REQUEST FOR PROPOSALS
MARYLAND COASTAL BAYS FOUNDATION, INC
8219 STEPHEN DECATUR HWY
BERLIN, MD 21811
410-213-2297

January 26, 2016
INTRODUCTION:
Maryland Coastal Bays Program (MCBP) is working with the Department of Natural Resources (DNR) to modify the existing dam at Big Millpond to provide passage for fish to move upstream of the dam as well as for nutrient removal. Pond elevation will be maintained at least at current levels. Project design plans are sought from experienced designers.

SCOPE OF SERVICES
The contractor will be expected to prepare a 90 – 100% biddable design document for a design that allows for fish passage as well as nutrient removal. Possible alternatives to consider include but are not limited to fish ladder, extended riffles, dam bypass, as well as a nature-like fishway (series of weirs and pools such as the one recently constructed at Bishopville MD).

Contractor should be familiar with current techniques for fish passage so that alternative design considerations are described and justification provided for the final design.

Project Description
The dam to be modified is Big Millpond located at MD Sheephouse Road, near the intersection with Swan Gut Road on Little Mill Run. (38.015800, -75.455850) (Figures 1 and 2). Big Millpond has a drainage of 8.2 square miles and drains into Swans Gut Creek (Figure 3) and then into Chincoteague Bay in Virginia.

Possible alternatives include but are not limited to fish ladder, extended riffle, dam bypass, as well as a nature-like fishway (series of weirs and pools such as the one recently constructed at Bishopville MD). The contractor should make a case for their choice of dam modification based on the strengths of fish passage and nutrient removal.

Specifics
Specific site plans call for:

1. Design specifications should include any details for required plantings.
2. Designer must have knowledge of all required regulations and permits and assist MCBP in procuring permits.
3. Correct springtime flow rate for passage of anadromous fishes must be included in the design. The Licensee must ensure that flow depths and velocities upstream, within and downstream of the fish passageway are at least 8 to 12 inches of water depth and the velocities are below foot/second during anadromous fish migratory season, February 15 to June 15.
4. Designer must participate in at least one community meeting to be held in the Stockton, MD area and 2 meetings with regulators in Annapolis, MD.
5. Topography and bathymetry will be provided to the contractor.
6. MCBP, DNR, Maryland Department of Environment (MDE), Worcester County and all other interested parties must be provided 30% plans by the contractor for comment by April 30, 2016. A community meeting must be held by this date as well.
7. 90-100% biddable plans must be provided by October 31, 2016.
8. Contractor should provide a history of their experience in design of similar restoration endeavors in which both fish passage and nutrient processing is combined.

Additional Information

The following steps are envisioned for the project design.

The design for the dam modification at Big Millpond will consist of two tasks: schematic design and design development. Schematic design will include technical information and data gathering, desktop property and easement evaluation, and environmental inventory and assessment. These steps will be completed by MCBP, DNR in conjunction with the selected contractor.

The schematic design and report will be provided by the contractor (with input from the MCBP and DNR) and will include drainage area, slope and soils map, as well as preliminary engineering studies and considerations. At this point MCBP, DNR, MDE, Worcester County and all other interested parties will be provided 30% plans by the contractor for comment. Community meetings will also be held for stakeholder input (by April 30, 2016).

Design development will then take place including plan revisions, and hydrology and hydraulics (H&H) calculations. This task will conclude with submittal of the plan and a review meeting with the individuals and organizations listed above.

These plans and meeting will take place by October 31, 2016. MCBP, with the assistance of the contractor, will then apply for the necessary permits.

The selected contractor must provide invoices and reports that enable Maryland Coastal Bays to perform required reporting and project management. Invoices must be submitted with costs clearly broken out by task and with applicable backup documentation (i.e. disposal facility weight slips). The selected contractor must provide all necessary reports documenting DBE/MBE/WBE procurement requirements to the Project Manager, Technical Coordinator Jennifer Rafter, jrafter@mdcoastalbays.org.

Timeline

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>February 8</td>
<td>Site visit at 10:00 a.m. – email <a href="mailto:jrafter@mdcoastalbays.org">jrafter@mdcoastalbays.org</a> to RSVP</td>
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<tr>
<td>February 29</td>
<td>Bids due to MCBP</td>
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<tr>
<td>March 7</td>
<td>MCBP will announce recipient contractor</td>
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<tr>
<td>April 30</td>
<td>30% plans, community meeting, plan review with MCBP, DNR, MDE</td>
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<tr>
<td>October 31</td>
<td>90% plans due to MCBP</td>
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EPA COOPERATIVE AGREEMENT REQUIREMENTS

The selected contractor will be required to comply with all Administrative Conditions and Programmatic Conditions specified in the Cooperative Agreement between US Environmental Protection Agency (EPA) and Maryland Coastal Bays as applicable.


Copeland “Anti-Kickback” Act (18 U.S.C. 874 and 40 U.S.C. 276c)—All contracts and sub grants in excess of $100,000 for construction or repair awarded by recipients and sub recipients shall include a provision for compliance with the Copeland “Anti-Kickback” Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or sub recipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to EPA.

Davis-Bacon Act, as amended (40 U.S.C. 276a to a–7)—When required by Federal program legislation, all construction contracts awarded by the recipients and sub recipients of more than $2000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a–7) and as supplemented by Department of Labor regulations (29 CFR part 5, “Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction”). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to EPA.

Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333)—Where applicable, all contracts awarded by recipients in excess of $100,000 for construction contracts and in excess of $2500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), as supplemented by Department of Labor regulations (29 CFR part 5). Under section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1/2 times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
Rights to Inventions Made Under a Contract or Agreement—Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by EPA.

Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended—Contracts and sub grants of amounts in excess of $100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Regional Office of the Environmental Protection Agency (EPA).

Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors who apply or bid for an award of more than $100,000 shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

Debarment and Suspension (Executive Orders 12549 and 12689)—No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with Executive Orders 12549 and 12689, “Debarment and Suspension.” This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than Executive Order 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees. (See attached form.)

Implementation of Federal Requirements Disadvantaged Business Enterprise (DBE)
Among the requirements of the federal act is that designated projects conform with additional federal “cross cutting” laws, including the Disadvantaged Business Enterprise regulations. The objective of the federal DBE requirement is to provide meaningful opportunities for these businesses to participate in contracts and subcontracts for SDWSRF funded projects. The mechanism through which the SDWSRF funding recipient will fulfill this requirement is by incorporating DBE requirements in the bid solicitation for construction of the funded project, maintaining related documentation, and reporting to CDPH on these efforts. *Minority Business Enterprises and Women’s Business Enterprises must be certified in order to be counted toward a project’s MBE/WBE accomplishments. (See attached document.)

INSTRUCTIONS FOR REQUEST FOR PROPOSAL (RFP) RESPONSE

REQUEST FOR PROPOSALS
Proposal Requirements

1. GENERAL
This Request for Proposals (RFP) invites qualified contractors to submit proposals for the specific services described in the Scope of Work Section of this RFP.

2. PREPARATION OF RFP RESPONSE
The preparation of the RFP Response shall be at the expense of the prospective consultant. It is the sole responsibility of the prospective consultants to fully examine this RFP’s addenda (if any) and referenced documents - Questions shall be addressed to Jennifer Rafter, Maryland Coastal Bays Program, 8219 Stephen Decatur Highway, Berlin, MD, 21811, or jrafter@mdcoastalbays.org or fax (410) 213-2574. All such questions will be responded to by Jennifer Rafter in the form of written addenda to the RFP, these addenda will be faxed and/or emailed to parties that received the RFP.

3. RFP RESPONSE FORMAT AND CONTENTS
Proposals should be prepared simply, providing a straightforward description of the prospective consultant’s ability to satisfy the requirement of the RFP. Emphasis should be on completeness and clarity of contents.
Maryland Coastal Bays assumes no responsibility and no liability for costs incurred relevant to the preparation and submission of the RFP by prospective consultants, or any other costs prior to issuance of a contract.
Maryland Coastal Bays may reject any RFP Response that does not meet these requirements.

RFP RESPONSE CONTENTS:
The prospective remediation contractor’s RFP Response shall contain the following information under the indicated headings.

A. LETTER OF TRANSMITTAL
The prospective contractor’s Response shall include a letter of transmittal not to exceed one (1) page, signed by an individual(s) authorized to bind the prospective Contractor contractually. The transmittal letter shall include the name, title, address, and telephone number of one or more individuals who can respond to requests for additional information and also, of one or more individuals who are authorized to negotiate and execute a contract on the prospective contractor’s behalf, if applicable.

B. PROPOSAL FORMAT AND QUALITY

Understand the Scope of Work
The proposal must describe the prospective contractor’s general understanding of the scope of work and the key issues associated with performing the required consulting services in the specific disciplines involved. In addition, it must include statements covering prospective contractor’s familiarity with the project and describe unusual conditions or problems prospective contractor believes may be encountered; background information on the respondent organization, including relevant project experience specific to regenerative stormwater conveyances. The proposal must provide a project task list, with timing and description of each task.
Approach and Methodology
Please provide a written detailed description of your approach to the scope of work, including the tasks described in the Scope of Services. Key issues for individualized focus include:
• Ability to meet all applicable state and federal regulations;
• Innovative ideas for maximizing the value and amount of work that can be completed within the budget available for this contract. Provide rationale and evidence of the value and effectiveness of the proposed approach to the scope of services.

Plan of Services/Timeline
A Plan of Services describing the specific method for completing the scope of services within the established deadline. The Plan should include a proposed project timetable. The Plan of Services must include a detailed description of the tasks to be performed by the contractor, the number of man-hours and other resources required to complete each task, and the expected time to complete each step.

Time of Performance
The contractor selected will enter into a contract with Maryland Coastal Bays for the completion of all work necessary to meet the requirements outlined in the scope of services. The selection of the contractor will be based upon the professional qualification, past performance records in similar projects, the content of the proposal and consideration of Maryland Coastal Bays’ overall needs in terms of the project as well as the ability to provide 90% biddable design within the deadline required by Chesapeake Bay Trust and the ability to work with the community and permitting agencies.

C. RECENT PROJECTS AND REFERENCES
Provide a description of the history, experience and qualifications of individual/firm and any proposed subcontractors to perform the Scope of Services. Please provide:
• Resumes of all principals assigned to the project;
• List of other similar projects undertaken;
• References from three similar projects undertaken.
Please make specific reference to experience and qualifications as related to providing the design for the “Big Millpond Stream Corridor Enhancement Project.”

D. PRICE PROPOSAL
Please provide a detailed Budget for the Scope of Work described above and in the Scope of Services section.

4. SUBMISSION OF RFP RESPONSES
Please provide one hard copy and one pdf electronic version of your RFP response by Monday, February 29, 2016 at 4PM. You can email the electronic version to jrafter@mdcoastalbays.org. The hard copies should be delivered to: Maryland Coastal Bays Foundation, Inc, attention Jennifer Rafter at 8219 Stephen Decatur Highway, Berlin MD 21811.
Preaward Compliance Review for All Applicants and Recipients Requesting Funds

I. Applicant/Recipient (Name, Address, State, Zip Code).  

II. Is the applicant currently receiving EPA assistance?

III. List all civil rights lawsuits and administrative complaints pending against the applicant/recipient that allege discrimination based on race, color, national origin, sex, age, or disability.

IV. List all civil rights lawsuits and administrative complaints decided against the applicant/recipient within the last year that allege discrimination based on race, color, national origin, sex, age, or disability and enclose a copy of all decisions. Please describe all corrective action taken.

V. List all civil rights compliance reviews of the applicant/recipient conducted by any agency within the last two years and enclose a copy of the review and any decisions, orders, or agreements based on the review. Please describe any corrective action taken.

VI. If the grant is for new construction, will all new facilities or alterations to existing facilities be designed and constructed to be readily accessible to and usable by persons with disabilities?

VII. Does the applicant/recipient provide initial and continuing notice that it does not discriminate on the basis of race, color, national origin, sex, age, or disability in its programs or activities?

   a. Do the methods of notice accommodate those with impaired vision or hearing?

   b. Is the notice posted in a prominent place in the applicant’s offices or facilities or, for education programs and activities, in appropriate periodicals and other written communications?

   c. Does the notice identify a designated civil rights coordinator?

VIII.* Does the applicant/recipient maintain demographic data on the race, color, national origin, sex, age, or handicap of the population it serves?

IX.* Does the applicant/recipient have a policy/procedure for providing access to services for persons with limited English proficiency?

X.* If the applicant/recipient is an education program or activity, or has 15 or more employees, has it designated an employee to coordinate its compliance with NONDISCRIMINATION ON THE BASIS OF SEX? Provide the name, title, position, mailing address, e-mail address, fax number, and telephone number of the designated coordinator.
XI.* If the applicant/recipient is an education program or activity, or has 15 or more employees, has it adopted grievance procedures that assure the prompt and fair resolution of complaints? Provide a legal citation or Internet address for, or a copy of, the procedures.

For the Applicant/Recipient I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. I assure that I will fully comply with all applicable civil rights statutes and EPA regulations.

A. Signature of Authorized Official
B. Title of Authorized Official
C. Date

Complying with Disadvantaged Business Enterprises (DBE) Requirements

10 CFR 600.236(e) which states, "Contracting with small and minority firms, women's business enterprise and labor surplus area firms. (1) The grantee and sub-grantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible."

Affirmative Steps include:
• Placing qualified small and minority businesses and women’s business enterprises on solicitation lists
• Assuring these businesses are solicited
• Dividing project, as feasible, into tasks that would permit participation by these businesses
• Establish delivery schedules, as permits, that encourage participation by these businesses
• Use the services of the Small Business Administration and Minority Business Development Agency of the Department of Commerce
• Require prime contractors to take affirmative steps
Figures

Figure 1. Project site location.

Figure 2. Detailed location of the potential dam modification site at Big Millpond.
Figure 3. Aerial photo of Big Millpond and dam. Red arrow shows direction of flow from freshwater to tidal salt water (Swan Gut Creek which drains to Chincoteague Bay). Yellow arrow indicates location of existing dam.
RFP ADDENDUM to Big Millpond Stream Corridor Enhancement Project
Addendum posted February 10, 2016

NOTICE TO ALL POTENTIAL RESPONDENTS
The Request for Proposals (RFP) is modified as set forth in this Addendum. The original RFP Documents and any previously issued addenda remain in full force and effect, except as modified by this Addendum, which is hereby made part of the RFP. Respondent shall take this Addendum into consideration when preparing and submitting its Proposal.

PROPOSAL SUBMITTAL DEADLINE

The Proposal submittal deadline remains the same and is not changed by this Addendum.

RFP

Under “Specifics” on page 3, the following item is added:

9. On the east side of the pond the existing dock above the dam and the area below the dam used as a canoe launch are to be retained. Any changes to these areas must be justified and approved by the landowner.