**STATE OF MAINE**

**Department of Inland Fisheries and Wildlife**

*Lands Management Program*



**RFP# 202410188**

**Frye Mountain WMA Herbicide**

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| --- | --- | --- | --- | --- |
| **RFP Coordinator** | |  | **NAME:** | Leigh E. Hoar III (Eric) |
|  | **TITLE:** | Lands Management Program Biologist |
|  | **EMAIL:** | [leigh.e.hoar@maine.gov](mailto:leigh.e.hoar@maine.gov) |
|  | *All communication regarding the RFP must be made through the RFP Coordinator.* | | | |

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| --- | --- | --- |
| **Bidders’ Conference** | **DATE:** | December 5th, 2024 |
| **TIME:** | 8:00 AM, local time |
| **LOCATION:** | Frye Mountain WMA barn,  44.4726555, -69.32590346 |

|  |  |
| --- | --- |
| **Submitted Questions Due Date** | December 19, 2024, no later than 11:59 p.m., local time |
| *All questions must be received by the RFP Coordinator by the date and time listed above.* | |

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| **Proposal Submission Deadline** | **DATE:** | January 16, 2025, no later than 11:59 p.m., local time. |
| **TO:** | [Proposals@maine.gov](mailto:Proposals@maine.gov) |
| *Proposals must be received electronically by the Office of State Procurement Services by the date and time listed above.* | | |

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PUBLIC NOTICE

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**State of Maine**

**Department of Inland Fisheries and Wildlife**

**RFP# 202410188**

**Frye Mountain WMA Herbicide Treatment**

The State of Maine is seeking proposals to provide herbicide treatment targeting non-native invasive plants, and shrubs within the forests, field edges, and roadsides of the Frye Mountain Wildlife Management Area located in the towns of Montville, Knox, and Morrill. Treatment areas include both recently harvested forest land and areas not harvested at all.

A copy of the RFP and all related documents can be obtained at: <https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps>

A Bidders’ Conference will be held on December 5th, 2024 at 8:00 am EST at the following location: Frye Mountain WMA barn in Montville off Rt. 220, 44.4726555, -69.32590346

Proposals must be submitted to the Office of State Procurement Services, via e-mail, at: [Proposals@maine.gov](mailto:Proposals@maine.gov). Proposal submissions must be received no later than 11:59 p.m., local time, on January 16, 2025. Proposals will be opened the following business day.

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**RFP TERMS/ACRONYMS with DEFINITIONS**

The following terms and acronyms, as referenced in the RFP, shall have the meanings indicated below:

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **Department** | Department of Inland Fisheries and Wildlife |
| **RFP** | Request for Proposal |
| **State** | State of Maine |
| **WMA** | Wildlife Management Area |
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**State of Maine - Department of Inland Fisheries and Wildlife**

*Lands Management Program*

**RFP# 202410188**

**Frye Mountain WMA Herbicide Treatment**

**PART I INTRODUCTION**

1. **Purpose and Background**

The Department of Inland Fisheries and Wildlife (Department) is seeking proposals to provide herbicide treatment within the forests, field edges, and roadsides of the Frye Mountain Wildlife Management Area (WMA) located in the towns of Montville, Knox, and Morrill as defined in this Request for Proposal (RFP) document. This document provides instructions for submitting proposals, the procedure and criteria by which the awarded Bidder will be selected, and the contractual terms which will govern the relationship between the State of Maine (State) and the awarded Bidder.

A Contractor is sought to apply herbicides on non-native invasive plants at Frye Mountain WMA. This WMA has frequent management, be it, road improvements, timber harvesting, brush mulching, and field mowing just to name a few. The mountain has areas heavily infested with a mix of 17 known species of non-native invasive plants, however, the areas to be treated consist primarily of: honeysuckle, barberry, multiflora rose, autumn olive, bittersweet, and knotweed. The Department desires to reduce competing non-native invasive plants to encourage abundant native regeneration which will improve and sustain the existing habitats for more abundant wildlife.

The primary objective for each Department owned wildlife management area is to maintain or create the highest quality upland or wetland wildlife habitats possible. This is accomplished by employing management techniques that are designed to enhance or modify habitat types to benefit either the greatest variety of wildlife, or to provide an important habitat for a specific or "featured" species. Frye Mountain features extensive areas where the understory forest consists primarily of non-native invasive plants, thus threatening native understory and young sapling habitat important to Ruffed grouse, American woodcock, snowshoe hare, and many other species. Department staff have been applying herbicide to non-native invasive plants within field edges, roadways, and interior forests over the last several years, but this project requires a larger effort than the Department is currently equipped to support.

1. **General Provisions**
   1. From the time the RFP is issued until award notification is made, all contact with the State regarding the RFP must be made through the RFP Coordinator. No other person/ State employee is empowered to make binding statements regarding the RFP. Violation of this provision may lead to disqualification from the bidding process, at the State’s discretion.
   2. Issuance of the RFP does not commit the Department to issue an award or to pay expenses incurred by a Bidder in the preparation of a response to the RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
   3. All proposals must adhere to the instructions and format requirements outlined in the RFP and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Department. Proposals are to follow the format and respond to all questions and instructions specified below in the “Proposal Submission Requirements” section of the RFP.
   4. Bidders will take careful note that in evaluating a proposal submitted in response to the RFP, the Department will consider materials provided in the proposal, information obtained through interviews/presentations (if any), and internal Departmental information of previous contract history with the Bidder (if any). The Department also reserves the right to consider other reliable references and publicly available information in evaluating a Bidder’s experience and capabilities.
   5. The proposal must be signed by a person authorized to legally bind the Bidder and must contain a statement that the proposal and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the bid opening.
   6. The RFP and the awarded Bidder’s proposal, including all appendices or attachments, will be the basis for the final contract, as determined by the Department.
   7. Following announcement of an award decision, all submissions in response to this RFP will be public records, available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) ([1 M.R.S. § 401](http://www.mainelegislature.org/legis/statutes/1/title1sec401.html) et seq.).
   8. In the event that a Bidder believes any information that it submits in response to this RFP is confidential, it must mark that information accordingly and include citation to legal authority in support of the Bidder’s claim of confidentiality. In the event that the Department receives a FOAA request that includes submissions marked as confidential, the Department shall evaluate the information and any legal authority from the Bidder to determine whether the information is an exception to FOAA’s definition of public record. If the Department determines to release information that a Bidder has marked confidential, it shall provide advance notice to the Bidder to allow for them to seek legal relief.
   9. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to the RFP.
   10. All applicable laws, whether or not herein contained, are included by this reference. It is the Bidder’s responsibility to determine the applicability and requirements of any such laws and to abide by them.
2. **Eligibility to Submit Bids**

All interested parties holding a Master Commercial Applicator license from the Maine Board of Pesticides Control including category 6B are invited to submit bids in response to this Request for Proposals. A list of categories and other Commercial Applicator requirements can be found here: <https://www.maine.gov/dacf/php/pesticides/applicators/licensing.html#operator>.

1. **Contract Term**

The Department is seeking a cost-efficient proposal to provide services, as defined in the RFP, for the anticipated contract period defined in the table below. Please note, the dates below are estimated and may be adjusted, as necessary, in order to comply with all procedural requirements associated with the RFP and the contracting process. The actual contract start date will be established by a completed and approved contract.

Contract Renewal: Following the initial term of the contract, the Department may opt to renew the contract for 3 renewal periods, as shown in the table below, and subject to continued availability of funding and satisfactory performance.

The term of the anticipated contract, resulting from the RFP, is defined as follows:

|  |  |  |
| --- | --- | --- |
| **Period** | **Start Date** | **End Date** |
| Initial Period of Performance | 3/1/2025 | 2/28/2026 |
| Renewal Period #1 | 3/1/2026 | 2/28/2027 |
| Renewal Period #2 | 3/1/2027 | 2/29/2028 |
| Renewal Period #3 | 3/1/2028 | 2/28/2029 |

1. **Number of Awards**

The Department anticipates making one (1) award as a result of the RFP process.

**PART II SCOPE OF SERVICES TO BE PROVIDED**

1. Objectives for herbicide application:
   1. Reduce the occurrence of non-native invasive plants and shrubs to promote adequate natural regeneration of native species.
   2. Minimize the mortality to native vegetation and standing overstory trees.
      1. Herbicide may be applied year-round, particularly before native leaf flushing and post native leaf drop, for better targeting of non-native invasive plants and reduced native mortality as long as application meets herbicide label requirements.
      2. Many treatment areas feature an aspen overstory component that are beginning to send up root suckers. Herbicide application should avoid these aspen root suckers to prevent flashback to the main stems.
      3. The Department understands mortality to native vegetation will occur, however, damage considered to be excessive by the Department will be addressed accordingly.
   3. Minimize the damage and mortality to amphibians and pollinators
      1. Many of the State’s species of greatest conservation need consist of amphibians and pollinators.
      2. The type of chemical, season of the year, and time of day should be all be considered in order to help avoid encounters with these species during herbicide application to reduce as much harm as possible.
2. Priority areas:
   1. **Frye Mountain WMA has areas in need of herbicide treatment to help facilitate proposed management activities.** These areas in need of herbicide treatment are depicted in the Frye Mt Invasive Target Area Map (Exhibit A) and consist of field edges, roadsides, and forest tracts scheduled for grouse management. **The initial performance period and three subsequent renewals will each focus on approximately 250 acres designated and prioritized by a representative of the Department depending on other scheduled activities at the WMA.** The targeted zone around some roads and fields overlaps with the targeted forested tracts; acreage calculations have already taken this into account. In general:
      1. 100 ft or until the end of infestation from the edge of specified fields should be targeted for application (approximately 189 acres).
         1. All targeted fields are maintained and accessible by an ATV/UTV. The interior mowed areas of the fields do not need to be treated with herbicide.
      2. 100 ft or until the end of infestation from the traveled edge of specified roads should be targeted for application (approximately 182 acres).
         1. All targeted roads are navigable with an ATV/UTV. The traveled edge of the road is the point at which the surface transitions from gravel to vegetation, this will include road shoulders and ditch lines.
      3. Approximately 629 acres of remaining forestland as designated by the Department should be targeted for application.
         1. This acreage includes areas recently harvested and areas slated for harvesting in the coming years.
         2. The Department makes no guarantee the interior of the forested tracts will be accessible enough for proper coverage for ATV/UTV mounted sprayers. Some of these areas will feature harvesting debris, tree blowdown and other natural obstacles.
3. Expectations:
   1. **Treatment areas should have a kill rate of ≥85% of non-native invasive plants established at time of application.** New seedlings established in following years within the treatment area are not included within the scope of work. Treatment areas will be monitored by a Department representative visually after adequate time for herbicide effect to be observed. If these expectations are not met, Selected Bidder will be required to return during the same growing season to reapply herbicide as needed.
4. Method of treatment:
   1. Selective and non-selective herbicidal spot or broadcast spraying is to be done by hand or ATV/UTVs.
      1. Herbicides shall be applied to vegetation until thoroughly wet, but not to the point of runoff.
      2. Chemicals, surfactants, and adjuvants to be used must be in accordance with the Maine Board of Pesticides 2024 Registered Pesticides List.
      3. **Neonicotinoid chemicals are not to be used.**
      4. Chemicals and methods used should be ideal for killing invasive honeysuckle, multiflora rose, autumn olive, barberry, bittersweet, buckthorn, and knotweed.
         1. **All terrestrial plants identified by the Maine Dept. of Agriculture, Conservation, and Forestry as being invasive are additionally considered as target plants within this RFP. For a list of all non-native invasive plants identified by DACF, please refer to the link below.** [**https://www.maine.gov/dacf/mnap/features/invasive\_plants/invsheets.htm**](https://www.maine.gov/dacf/mnap/features/invasive_plants/invsheets.htm)
      5. All treatments will be reported to the Department, in addition to being reported to the State of Maine, as required by law.
   2. The use of wheeled or tracked vehicles will only be allowed on soils that are sufficiently dry to minimize soil compaction and rutting.
   3. The Selected Bidder will furnish all materials, chemical, equipment, labor, licensing, supervision, workers’ compensation, insurance, transportation, operating supplies and incidentals necessary to safely apply herbicides that are registered in the State of Maine, using ground-operated spraying apparatus (as defined above), in strict compliance with the herbicide labels. Equipment being used for the requirements under this contract shall be spray cleaned and free of dirt and debris prior to arriving.
   4. Terrain will vary from gentle to steep (0 to 30%). All acreage is accessible by foot and/or ATV/UTV though there are some natural obstacles, stumps, and equipment ruts. Invasive shrub infestation levels vary from light to moderate to heavy in the treatment areas depending on aspect, elevation, canopy cover, and previous land management.

**EXHIBIT A. FRYE MT INVASIVE TARGET AREA MAP**

**Map

Description automatically generated**

**PART III KEY EVENTS**

1. **Bidders’ Conference**

The Department will sponsor a Bidders’ Conference concerning the RFP beginning at the date, time and location shown on the RFP cover page. The purpose of the Bidders’ Conference is to answer and/or field questions, clarify for potential Bidders any aspect of the RFP requirements that may be necessary and provide supplemental information to assist potential Bidders in submitting responses to the RFP. Although attendance at the Bidders’ Conference is not mandatory, it is strongly encouraged that interested Bidders attend.

1. **Questions**
   1. **General Instructions:** It is the responsibility of all Bidders and other interested parties to examine the entire RFP and to seek clarification, in writing, if they do not understand any information or instructions.
      1. Bidders and other interested parties should use **Appendix E** (Submitted Questions Form) for submission of questions. If used, the form is to be submitted as a WORD document.
      2. Questions must be submitted, by e-mail, and received by the RFP Coordinator identified on the cover page of the RFP as soon as possible but no later than the date and time specified on the RFP cover page.
      3. The RFP Number and Title must be included in the subject line of the e-mail containing the submitted questions. The Department assumes no liability for assuring accurate/complete/on time e-mail transmission and receipt.
   2. **Question & Answer Summary:** Responses to all questions will be compiled in writing and posted on the following website no later than seven (7) calendar days prior to the proposal due date: [Office of State Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). It is the responsibility of all interested parties to go to this website to obtain a copy of the Question & Answer Summary. Only those answers issued in writing on this website will be considered binding.
2. **Amendments**

All amendments released in regard to the RFP will also be posted on the following website: [Office of State Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). It is the responsibility of all interested parties to go to this website to obtain amendments. Only those amendments posted on this website are considered binding.

1. **Proposal Submission**
   1. **Proposals Due:** Proposals must be received no later than 11:59 p.m. local time, on the date listed on the cover page of the RFP.
      1. Any e-mails containing original proposal submissions or any additional or revised proposal files, received after the 11:59 p.m. deadline, will be rejected without exception.
   2. **Delivery Instructions:** E-mail proposal submissions must be submitted to the Office of State Procurement Services at [Proposals@maine.gov](mailto:Proposals@maine.gov).
      1. Only proposal submissions received by e-mail will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
         1. Proposal submission e-mails that are successfully received by the [proposals@maine.gov](mailto:proposals@maine.gov) inbox will receive an automatic reply stating as such.
      2. E-mails containing links to file sharing sites or online file repositories will not be accepted as submissions. Only e-mail proposal submissions that have the actual requested files attached will be accepted.
      3. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. Bidders should work with their Information Technology team to ensure that the proposal submission will not be encrypted due to any security settings.
      4. File size limits are 25MB per e-mail. Bidders may submit files separately across multiple e-mails, as necessary, due to file size concerns. All e-mails and files must be received by the due date and time listed above.
   3. **Submission Format:**
      1. Bidders are to insert the following into the subject line of their e-mail proposal submission: **“RFP# 202410188 Proposal Submission – [Bidder’s Name]”**
      2. Bidder’s proposal submissions are to be broken down into multiple files, with each file named as it is titled in bold below, and include:

* **File 1 [Bidder’s Name] – Preliminary Information:**

*PDF format preferred*

**Appendix A** (Proposal Cover Page)

**Appendix B** (Responsible Bidder Certification)

All required eligibility documentation stated in PART IV, Section I.

* **File 2 [Bidder’s Name] – Organization Qualifications and Experience:**

*PDF format preferred*

**Appendix C** (Organization Qualifications and Experience Form) and all required information and attachments stated in PART IV, Section II.

* **File 3 [Bidder’s Name] – Proposed Services:**

*PDF format preferred*

All required information and attachments stated in PART IV, Section III.

* **File 4 [Bidder’s Name] – Cost Proposal:**

*PDF format preferred*

**Appendix D** (Cost Proposal Form) and all required information and attachments stated in PART IV, Section IV.

**PART IV PROPOSAL SUBMISSION REQUIREMENTS**

This section contains instructions for Bidders to use in preparing their proposals. The Department seeks detailed yet succinct responses that demonstrate the Bidder’s qualifications, experience, and ability to perform the requirements specified throughout the RFP.

The Bidder’s proposal must follow the outline used below, including the numbering, section, and sub-section headings. Failure to use the outline specified in PART IV, or failure to respond to all questions and instructions throughout the RFP, may result in the proposal being disqualified as non-responsive or receiving a reduced score. The Department, and its evaluation team, has sole discretion to determine whether a variance from the RFP specifications will result either in disqualification or reduction in scoring of a proposal. Rephrasing of the content provided in the RFP will, at best, be considered minimally responsive.

Bidders are not to provide additional attachments beyond those specified in the RFP for the purpose of extending their response. Additional materials not requested will not be considered part of the proposal and will not be evaluated. Include any forms provided in the submission package or reproduce those forms as closely as possible. All information must be presented in the same order and format as described in the RFP.

**Proposal Format and Contents**

**Section I Preliminary Information** (File #1)

* 1. **Proposal Cover Page**

Bidders must complete **Appendix A** (Proposal Cover Page). It is critical that the cover page show the specific information requested, including Bidder address(es) and other details listed. The Proposal Cover Page must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

* 1. **Responsible Bidder Certification**

Bidders must complete **Appendix B** (Responsible Bidder Certification). The Responsible Bidder Certification must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder

* 1. **Eligibility Requirements**

Bidders must provide documentation to demonstrate meeting eligibility requirements stated in PART I, C. of the RFP. This documentation includes: ***a copy of a State of Maine Master Commercial Applicator license including category 6B as issued by the Board of Pesticides Control***. A list of categories and other Commercial Applicator requirements can be found here: <https://www.maine.gov/dacf/php/pesticides/applicators/licensing.html#operator>.

**Section II Organization Qualifications and Experience** (File #2)

* 1. **Overview of the Organization**

Bidders must complete **Appendix C** (Qualifications and Experience Form) describing their qualifications and skills to provide the requested services in the RFP. Bidders must include three examples of projects which demonstrate their experience and expertise in performing these services as well as highlighting the Bidder’s stated qualifications and skills.

* 1. **Subcontractors**

If subcontractors are to be used, Bidders must provide a list that specifies the name, address, phone number, contact person, and a brief description of the subcontractors’ organizational capacity and qualifications.

* 1. **Litigation**

Bidders must attach a list of all current litigation in which the Bidder is named and a list of all closed cases that have closed within the past five (5) years in which the Bidder paid the claimant either as part of a settlement or by decree.  For each, list the entity bringing suit, the complaint, the accusation, amount, and outcome.

* 1. **Licensure/Certification**

Bidders may provide documentation of any applicable licensure/certification or specific credentials that are related to providing the proposed services of the RFP. This documentation may include: ***a copy of a State of Maine Master Commercial Applicator license issued by the Board of Pesticides Control***. A list of categories and other Commercial Applicator requirements can be found here: <https://www.maine.gov/dacf/php/pesticides/applicators/licensing.html#operator>.

* 1. **Certificate of Insurance**

Bidders must provide a certificate of insurance on a standard ACORD form (or the equivalent) evidencing the Bidder’s general liability, professional liability and any other relevant liability insurance policies that might be associated with the proposed services.

**Section III Proposed Services** (File #3)

* 1. **Services to be Provided**

Discuss the Scope of Services referenced above in Part II of the RFP and what the Bidder will offer. Give particular attention to describing the methods and resources you will use and how you will accomplish the tasks involved, **especially in regard to minimizing non-target damage to native vegetation, pollinators, and amphibians.** Also, describe how you will ensure expectations and/or desired outcomes as a result of these services will be achieved.

Bidders must identify the product(s) that they plan to use including the specific brand name and concentrations of active ingredients and the equipment to be used.

* 1. **Implementation - Work Plan**

Provide a realistic work plan for the implementation of the program through the first contract period. **Display the work plan in a timeline chart.** Concisely describe each program development and implementation task, the month it will be carried out and the person or position responsible for each task. If applicable, make note of all tasks to be delegated to subcontractors.

Include in your plan the application method, number of personnel, and timeline to complete the identified Scope of Work.

**Section IV Cost Proposal** (File #4)

* 1. **General Instructions**
     1. Bidders must submit a cost proposal that covers the initial period starting 3/1/2025 and ending on 2/28/2026.
     2. The cost proposal must include the costs necessary for the Bidder to fully comply with the contract terms, conditions, and RFP requirements.
     3. No costs related to the preparation of the proposal for the RFP, or to the negotiation of the contract with the Department, may be included in the proposal. Only costs to be incurred after the contract effective date that are specifically related to the implementation or operation of contracted services may be included.
  2. **Cost Proposal Form Instructions**

Bidders must fill out **Appendix D** (Cost Proposal Form), following the instructions detailed here and in the form. Failure to provide the requested information, and to follow the required cost proposal format provided, may result in the exclusion of the proposal from consideration, at the discretion of the Department.

**PART V PROPOSAL EVALUATION AND SELECTION**

Evaluation of the submitted proposals will be accomplished as follows:

1. **Evaluation Process – General Information**
   1. An evaluation team, composed of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP.
   2. Officials responsible for making decisions on the award selection will ensure that the selection process accords equal opportunity and appropriate consideration to all who are capable of meeting the specifications. The goals of the evaluation process are to ensure fairness and objectivity in review of the proposals and to ensure that the contract is awarded to the Bidder whose proposal provides the best value to the State of Maine.
   3. The Department reserves the right to communicate and/or schedule interviews/presentations with Bidders, if needed, to obtain clarification of information contained in the proposals received. The Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Changes to proposals, including updating or adding information, will not be permitted during any interview/presentation process and, therefore, Bidders must submit proposals that present their rates and other requested information as clearly and completely as possible.
2. **Scoring Weights and Process**
   1. **Scoring Weights:** The score will be based on a 100-point scale and will measure the degree to which each proposal meets the following criteria.

|  |  |  |
| --- | --- | --- |
| 1. **Section I.** | **Preliminary Information**  Proposal materials to be evaluated in this section: all elements addressed in Part IV, Section I of the RFP. | **(No Points – Eligibility Requirements)** |
| **Section II.** | **Organization Qualifications and Experience** Proposal materials to be evaluated in this section: all elements addressed above in Part IV, Section II of the RFP. | **(30 points)** |
| **Section III.** | **Proposed Services**  Proposal materials to be evaluated in this section: all elements addressed above in Part IV, Section III of the RFP. | **(40 points)** |
| **Section IV.** | **Cost Proposal**  Proposal materials to be evaluated in this section:all elements addressed above in Part IV, Section IV of the RFP. | **(30 points)** |

* 1. **Scoring Process:** For proposals that demonstrate meeting the eligibility requirements in Section I, the evaluation team will use a consensus approach to evaluate and score Sections II & III above. Members of the evaluation team will not score those sections individually but, instead, will arrive at a consensus as to assignment of points for each of those sections. Sections IV, the Cost Proposal, will be scored as described below.
  2. **Scoring the Cost Proposal:** The total cost proposed for conducting all the functions specified in the RFP will be assigned a score according to a mathematical formula. The lowest bid will be awarded 30 points. Proposals with higher bids values will be awarded proportionately fewer points calculated in comparison with the lowest bid.

The scoring formula is:

(Lowest submitted cost proposal / Cost of proposal being scored) x 30 = pro-rated score

No Best and Final Offers: The State of Maine will not seek or accept a best and final offer (BAFO) from any Bidder in this procurement process.  All Bidders are expected to provide their best value pricing with the submission of their proposal.

* 1. **Negotiations:** The Department reserves the right to negotiate with the awarded Bidder to finalize a contract. Such negotiations may not significantly vary the content, nature or requirements of the proposal or the Department’s Request for Proposal to an extent that may affect the price of goods or services requested. The Department reserves the right to terminate contract negotiations with an awarded Bidder who submits a proposed contract significantly different from the proposal they submitted in response to the advertised RFP. In the event that an acceptable contract cannot be negotiated with the highest ranked Bidder, the Department may withdraw its award and negotiate with the next-highest ranked Bidder, and so on, until an acceptable contract has been finalized. Alternatively, the Department may cancel the RFP, at its sole discretion.

1. **Selection and Award**
   1. The final decision regarding the award of the contract will be made by representatives of the Department subject to approval by the State Procurement Review Committee.
   2. Notification of conditional award selection or non-selection will be made in writing by the Department.
   3. Issuance of the RFP in no way constitutes a commitment by the State of Maine to award a contract, to pay costs incurred in the preparation of a response to the RFP, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel or any other costs incurred by the Bidder.
   4. The Department reserves the right to reject any and all proposals or to make multiple awards.
2. **Appeal of Contract Awards**

Any person aggrieved by the award decision that results from the RFP may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in [5 M.R.S.A. § 1825-E](http://www.mainelegislature.org/legis/statutes/5/title5sec1825-E.html) and [18-554 Code of Maine Rules Chapter 120](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-120).  The appeal must be in writing and filed with the Director of the Bureau of General Services, 9 State House Station, Augusta, Maine, 04333-0009 within 15 calendar days of receipt of notification of conditional contract award.

**PART VI CONTRACT ADMINISTRATION AND CONDITIONS**

1. **Contract Document**
   1. The awarded Bidder will be required to execute a State of Maine Service Contract with appropriate riders as determined by the issuing department.

The complete set of standard State of Maine Service Contract documents, along with other forms and contract documents commonly used by the State, may be found on the Office of State Procurement Services’ website at the following link: [Office of State Procurement Services Forms Page](https://www.maine.gov/dafs/bbm/procurementservices/forms)

* 1. Allocation of funds is final upon successful negotiation and execution of the contract, subject to the review and approval of the State Procurement Review Committee. Contracts are not considered fully executed and valid until approved by the State Procurement Review Committee and funds are encumbered. No contract will be approved based on an RFP which has an effective date less than fourteen (14) calendar days after award notification to Bidders. (Referenced in the regulations of the Department of Administrative and Financial Services, [Chapter 110, § 3(B)(i)](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-110).)

This provision means that a contract cannot be effective until at least 14 calendar days after award notification.

* 1. The State recognizes that the actual contract effective date depends upon completion of the RFP process, date of formal award notification, length of contract negotiation, and preparation and approval by the State Procurement Review Committee. Any appeals to the Department’s award decision(s) may further postpone the actual contract effective date, depending upon the outcome. The contract effective date listed in the RFP may need to be adjusted, if necessary, to comply with mandated requirements.

In providing services and performing under the contract, the awarded Bidder must act as an independent contractor and not as an agent of the State of Maine.

1. **Standard State Contract Provisions**
   1. Contract Administration

Following the award, a Contract Administrator from the Department will be appointed to assist with the development and administration of the contract and to act as administrator during the entire contract period. Department staff will be available after the award to consult with the awarded Bidder in the finalization of the contract.

* 1. Payments and Other Provisions

The State anticipates paying the Contractor on the basis of net 30 payment terms, upon the receipt of an accurate and acceptable invoice. An invoice will be considered accurate and acceptable if it contains a reference to the State of Maine contract number, contains correct pricing information relative to the contract, and provides any required supporting documents, as applicable, and any other specific and agreed-upon requirements listed within the contract that results from the RFP.

**Particular to this RFP: 70% of contract award will be paid immediately after completion and processing of invoice. Balance will be paid in full if kill rate is ≥85% or for each 5% below the 85% target kill rate, receive a payment disincentive of 5% deduction.**

**PART VII LIST OF RFP APPENDICES AND RELATED DOCUMENTS**

**Appendix A** – Proposal Cover Page

**Appendix B** – Responsible Bidder Certification

**Appendix C** – Qualifications and Experience Form

**Appendix D** – Cost Proposal Form

**Appendix E** – Submitted Question Form

**APPENDIX A**

**State of Maine**

**Department of Inland Fisheries and Wildlife**

**PROPOSAL COVER PAGE**

**RFP# 202410188**

**Frye Mountain WMA Herbicide Treatment**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Bidder’s Organization Name:** | |  | | |
| **Chief Executive - Name/Title:** | |  | | |
| **Tel:** |  | | **E-mail:** |  |
| **Headquarters Street Address:** | |  | | |
| **Headquarters City/State/Zip:** | |  | | |
| ***(Provide information requested below if different from above)*** | | | | |
| **Lead Point of Contact for Proposal - Name/Title:** | |  | | |
| **Tel:** |  | | **E-mail:** |  |
| **Headquarters Street Address:** | |  | | |
| **Headquarters City/State/Zip:** | |  | | |

* This proposal and the pricing structure contained herein will remain firm for a period of 180 days from the date and time of the bid opening.
* No personnel currently employed by the Department or any other State agency participated, either directly or indirectly, in any activities relating to the preparation of the Bidder’s proposal.
* No attempt has been made, or will be made, by the Bidder to induce any other person or firm to submit or not to submit a proposal.
* The above-named organization is the legal entity entering into the resulting contract with the Department if they are awarded the contract.
* The undersigned is authorized to enter contractual obligations on behalf of the above-named organization.

*To the best of my knowledge, all information provided in the enclosed proposal, both programmatic and financial, is complete and accurate at the time of submission.*

|  |  |
| --- | --- |
| **Name (Print):** | **Title:** |
| **Authorized Signature:** | **Date:** |

**APPENDIX B**

**State of Maine**

**Department of Inland Fisheries and Wildlife**

**RESPONSIBLE BIDDERS CERTIFICATION**

**RFP# 202410188**

**Frye Mountain WMA Herbicide Treatment**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |

*By signing this document, I certify to the best of my knowledge and belief that the aforementioned organization, its principals and any subcontractors named in this proposal:*

1. *Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from bidding or working on contracts issued by any governmental agency.*
2. *Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:*
   1. *Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or contract.*
   2. *Violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.*
3. *Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (b) of this certification.*
4. *Have not within a three (3) year period preceding this proposal had one or more federal, state, or local government transactions terminated for cause or default*.
5. *Have not entered into a prior understanding, agreement, or connection with any corporation, firm, or person submitting a response for the same materials, supplies, equipment, or services and this proposal is in all respects fair and without collusion or fraud. The above-mentioned entities understand and agree that collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.*

|  |  |
| --- | --- |
| **Name (Print):** | **Title:** |
| **Authorized Signature:** | **Date:** |

**APPENDIX C**

**State of Maine**

**Department of Inland Fisheries and Wildlife**

## QUALIFICATIONS and EXPERIENCE FORM

**RFP# 202410188**

**Frye Mountain WMA Herbicide Treatment**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |

|  |
| --- |
| **Present a brief statement of qualifications. Describe the history of the Bidder’s organization, especially regarding skills pertinent to the specific work required by the RFP and any special or unique characteristics of the organization which would make it especially qualified to perform the required work activities. You may expand this form and use additional pages to provide this information.** |
|  |

**APPENDIX C (continued)**

|  |
| --- |
| **Provide a description of projects that occurred within the past five years which reflect experience and expertise needed in performing the functions described in Part II – Scope of Services to be Provided of the RFP. Please note that contract history with the State of Maine, whether positive or negative, may be considered in rating proposals even if not provided by the Bidder.** |

|  |  |
| --- | --- |
| **Project One** | |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** | |
|  | |

|  |  |
| --- | --- |
| **Project Two** | |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** | |
|  | |

|  |  |
| --- | --- |
| **Project Three** | |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** | |
|  | |

**APPENDIX D**

**State of Maine**

**Department of Inland Fisheries and Wildlife**

**COST PROPOSAL FORM**

**RFP# 202410188**

**Frye Mountain WMA Herbicide Treatment**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |
| **Proposed Cost:** | **$** |

|  |  |  |  |
| --- | --- | --- | --- |
| **Application Method** | **Cost Per Hour** | **Estimated # of Hours** | **Total Method Cost** |
| Backpack Foliar Spot |  |  |  |
| Backpack Foliar Mist |  |  |  |
| Backpack Basal Spot |  |  |  |
| ATV Foliar Mist |  |  |  |
| UTV Foliar Mist |  |  |  |
| Other #1 (list here): |  |  |  |
| Other #2 (list here): |  |  |  |
| Other #3 (list here): |  |  |  |
| **Total Proposal Cost** | | |  |

The Cost Proposal Form should reflect the costs associated with the bidders proposed services plan as described in Section III. Proposed Services. As such, only methods proposed by the bidder need to have costs listed. If there are methods or services described in the bidders proposed services plan that are not specifically listed on the Cost Proposal Form, they should be entered into the “Other” category.

Cost per hour for each application method should be a single number that incorporates equipment costs, chemical mix costs, and labor costs.

Bidders must submit a cost proposal that includes the costs necessary for the Bidder to fully comply with the contract terms, conditions, and RFP requirements. The proposed cost must be presented as a total of each application method’s cost.

The proposed cost will be used to score the cost proposal as defined Part V, B, 3 of the RFP.

**APPENDIX E**

**State of Maine**

**Department of Inland Fisheries and Wildlife**

**SUBMITTED QUESTIONS FORM**

**RFP# 202410188**

**Frye Mountain WMA Herbicide Treatment**

This form should be used by Bidders when submitting written questions to the RFP Coordinator as defined in Part III of the RFP.

If a question is not related to any section of the RFP, enter “N/A” under the RFP Section & Page Number. Add additional rows as necessary.

|  |  |
| --- | --- |
| **Organization Name:** |  |

|  |  |
| --- | --- |
| **RFP Section & Page Number** | **Question** |
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