capabilities. Considering that significant State resources from the Clean Water Fund will be directed to CWSPs in a formulaic manner, the State is establishing base-level capabilities that will be examined by this RFP in order to direct the

selection of CWSPs. These criteria were developed by considering existing requirements for State granting and contracting pursuant to the Vermont Agency of Administration's policies. The criteria were further informed by a detailed examination of the process by which the Vermont Agency of Human Services appoints "Designated Agencies" whom serve to implement public health services in a decentralized manner, similar to the intent of Act 76. Lastly, these criteria were developed in consultation with an advisory stakeholder group, and finally, the RFP was subjected to public comment pursuant to Act 150 of 2016.

The outcome of this RFP will be the selection of entities that will serve as a CWSP for one or more planning basins in the State of Vermont (see Appendix 1 for a map and list of the 15 basins). Once selected by this RFP, CWSPs will be proposed for assignment in a new chapter of the Vermont Environmental Protection Rules, required to be promulgated by Nov. 1, 2020 under Vermont's Administrative Procedures Act. Applicants may propose to serve as a CWSP for a single planning basin, or a set of planning basins. Entities that are selected and assigned as a CWSP may, upon mutual agreement of the CWSP and State, serve as a CWSP on an interim basis in any other basin should a vacancy emerge. CWSPs shall be required to support distinct BWQCs for each basin they propose to service.

More information about Act 76, planning basins, non-regulatory projects, CWSPs and BWQCs, may be found here: <https://dec.vermont.gov/water-investment/statutes-rules-policies/act-76>

Scope of Work

DEC seeks proposals for the following:

The successful applicants will administer formula grant funded programs under 10 VSA §925, the operation and maintenance funding under 10 VSA §1389(e), and other applicable funding within Act 76 in one or more watershed basins. In collaboration with BWQCs and with technical and financial support from the State, successful applicants will have responsibility for project identification, prioritization, development/design, construction, verification, inspection, and operation and maintenance to be administered in accordance with statute, DEC rules, guidance, and grant documents. Basin specific pollution reduction values and allowable project costs to determine formula grant amounts will be developed by November, 2021 for Lake Champlain, by November, 2022 for Lake Memphremagog, and November, 2023 for all other previously listed impaired waters.

Applicants interested in serving as a Clean Water Service Provider shall submit a proposal that addresses their plan for/commitment to the following:

1) Responsibilities of a Provider: Adherence to Applicable Law, Rulemaking and Guidance

Per Act 76 of 2019, the State of Vermont's Department of Environmental Conservation shall adopt rules and develop guidance, instructing and informing clean water service providers of their responsibilities and requirements. Act 76 states that, in collaboration with the BWQC and with technical and financial support of the State, CWSPs shall be required to identify, prioritize, develop, construct, verify, inspect, operate, and maintain clean water projects in accordance with the requirements of the subchapter.

The forthcoming rules and guidance will address all areas covered by Act 76, including CWSP governance principles (such as site control, dispute resolution, procurement, payment, fiscal management, audits,

compliance with Vermont's Open Meetings laws, non-discrimination, and decertification, among other topics), the process for project selection, project life for maintenance and operation purposes, and other requirements to implement the goals of pollution reduction through non-regulatory projects. Selected entities that agree to be CWSPs will need to comply with the final rules and guidance, as a condition of relevant grants issued under Act 76. The expected timeframe for adoption of rules is November 1, 2020.

2) Program Delivery

Applicants shall describe their plan/vision for how they will implement the requirements and responsibilities of being a CWSP in the basin or basins for which they are applying. While most of these concepts will be addressed by the rule and guidance that is issued by the State, at a minimum, the plan should address non-regulatory project identification, prioritization, selection, maintenance, reporting, and governance, including staffing, project tracking, subgrantee selection and payment. While many of these efforts will be done in cooperation with the BWQC and with technical and financial assistance from the State, applicants should focus on demonstrating knowledge of key concepts, a vision for implementation, and presenting a feasible plan that is efficient and effective. Program delivery might include sub-granting or sub-contracting CWSP work to eligible entities.

3) Basin Water Quality Councils

Act 76 says that a CWSP designated under the Act shall establish a BWQC for each basin in which a CWSP operates. Successful applicants will be expected to develop their BWQC in accordance applicable statute, rules and guidance. BWQC should have sufficient technical ability and diversity to provide this service as required by law.

A CWSP applicant is encouraged to conduct outreach to potential BWQC members and may apply as a full entity. By statute, a BWQC includes a minimum of two persons representing of the natural resource conservation districts in that basin; two persons representing regional planning commissions in that basin; two persons representing local watershed organizations; one representative for an applicable statewide land conservation organization; and two persons representing municipalities from that basin.

4) Payment

Program delivery costs, including those costs incurred by subcontractors and subgrantees cannot collectively exceed 15% of the formula grant, per 10 VSA §925. It is expected, but not certain, that there will be a 'start-up' grant for assigned CWSPs under this RFP. It is unclear at this time whether start-up funds would also be available to new CWSPs selected in the future. Payment for project implementation for phosphorus reduction projects will follow a formula, based on the number of pounds of phosphorus the project is designed to capture. Payment for operations and maintenance will follow a separate schedule that will be established in the forthcoming rule/guidance.

See Deliverables Table in **Deadlines and Content of Proposals** section for all deliverables that must be included in the proposal.

Funding and Method of Payment

No funding is to be directly available under this RFP. However, entities identified and assigned by rule as a CWSP will have access to funding from the Clean Water Fund to initiate operations and work with the Agency in the development of relevant aspects Act 76. Funding availability is of course subject to recommendations from the Clean Water Board and Governor, as appropriated by the General Assembly.

Project Timeline

CWSPs service will be governed by the forthcoming CWSP rulemaking and guidance document. The ongoing service of a CWSP will be subject to periodic reviews, to be established in the forthcoming rulemaking. Consistent with the Agency of Human Services Designated Agency model, it is anticipated that CWSPs selected under this RFP may be eligible to serve until such time as they elect to stop serving, or circumstances require selection of a different CWSP. Specific deliverable deadlines and payments will be established by rule and guidance and incorporated into grants to be issued to CWSPs.

Procurement

Awardees will be expected to maintain written procedures for procurement transactions. Any equipment, supplies, and/or services procured outside of an awardee's organization will need to be obtained per the awardee's procurement or purchasing policy.

Deadlines and Content of Proposals

Questions: All questions are required to be submitted electronically via email to Chris Rottler at chris.rottler@vermont.gov by **March xx, 2020 at 12:00 pm (noon) EDT** using the subject line "CWSP RFP Questions."

Submittal: All proposals must be submitted electronically via email to Chris Rottler by **April xx, 2020, at 4:00 pm EDST** using the subject line "CWSP RFP Proposal."

Bid opening: Proposals are anticipated to be opened **April xx, at 9:00 am EDST**.

Notification: Proposal preliminarily accepted by the State are anticipated to be notified no later than **April or May xx, 2020**.

All proposals must include the following information:

- a) Proposals must clearly address each of the selection criteria identified in this RFP below.
- b) Proposals must identify the basin or basins for which the applicant is seeking to serve as a CWSP.
- c) 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 identify, prioritize, develop, construct, verify, inspect, operate, and maintain clean water projects

A description of support systems – IT/project tracking, and a statement committing to use DEC-developed IT solutions for reporting

A description of current and proposed staffing and partnerships for CWSP work/projects

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, and payroll.

Identify existing or planned staffing, experience with facilitation, consensus building, water quality projects, project management.

- d) 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).
- e) 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. References/letters from other entities, such as from municipalities, or important water quality organizations not named in Act 76 as statutory parties to the BWQC may also be submitted.
- f) A statement identifying individuals who were involved in the preparation of the proposal as well as a single point of contact.
- g) 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.
- h) A detailed description of the organization's experience with project 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 water quality projects, including non-regulatory project implementation.
- j) 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.
- k) A completed Certification of Good Standing (Appendix 2, see attached).
- l) A completed Risk Assessment Questionnaire (Appendix 3, see attached).

Selection Criteria

Proposals will be reviewed and evaluated by three or more DEC staff members. Applications will be reviewed on a basin by basin basis; applicants will only be evaluated against other applicants for the same basin. Selection will be based on the following criteria:

- **35 points – Operations Plan/Vision**
 - Scope of work, per the requirements in this RFP
 - Support systems – IT/project tracking
 - Identify existing operating policies or plan for developing same
 - Identify existing or planned staffing, including their experience with meeting facilitation, consensus building, water quality projects, and project management, as appropriate.
- **15 points -- Experience in/Plan for Grant Management**
 - Procurement, contracting and disbursement/management of subgrants or subcontracts
 - Management of received grants and contracts, and experience with implementation as well as financial performance reporting
- **15 points – Experience in/Plan for Project Management**
 - Facilitating and organizing meetings
 - Strong financial management experience
 - Project accounting and reporting
- **15 points – Technical Capacity**

- Ability to ensure quality control over projects or subcontract/subgrant to do same
- Ability to ensure development, implementation, operation and maintenance of water quality projects or subcontract/subaward to do same.

- **20 points – Letters of Reference/Support, including from potential BWQC members**

Should there be a need in any given basin, a CWSP from a different basin will be eligible to implement projects in that other basin, as determined by the State. Factors that the State will consider in selecting the backup CWSP include geographic location, fiscal condition of the CWSP, familiarity of the CWSP with the other basin, past service of the CWSP in their own basin, and capacity.

Applicants may be asked to interview with the selection team as a part of the selection process. If this occurs, questions will be provided ahead of time. The decision to interview applicants will be made on a basin by basin basis.

Eligibility

Successful applicants shall at a minimum, demonstrate that they are solvent, sufficiently liquid, and not overly leveraged. Applicants shall provide applicable financial statements, including a: Profit/Loss Sheet, Balance Sheet, and a Form 990. Audited financial statements are preferred, if available.

A current Vermont state employee responding to this RFP as a sole proprietor or owner of other form of business must obtain a waiver from the Vermont Department of Human Resources prior to entering into contract with the State.

Reservation of State’s Rights

The State reserves the right:

- to accept or reject any and all bids, in whole or in part, with or without cause in the best interest of the State;
- waive technicalities in submissions; (A technicality is a minor deviation from the requirements of an RFP that does not impact the substantive terms of the bid/RFP and can be considered without a material impact on the RFP process, etc.). If uncertain of whether a condition qualifies as a technicality, consult with the OPC or AGO for clarification. For example, a late bid is NOT considered a technicality;
- to make purchases outside of the awarded contracts where it is deemed in the best interest of the State; and
- to obtain clarification or additional information.

Insurance

Respondents to this RFP should be aware that they will need to agree to the State of Vermont Customary Contract Provisions (Attachment C) in order to execute an agreement for this project.

Special care should be paid to Workers’ Compensation coverage for out-of-state Vendors. Vermont statute requires insurance carriers be specifically licensed to write Workers’ Compensation coverage in Vermont. Out-of-state Vendors may have Workers’ Compensation coverage valid in their home state, but their carrier may not be licensed to cover workers’ compensation for work actually performed by their employees in Vermont.

Confidentiality

After conclusion of the contracting process, Proposals are a matter of public record. If an application includes material considered by the applicant to be proprietary and confidential under 1 V.S.A., Chapter 5, the application shall clearly designate the material as such and explain why such material should be considered confidential. The Vendor must identify each page or section of the Proposal that it believes is proprietary and confidential with sufficient grounds to justify each exemption from release, including the prospective harm to the competitive position of the applicant if the identified material were to be released.

Under no circumstances shall the entire Proposal be designated as proprietary or confidential. If the Vendor marks portions of the Proposal confidential, the Vendor shall provide a redacted version of the Proposal for release to the public. Notwithstanding the above, the Secretary has an independent obligation under Vermont law to determine whether any proposal material is subject to public inspection and copying upon request, which may include material that has otherwise been designated as proprietary and confidential by the Vendor. The Vendor's designation of material as proprietary and confidential, and submission of a redacted Proposal, are provided to the Secretary for informational purposes in the event the Agency receives a public records request and will not result in withholding of materials by the Secretary unless expressly supported by Vermont law.

Attachments

- SFA – Standard Grant Agreement (template)
- Attachment C – Standard State Provisions for Contracts and Grants, Revised December 15, 2017
- Appendix 1 – Map of Vermont Watershed Planning Basins
- Appendix 2 - Act 154 Good Standing Certification
- Appendix 3 – Risk Assessment Questionnaire