



## **AGENDA**

### **Clean Water Advisory Committee**

Thursday March 12<sup>th</sup> 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 2/13/20 minutes (enclosed)
- 4:15 PM: CWAC Letter Staff Revision (enclosed) – Amy Hornblas, Chair and Pam DeAndrea
- 5:30 PM: Clean Water Service Provider Final RFP Comments/Questions (enclosed) – Pam DeAndrea
- 5:50 PM: Other Announcements?
- 5:55 PM: Wrap-up. Next Meeting Date 4/9/20? Rules of Procedure Changes. Presentation by Jon Kim, Vermont Geological Survey on PFOAS monitoring in May

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](mailto: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                   **February 13, 2020**  
4                   **Meeting Notes**

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6   A meeting of the Central Vermont Regional Planning Commission’s Clean Water Advisory  
7   Committee was held on February 13, 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 Dona Bate – Montpelier City Council  
15 Karen Bates – ANR  
16 Rich Turner – Williamstown/Board of Commissioners  
17 John Brabant – Calais/Board of Commissioners  
18 Joyce Manchester – Moretown TAC  
19 John Hoogenboom – Moretown Selectboard  
20

21 Committee Members Absent:

22 Russ Barrett – Northfield Conservation Commission  
23 Ron Krauth – Middlesex/Board of Commissioners  
24 Michele Braun – Friends of Winooski River  
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 CVRPC staff present: Bonnie Waninger, Pam DeAndrea, & Grace Vinson  
31

32 **CALL TO ORDER**

33 Amy Hornblas called the meeting to order at 4:04 PM.  
34

35 **PUBLIC COMMENTS**

36 None.  
37

38 **CHANGES OR AMENDMENTS TO THE AGENDA**

39 None.  
40

41 **APPROVAL OF JANUARY 9 MINUTES**

42 Remove John Brabant from attending list.  
43 Edit line 19 to say- “Staff memo to the Board”.  
44 Dona- motion to approve as amended. Stewart- seconded. Motion carried.  
45

**BASIN PLANNING DISCUSSION – Karen Bates, ANR**

1 Karen Bates gave an overview of the Basin Plan process: to meet legislative requirements to  
2 protect and remediate waters in the state to levels in state water quality standards. Basin Plans  
3 talk about what ANR does, how ANR works with partners, and facilitating regulation through  
4 education and outreach. The plans focus on nonpoint source pollution because that's what a lot  
5 of partners are working on. Plans are completed every 5 years; the first step in the process is  
6 monitoring and assessment which is going on now for the Winooski Basin Plan. The second step  
7 is writing the plan; the planning process for the Winooski Basin Plan starts in 2 years.

8  
9 Karen explained the difference between Basin Plans and the Surface Water Management  
10 Strategy, which looks at water resource protection through the lens of stressors (things on the  
11 landscape that cause pollution).

12  
13 Larry asked if the Basin Plans can be used to lead to a regulatory framework and if the plan  
14 includes action items. Karen explained that regulations are done at a higher level, and the plan  
15 includes strategies that ANR uses with partners.

16  
17 Karen posed a question to the group on whether there are specific locations where ANR should  
18 do monitoring and assessment for glyphosate. She said the discussion of glyphosate should be  
19 within the context of the state's goal of wanting to increase healthy soils.

20  
21 Amy asked whether ANR was moving into the enforcement stage for Act 64 (Clean Water Act).  
22 Karen said yes, and the Agency of Agriculture has done a lot of work helping farms with nutrient  
23 management plans.

24  
25 Larry asked whether the Basin Plan can expand on things like ground water/surface water  
26 interaction, and healthy soils, or whether ANR was constrained in what the plan covers. Karen  
27 answered that Act 64 has healthy soils as a goal so it will be discussed in the plan. Also,  
28 Vermont Geologic Survey is conducting studies on groundwater/surface water interaction and  
29 information can be fed into the next plan.

30  
31 There was a discussion about emergency spreading of manure and wastewater treatment facility  
32 technology and discharge. Karen said winter pasturing practices is a strategy incorporated into  
33 the Basin 5 plan.

### 34 35 **UPDATE ON BOARD MEETING AND CWAC LETTER**

36 Pam asked the group if they wanted to revise the letter to present to the Board. The group  
37 discussed revising the content of the letter to be clearer about the problem and  
38 solutions/recommendations and connect the recommendations directly to the Basin Plan.

39  
40 The Committee discussed moving away from specific solutions in the letter, and thinking about  
41 who concerns should be targeted in the ANR structure of water quality. Pam will use a  
42 recommendation letter and blank letterhead as a template, edit the introductory paragraph to add  
43 sentence showing thanks and appreciation, and address the letter to the Commissioner of ANR.  
44 Karen and Pam will work together on identifying who the letter recommendations should be  
45 targeted to (what agencies/entities (Clean Water Board for example) each concerns could be  
46 addressed to in the ANR structure.

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**CLEAN WATER SERVICE PROVIDER DRAFT RFP**

Pam provided an overview of the Clean Water Service Providers (CSWP) RFP. Act 76 establishes Clean Water Service Providers. The Executive Committee has approved CVRPC to draft a proposal for the Winooski Basin CWSP; the proposal will need to be approved by the Executive Committee before submitting to ANR. Pam is convening a meeting with watershed partners to see what role they would play in the Basin Water Quality Council established by Act 76. Pam will send out information to town managers and town administrators. She explained that the purpose and charge of the Basin Water Quality Council is to identify and prioritize projects that would get funded through the CWSP; the idea for CSWPs is a program delivery system which is different from CWAC. She asked the Committee to read the RFP and be aware CVRPC is considering submitting a proposal for approval.

**OTHER ANNOUNCEMENTS**

None

**SCHEDULE**

Next meeting 3/12/20. More on CWSP RFP. Finalize changes to rules of procedure recommendations for Board. Jon Kim of VT Geological Survey.  
Meeting adjourned at 6:10 pm.

Stewart- item for the next agenda: points in the meeting minutes about CWAC Rules of Procedure. I think we need to wrap up what we're going to say.



March 5, 2020

Mr. Peter Walke, Commissioner  
Vermont Agency of Natural Resources  
Department of Environmental Conservation  
One National Life Drive  
Montpelier, VT 05602

Re: Water quality program recommendations

Dear Mr. Walke,

The Central Vermont Regional Planning Commission (CVRPC) is sending this letter as a follow up to the final adoption of the *Winooski River Tactical Basin Plan*, which the CVRPC reviewed and provided comments and recommendations in 2018.

We would like to express our deep appreciation and recognition for the Department of Environmental Conservation (DEC) staff, especially Basin Planner Karen Bates, in their hard work and commitment to addressing water quality improvement in the waters of Vermont. We also appreciate that some of our comments were incorporated into the basin plan during the plan's development. The purpose of this letter is to highlight issues brought to our attention from our Clean Water Advisory Committee (CWAC) and provide recommendations on water quality issues not addressed in the final *Winooski River Tactical Basin Plan*, Total Maximum Daily Load (TMDL) for phosphorus, clean water funding, and certain state regulations that dictate water quality protection.

Phosphorus load allocations:

1. Phosphorus Load allocations and reduction targets in the TMDL for phosphorus in Lake Champlain do not include the role of chemical fertilizers.  
*Recommendation:* In future TMDL modeling, include the role of chemical fertilizer application to estimate phosphorus loading.
2. Residual, legacy phosphorus incorporated in lake sediment does not appear to be identified as a factor limiting phosphorus reduction in the TMDL for phosphorus in Lake Champlain.  
*Recommendation:* In future TMDL modeling, include the reintroduction of phosphorus through lake sediments to estimate phosphorus loading.

Clean water funding:

1. Water quality funding allocations to sectors are not proportional to the phosphorus loading from each sector.  
*Recommendation:* The Vermont Clean Water Board should allocate funding based on the phosphorus loading of the sector and where phosphorus reduction per dollar is greatest.

Agriculture:

1. Recommended agricultural 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 and possibly contribute to phosphorus loading. Research in the Maumee River Watershed is showing how no-till and Glyphosate use may actually be increasing dissolved phosphorus loading to Lake Erie: [Article on No-Till Research by University of Arkansas](#); [Article on Ohio Northern University Research on Glyphosate](#).  
*Recommendations:* Vermont Agency of Agriculture, Food and Markets (VAAFAM) include reduction of use of glyphosate in recommended agricultural practices. VAAFAM and DEC coordinate to conduct more extensive monitoring of Glyphosate in groundwater and surface water in and nearby agricultural fields in the Winooski Basin. VAAFAM conduct research on links of no-till and glyphosate use to phosphorus loading and explore other ways to prevent farm field erosion aside from no-till.
2. Pesticides, including neonicotinoids, remain and are re-cycled in surface water and groundwater, and are potential threats to beneficial insects.  
*Recommendations:* DEC include reduction of neonicotinoids use in the Vermont Surface Water Management Strategy. VAAFAM and DEC coordinate to conduct more extensive monitoring of pesticides and herbicides (including neonicotinoids) in groundwater and surface water in and nearby agricultural fields in the Winooski Basin.
3. Regulatory efforts to address phosphorus, such as the *Required Agricultural Practices*, do not focus sufficient attention on chemical fertilizers.  
*Recommendation:* VAAFAM update the *Required Agricultural Practices* for farms to include the reduction of the use of chemical fertilizers.

Policies and regulation:

1. In regards to the Municipal Roads General Permit (MRGP), municipalities are required to spend funding and resources on road best management practices which result in small phosphorus load reductions compared to other sectors.  
*Recommendation:* ?
2. Forestry cutting regulations are not strong enough. Landowners are not required to submit intent to cut notifications unless their cut will be greater than 40 acres. Accepted Management Practices (AMPs) are only required for logging operations. Indiscriminate forest cutting on acreage less than 40 acres can have water quality impacts as well as tree cutting from other operations besides logging.  
*Recommendation:* The Department of Forests, Parks and Recreation (DFPR) should strengthen forest cutting regulations to include acreages less than 40 and require AMPs on tree cutting operations other than logging.
3. Agriculture policies do not appear to encourage small-farm agriculture, which can lead to phosphorus loading on a larger scale from large farms.  
*Recommendation:* VAAFAM should create policy incentives to shift to from large-scale farming operations to local small-farm agriculture to better control of phosphorous loading from larger farms.

Concerns related to water quality monitoring:

1. Response to potential statewide PFAS (including PFOA) contamination does not appear to be included in the Vermont Surface Water Management Strategy (VSWMS).  
*Recommendations:* Incorporate PFOAs in the (VSWMS). DEC and the Vermont Geological Survey (VGS) conduct statewide monitoring for PFOAs in groundwater and surface water to protect water quality and public health.
2. In the Phosphorus TMDL and the Winooski Tactical Basin Plan, groundwater quality and the interaction between groundwater and surface water does not appear to be factored into the understanding of phosphorus loading to Lake Champlain.  
*Recommendation:* The DEC and the VGS expand monitoring and research on the interaction of phosphorus exchange in groundwater and surface water and incorporate these results in the VSWMS and basin planning efforts.

Thank you for the opportunity to present this letter to you. We look forward to working with ANR in the future on the development of Tactical Basin Plans and their implementation and other related projects.

Sincerely,

Laura Hill-Eubanks, Chair  
Central Vermont Regional Planning Commission



## MEMO

Date: March 12, 2020  
To: Clean Water Advisory Committee  
From: Pam DeAndrea, Senior Planner  
Re: Clean Water Service Provider (CWSP) RFP

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### **Department of Environmental Conservation Request for Proposals – Selection of Clean Water Service Providers for Seven Vermont Watershed Basins, per Act 76 of 2019**

☒ **ACTION REQUESTED:** Review the RFP and provide staff with comments or questions to help guide the proposal writing process and the development of the program should the CVRPC choose to submit a proposal.

**Staff:** Pam DeAndrea and Grace Vinson

**Notes:** The CVRPC will be holding a meeting on March 25, 2020 at 10 am at the Waterbury Town Offices, the Steele Community Room to discuss the RFP and the CWSP program.

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

**Release Date: February 3, 2020**

**Proposals Due: May 8, 2020**

**Contact for Proposals:** Chris Rottler, ANR, Department of Environmental Conservation,  
Watershed Investment Division, (802) 461-6051, [chris.rottler@vermont.gov](mailto: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 support 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. Operation and maintenance funds will also be provided to CWSPs as a formula grant, based on projects implemented. CWSPs will neither be restricted from applying for other competitive grants, nor receive preference for receiving other competitive grants simply on the basis of being a CWSP.

Pursuant to Act 76, in 2023 the State will publish a schedule of additional impaired waters for which non-regulatory pollution reduction targets are to 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 Vermont Clean Water Board recommends funding allocations. Once selected, and beginning SFY2022, CWSPs will receive formula grants for clean water implementation work, to address phosphorus, and in future years, for other impairments subject to the above-mentioned schedule. 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" who 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, a draft of this RFP was made available for public comment. Key qualifications sought, as outlined in the selection criteria below, include experience in grants and contracting management, experience in facilitating multi-stakeholder decision-making, technical and project management capacity to oversee and ensure project delivery and maintenance, and strong experience with existing relevant partner networks.

The outcome of this RFP will be the selection of entities that will serve as a CWSP for one or more of seven planning basins in the State of Vermont: Lamoille, Memphremagog, Mississquoi, North Lake, Otter Creek, South Lake, and Winooski (see Appendix 1 for a map and list of the 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 overseeing 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 pursuant to the schedule required by November, 2023 for all other previously listed impaired waters. While the statutory deadline for developing basin-specific pollution reduction values for the Memphremagog basin is 2022, the Department will strive to complete this work in concert with the target-setting work for Lake Champlain basins (i.e., by November 2021).

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 CWSPs 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 oversee the identification, prioritization, development, construction, verification, inspection, operation and maintenance of 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, anticipated design 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, 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. Per §924(g)(1) of Act 76: "The purpose of a basin water quality council is to establish policy and make decisions for the clean water service provider regarding the most significant water quality impairments that exist in the basin and prioritize the project that will address those impairments based on the basin plan." The membership of the BWQC should have sufficient technical ability and diversity to achieve this purpose, as required by law. 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. Note that the Agency's Clean Water Initiative Program's current funding policy can be found in their FY20 Funding Policy Document, which is updated annually, here: [https://dec.vermont.gov/sites/dec/files/WID/CWIP/2019-08-15\\_FINAL\\_FY20\\_CWIPFundingPolicy.pdf](https://dec.vermont.gov/sites/dec/files/WID/CWIP/2019-08-15_FINAL_FY20_CWIPFundingPolicy.pdf). This document contains examples of currently eligible costs. It is expected that there will be 'start-up' funds for CWSPs assigned as a result of this RFP. Recognizing that formula grants will not be available until SFY22, the Agency is considering approaches for supporting start-up funds during the latter half of SFY21. 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 immediately awarded under this RFP. However, entities identified and subsequently assigned by rule as a CWSP will have access to available start-up funding from the Clean Water Fund to initiate operations and work with the Agency in the development of relevant aspects Act 76, after the rule is adopted. Funding availability is 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. It is anticipated that CWSPs selected under this RFP may be eligible to serve for a defined period of time that can be renewed subject to a review process (likely to be five years), or until circumstances require selection of a different CWSP. The actual period of service may align with the issuance of the interim or final tactical basin plan for the basin in question, so actual service term for the first CWSP term of operation will vary depending on where the tactical basin plan is currently in this process. Act 76, at §924(f), spells out the accountability of CWSPs to achieve pollutant reductions, including those options the Secretary may undertake for redress. 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 **April 16, 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 **May 8, 2020, at 4:00 pm EDST** using the subject line “CWSP RFP Proposal.”

**Bid opening:** Proposals are anticipated to be opened **May 11, at 9:00 am EDST.**

**Notification:** Proposal preliminarily accepted by the State are anticipated to be notified no later than **May 20, 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 oversee identification, prioritization, development, construction, verification, inspection, operation, and maintenance of clean water projects
  - 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.
  - A description of current and proposed staffing and partnerships to meet CWSP obligations
  - 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.
  - Identify staff and organization experience with facilitation, consensus building, water quality projects, and project management.
- 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 (Appendix 2, see attached).
- m) 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:

- **30 points – Operations Plan/Vision**
  - Scope of work, per the requirements in this RFP
  - Support systems – IT/project tracking
  - Existing operating policies or plan for developing same
  - Existing or planned staffing, including their experience overseeing the identification, design and construction of water quality projects, project management, and meeting facilitation and consensus building.
- **20 points – Experience in/Plan for Project Management**
  - Experience in managing multiple projects with overlapping timelines
  - Approach for ensuring complete and on-time deliverables
  - Facilitating and organizing meetings
  - Strong financial management experience
  - Project accounting and reporting
- **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 – Technical Capacity**
  - Ability to ensure quality control over projects or subcontract/subgrant to do same
  - Ability to ensure development, implementation, operation and maintenance of impactful and cost-effective water quality projects or subcontract/subaward to do same.
- **20 points – Letters of Reference/Support**

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 Office of Professional Conduct (OPC) or Attorney General's Office (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