**STATE OF MAINE**

**Department of Environmental Protection**

*Office of the Commissioner*

**RFP# 202503032**

**Development of Regulatory Guidance Materials**

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| *All communication regarding the RFP must be made through the RFP Coordinator.* |

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| --- | --- |
| **Initial Submitted Questions Due Date** | April 9,2025, no later than 11:59 p.m., local time |
| *See Part III of the RFP for more information on Submitted Questions.* |

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| **Initial Proposal Submission Deadline** | **DATE:** | May 7,2025, no later than 11:59 p.m., local time. |
| **TO:** | 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 Environmental Protection**

**RFP# 202503032**

**Development of Regulatory Guidance Materials**

The State of Maine is seeking proposals for communication, graphic design, and technical writing support to assist with the development of regulatory guidance materials pertaining to the Departments land use regulations, primarily under the Natural Resources Protection Act, Shoreland Zoning Act, and Erosion and Sediment Control Law.

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

Proposals must be submitted to the State of Maine Office of State Procurement Services, via e-mail, to the following email address: Proposals@maine.gov. Proposal submissions must be submitted no later than 11:59 pm, local time, on Wednesday, May 7,2025. 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, have the meanings indicated below:

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **BLR** | Bureau of Land Resources |
| **CCP** | Climate Change Program |
| **DACF** | Department of Agriculture, Conservation and Forestry |
| **Department** | Department of Environmental Protection |
| **DIFW** | Department of Inland, Fisheries, and Wildlife |
| **DMR** | Department of Marine Resources |
| **DOT** | Department of Transportation |
| **ESCL** | Erosion and Sediment Control Law |
| **GOPIF** | Governor’s Office of Policy Innovation and the Future |
| **MSZA** | Mandatory Shoreland Zoning Act |
| **NPSTC** | Non-Point Source Pollution Training Center |
| **NRPA** | Natural Resources Protection Act |
| **RFP** | Request for Proposals |
| **State** | State of Maine |

**State of Maine**

**Department of Environmental Protection**

*Office of the Commissioner*

**RFP# 202503032**

**Development of Regulatory Guidance Materials**

**PART I INTRODUCTION**

1. **Purpose and Background**

The Maine Department of Environmental Protection (Department) is seeking proposals for professional communication, graphic design, and technical writing services to enhance technical regulatory guidance that the Department is developing pertaining land use regulations, primarily under the NRPA, MSZA, and ESCL. Guidance materials will be in the form of design guides, handbooks, fact sheets, checklists, videos, and slide decks as defined in this Request for Proposals (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.

In October 2024, The State of Maine received grant funding through National Oceanographic and Atmospheric Association’s Climate Resilience Regional Challenge. Funds are being used to protect Maine’s communities, environment, and working waterfronts from extreme storms, flooding, and rising sea levels. The significant Federal grant, awarded to the Governor’s Office of Policy Innovation and the Future (GOPIF), represents one of the largest investments in climate resilience ever in Maine history.

Over the next five years, Maine will implement three integrated climate resilience-building strategies that advance the recommendations outlined in[Maine Won't Wait](https://www.maine.gov/climateplan/the-plan), Maine’s Climate Action Plan, and collectively build the capacity of underserved, rural, and Tribal communities. Strategies include: build enduring community resiliency, reduce climate impacts through nature-based solutions and investments in green infrastructure, and strengthen the resilience of working waterfronts.

The Department is pleased to collaborate with the GOPIF in support of this larger body of work, through compiling existing and preferred permissible engineering practices, together with new or enhanced regulatory guidance for these practices that improve Department assistance regarding land use development. The Department will receive a subaward of $425,000 of the available grant funds to develop content for the following deliverables.

List of known and anticipated deliverables under this scope of work:

* 1. **Updated Maine Shoreland Zoning publications** *(Timeline – Years 1-3)*: The Department’s Shoreland Zoning Program will update the *Maine Shoreland Zoning publication – A Handbook for Shoreland Owners*, and shoreland zoning guidance documents to currently effective requirements of Chapter 1000 and the Shoreland Zoning Act. This activity will also update several natural resource regulation guidance materials that are used for trainings (several >10 years old). Updated training and guidance materials will be shared with existing regional Code Enforcement Officer Groups and the Maine Municipal Association to provide consistent training and guidance statewide.
	2. **Living Shoreline and Coastal Bluff Design Guidance** (*Timeline – Years 1-4):* DEP is leading the creation of a green infrastructure typology book to support community decision making. This design book will be developed and deployed using DEP’s OUR SHORE approach, which offers detailed how-to information on assessing sources of erosion, identifying design recommendations, and navigating regulatory processes to streamline installation of erosion control measures emphasizing nature-based practices. Beginning in 2023, the Maine Department of Environmental Protection and Maine Climate and Science Information Exchange at the University of Maine have been partnering with natural resource agency staff, university faculty, municipal officials, and design professionals to develop "O.U.R. S.H.O.R.E." The Department will create a new OUR SHORE webpage for this content.

The current OUR SHORE Guide is approximately 100 pages with several support materials, including:

* + Issue Profile (4 pages)
	+ Site Assessment Checklist for Erosion (4 pages)
	+ Planting Guide (2 pages)
	+ Case Studies (1-2 pages each, goal of at least 10 in total)
	+ Step-by-Step Permitting Infographic (1-2 pages)

A primary goal for OUR SHORE is to provide guidance and training for installing Nature-Based Solutions to protect against inland and coastal waterfront erosion. OUR SHORE is also an emerging network of engineers, earthwork contractors, designers, and municipal officials interested in learning and sharing these techniques in Maine. Together with the development of the OUR SHORE guidance, the Department is creating an advanced training program for practitioners in these design practices that is anticipated to launch at the same timing of these publications.

* 1. **Regulatory Guidance & Permit Review Checklists** (Timeline – Year 1-5): DEP will lead this activity. Participating agencies include DACF, DIFW, DMR, DOT. Regulatory Guidance & Permit Review Checklists will detail what natural resources agencies are looking for and what needs to be addressed for successful projects to be permitted. These materials are for permitting staff in state agencies as well as permit applicants. This task includes creating improved guidance on regulations as they currently are as they relate to rebuilding from storms or proactively to increase resilience.

A list of priority topics for improved regulatory guidance is currently being developed by representatives from several state agencies participating in a regulatory forum convened by the Department. The list is provided in this RFP to give bidders a framework to produce a bid; however, the final list of topics and the sequence they will be addressed in this project will be determined based on further discussions with the Department project team and the awarded bidder, and be informed by agency partners, to create a feasible workplan.

Near-term topics include Improved guidance on our regulations as they currently are, and as they relate to rebuilding from storms or proactively to increase resilience:

* + Roads (e.g. Tidal Road Crossings, Elevating Roads)
	+ Piers and Wharfs (including elevating)
	+ Shoreline Stabilization (emphasis on living shoreline practices where appropriate)
	+ Fill and regrading adjacent to and in shoreland areas (including earthen berms)
	+ Land use zoning with natural hazards overlays, including model language and/or the Departments Chapter 1000
	+ Federal permitting coordination and consistency (e.g. US Army Corps of Engineers General Permits and Nationwide Permits)

Longer-term Topics include:

* + Mitigation costs and restoration, and role of net benefit in permitting
	+ Improving guidance on grant and loan funding for projects that fall under the topics listed above
	+ Cumulative impact information included in permitting
	1. **Resilient Design Manual** *(Timeline – Year 1-5):* DEP will lead this activity. Participating agencies include DACF, DIFW, DMR, DOT. A 1st Edition of the Resilient Design Manual, to be completed in 2026, will compile existing and preferred permissible engineering practices being used for climate resiliency to scale application across infrastructure types. The Resilient Design Manual is envisioned as a handbook for adaptation practices that will speed up design and permitting by centralizing and communicating locally derived examples of resilient and regenerative infrastructure that considers adjacent land uses and responds to natural hazards including rising seas and strengthening storms across different land uses, habitats, and geology.

The manual is primarily intended for use by municipal planning and engineering staff, asset managers, developers and contractors, and other land use decision-makers. State agency permitting staff will also use the design manual when providing regulatory or general technical assistance to provide readily available examples of adaptation practices happening by communities and community members in Maine.

Much of the information sources already exist or will be developed by partners concurrently to the development of the Resilient Design Manual. Content includes preliminary design plans from local and regional green infrastructure projects, living shoreline pilot projects, transferable products from state-owned asset design processes, and projects that incorporate restoring saltmarsh habitat. This list includes projects funded through various activities in the NOAA Climate Resilience Regional Challenge award.

The Department has convened a cross-agency regulatory forum to advise on, and support, the writing of technical content for these deliverables as available and appropriate. The forum includes environmental permitting staff and other representatives from the Maine Department of Agriculture, Conservation and Forestry (DACF), the Maine Department of Inland Fisheries and Wildlife (DIFW), the Maine Department of Marine Resources (DMR), the Maine Department of Transportation (DOT), and the Governor’s Office of Policy Innovation and the Future (GOPIF). The CCP is tasked with leading the forum which will inform strategic direction for these publications and in many cases will either directly provide content or be a liaison to gather content for the deliverables.

Content for these regulatory guidance deliverables will be created by Department staff and their partners together with the awarded bidder. The Department will contract facilitation support, through a separate contract, for engaging project partners to gather this additional content. Contracted professional communications, graphic design, and technical writing support as outlined in this RFP will assist the Department staff with content development and to bring these deliverables to their final form.

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.). State contracts and information related to contracts, including bid submissions, are generally public records per FOAA.
	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. **Contract Term**

The Department is seeking cost-efficient proposals to provide services, as defined in this RFP, for the anticipated contract period defined in the table below. 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 two 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 | May 1st, 2025 | April 30th, 2027 |
| Renewal Period #1 | May 1st, 2027 | April 30th, 2029 |
| Renewal Period #2 | May 1st, 2029 | April 30th, 2030 |

1. **Number of Awards**

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

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

1. **Primary Objective**

The primary objective of the project is to assist Department staff and their collaborators with professional communication, graphic design, and technical writing services that enhance technical information they produce to give end-users intuitive, visually appealing, and effective guidance regarding land use regulations and best practices for infrastructure design. The content across all the deliverables should become a cohesively branded package, consistent with Department colors, style, and design elements, and as designed by the awarded bidder together with the project team. All final deliverables will be provided to, and reviewed by, the Commissioner’s Office of Communications Director.

Written content will be developed by agency staff. Some past visuals already exist in regulatory guidance materials, and some new visuals are currently being created by agency staff or being submitted to the Department for us by project partners as new guidance is being developed. At a minimum, additional diagrams, flowcharts, and improved grammar and overall attention to detail is needed, as well as creating video tutorials and training videos with animated visual explanations.

The list of known and anticipated deliverables under this scope of work includes the following. The deliverables are at different stages of development.

1. Updated *Maine Shoreland Zoning publication – A Handbook for Shoreland Owners,* and related shoreland zoning guidance. The project goal is to have an updated publication for October 2025. Department staff have already begun drafting updates. See: [Shoreland Owners Handbook.pdf](https://www.bowdoinham.com/sites/default/files/department-document/Shoreland%20Owners%20Handbook.pdf).
2. Living Shoreline and Coastal Bluff Design Guidance. Department staff have already begun a draft of the OUR SHORE Guide. The project goal is to have a finalized 1st Edition for October 2025. Revisions to the Guide will be made as needed annually, in response to feedback from end-users, other project partners, and Department staff. See: <https://www.maine.gov/dep/land/ourshore/index.html>.
3. Regulatory Guidance & Permit Review Checklists. This task will result in the production of several new guidance materials. The work will be broken into two phases. Phase I will run from May 2025 through October 2026. Phase II will run from November 2026 through project completion in September 2029.

For Phase I the project goal is to have finalized 1st Editions of guidance materials covering a first set of priority topics. Many of materials produced in Phase I already exist but need to be made more user-friendly through introducing new infographics, pictures or other images of example practices, and by producing video tutorials of the written information. This may also incorporate social media posts, press releases, newsletter articles, and other forms of outreach to amplify the information and to reach new audiences.

In Phase II, some of these publications may need to be revised to updated editions based on lessons learned or to reflect any additional regulatory or statutory changes. Phase II will also create new guidance materials which will be determined based on what remains to be completed after Phase I.

References to source materials for improvement. Only selected materials from these websites will be part of the project.

* This Natural Resource Protection Act <https://www.maine.gov/dep/land/nrpa/> (FAQs, issue profiles, fact sheets, or how do I obtain a permit for most common applications)
* NRPA Permit By Rule <https://www.maine.gov/dep/land/permits/pbr/index.html> (how to video, FAQ, and NRPA PBR Sections)
* Erosion & Sedimentation Control <https://www.maine.gov/dep/land/erosion/index.html>
* Nonpoint Source Training Center <https://www.maine.gov/dep/land/training/index.html> & NPSTC Resources <https://www.maine.gov/dep/land/training/index.html>
* Mandatory Shoreland Zoning <https://www.maine.gov/dep/land/slz/>
* Cross media guidance on topic specific information such as storm damage, flooding, drought, or other common assistance requests to the Department. Example, see Flood Reference Guide for Municipalities <https://www.maine.gov/tools/whatsnew/attach.php?id=6907188&an=1>.
1. Resilient Design Manual. Drafting has not yet begun though source materials exist. The project goal is to have the 1st Edition finalized for October 2026. This publication will be revised as needed to updated editions in Years 3-5 based on lessons learned from end-users, project partners, and Department staff, and for incorporating any additional regulatory or statutory changes.

Users of these guidance materials vary by deliverable but include all together: state agency environmental permitting staff and programmatic technical assistance providers; municipal officials, in particular code enforcement officers, planners, planning board members, and asset managers; infrastructure engineers, landscape designers, and earthworks contractors; and private landowners, namely homeowners, business owners, or others who are taking actions in the shoreland zone or that are adjacent to inland and coastal wetlands and are within the broader regulated community.

1. **Project Tasks**

The awarded Bidder will work under the direction of Department staff and will work closely with members of other state agencies convened by the Department. This project will start in Spring 2025 and end in September 2029. The project will involve a series of regularly occurring meetings and engagement events as well as additional meetings as determined (see Meetings and Engagement Events), which are collectively intended to inform development of several regulatory guidance deliverables. The deliverables will be worked on in phases (Table 1).

The work may be performed at State facilities in Augusta, or at the Bidder’s own facility. In person attendance at focus groups, training workshops, and roundtables is expected. Site visits to demonstration study sites may also be beneficial but not required.

**Table 1 – Anticipated Timeline for Deliverables**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| *Timeline* | **2025** | **2026** | **2027** | **2028** | **2029** |
| 1. Updated Maine Shoreland Zoning publication
 | 10/2025 | Revision as needed |  |  |
| 1. Living Shorelines & Coastal Bluffs Design Book
 | 10/2025 | Revisions as needed |  |
| 1. Develop Regulatory Guidance & Regulatory Review Checklists
 |  | 10/2026 | Revisions as needed |
| 1. Resilient Design Manual
 |  | 10/2026 | Revisions as needed |

Table 1: The deliverables are listed in order of timeline for completion. The first deliverables to be developed are the Shoreland Zoning publication and the OUR SHORE Living Shoreline & Coastal Bluffs Design Book. It is anticipated that the initial package of all materials will be completed by October 2026. Revisions will be made as needed to select materials after the initial package is complete and as determined by the Department, the awarded bidder, and as informed by project partners.

* 1. **Project Management and Administration**

The primary Department staff on this project team that the awarded bidder will be working with are within the Climate Change Program (CCP), Non-Point Source Pollution Training Center (NPSTC), and the Bureau of Land Resources (BLR). The CCP is the lead point of contact on the project team for the awarded bidder.

* 1. **Meetings**

The awarded bidder will attend no more than a total of 12 meetings per year, which will consist of meetings with Department staff or with project partners. The awarded bidder will also attend two annual all day events, one in the spring and one in the fall, most likely based in Augusta. At meetings and events, it will be beneficial to have the awarded bidder present to listen to and/or to answer questions as appropriate about the draft or final materials together with the Department.

* + - 1. Meetings with Department Staff: The awarded bidder will meet with Department staff, scheduled at points around milestones for drafting deliverables as determined by staff progress on technical writing, and on awarded bidders’ progress on drafting. Meetings with Department staff will almost always be held remotely by video call. Approximately 6 meetings per year.
			2. Meetings with Agency Partners: The awarded bidder will meet with Department staff and state agency partners in the regulatory forum. Meetings with Department staff and with other state agencies will almost always be held remotely by video call. Approximately 4 meetings per year.
			3. Meetings with Project Partners: Additional focus groups or workshops will be convened by the project team with subject matter experts or end users of the guidance materials to hear direct feedback that will inform improvements. These meetings will be either in-person or held remotely by video call, to be determined. Approximately 3-4 meetings per year. If there are additional meetings between the Department and project partners beyond 4 meetings per year, the Department and bidder could determine if it is necessary for the bidder to attend or if alternatively the Department could provide summary information from those events to the awarded bidder so they are able to incorporate feedback but can focus their project time on content formation and finalization.

The project will begin with an introductory meeting with the project team for an orientation to the materials that are already in use, the materials that are already in development, and the materials that have been identified for development but have not yet been developed. The first meeting with the project team will be to introduce the project and to establish a workplan with the awarded bidder.

In the first several months, a more regular monthly, or biweekly, meeting structure may be used to become familiar with the variety and depth of guidance materials that will be improved, and created, within this project. After up-to-speed a monthly or every other month meeting schedule may be more beneficial for progress between meetings.

Attendance at the regulatory forum meetings will be as needed – the first meeting with the forum will include an introduction once brought on board. Attendance at follow-up meetings with the regulatory forum will be based on progress reports to review drafts and to gather input.

Throughout the project, the Department will be responsible for receiving comments on the draft manual that will be provided to the awarded bidder – this will be done in close collaboration using common a SharePoint folder for ease.

* 1. **Engagement Events:**

The Department will convene an annual full day of hybrid training in late fall (November or December) each year beginning in 2025. The event will provide training on the guidance materials that have been developed for practitioners. The final format for the training is still being determined but may likely take the form of a central training site based in Augusta, with satellite in-person events at other locations in Maine.

An annual roundtable will also be convened by the Department in the spring (March or April) each year, beginning in 2026. The Roundtable will be an opportunity to evaluate lessons learned and to share best practices among practitioners. The final format for the roundtable is still being determined but may take the form of a large (approximately 100 people) in-person event based in Augusta.

* 1. **Drafting Guidance Materials**

Department staff in the CCP, NPSTC, and BLR will be the primary technical writers for all deliverables. Additional Department staff in other programs will provide content or review as appropriate. Developing the guidance will be iterative where technical content is drafted by staff and provided to the awarded bidder. The awarded bidder will improve the content provided to them and provide drafts back to the project team and their partners for feedback. The awarded bidder is also anticipated to be in attendance and be available to present at meetings where feedback is provided on these publications. Files, including drafts, notes from meetings, comments on drafts, and the final materials, will be managed in a SharePoint group created by the Department for project partners.

The awarded bidder is also expected to perform light desk research to share models of best practices from other state regulatory guidance materials to inform developing materials for Maine. This research is, however, not expected to be extensive. The Department is available to assist with this research and is available to set up meetings with contacts for more information about examples should that be deemed productive by the project team.

* 1. **Final Guidance Materials**

The awarded Bidder will meet with the Department and with the regulatory forum to review the final materials. Department staff will work with the awarded bidder to address any last issues identified before considering the publications complete. Final deliverables will be incorporated into agency processes, added to Department webpages, and provided in training through various programming by partners.

1. **Bidding Assumptions**

Assume the first introductory meeting with the project team will be 2 hours.

Assume virtual meetings will be 1 hour each.

Assume two annual full day in-person events, 6 hours each (not including travel).

Assume additional time for drafting, pre-meeting, and follow up meeting, tasks

Assume the workstream will be most concentrated in 2025 and 2026 when initial editions of all deliverables will be created. The years 2027-2029 will be focused on improving the initial editions as needed.

Actual invoices will be based upon actual time spent and the rate sheet.

**PART III KEY RFP EVENTS**

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 received by the Initial Submitted Questions Due Date will be compiled in writing and posted on the following website no later than seven (7) calendar days prior to the Initial Proposal Due Date: [Office of State Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps).

All other questions received following the Initial Submitted Questions Due Date will be addressed by updating the Q&A Summary no later than seven (7) calendar days prior to the next enrollment deadline.

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.

1. **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 initial 11:59 p.m. deadline, will be held until the next enrollment period.
	2. **Delivery Instructions:** E-mail proposal submissions must be submitted to the Office of State Procurement Services at 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 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# 202503032 Proposal Submission – [Bidder’s Name]”**
2. Bidder’s proposal submissions must be sent as one combined document. PDF format is preferred. Other formats, such as MS Word, will be accepted.
3. Bidder’s proposals must include (in the order below):
* **Appendix A** (Proposal Cover Page)
* **Appendix B** (Responsible Bidder Certification)
* **Appendix C** (Qualifications and Experience Form) and all related/required attachments
* **Appendix D** (Cost Proposal Form)
* Copy of applicable licensure or any specific credentials
* Certificate of Insurance
* Company Rate Sheet(s)

**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**

* 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.

**Section II Organization Qualifications and Experience**

* 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 (3) 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. **Organizational Chart**

Bidders must provide an organizational chart. Each position must be identified by position title and corresponding to the personnel job descriptions.

* 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. **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**

* 1. **Services to be Provided**

Bidders must discuss the Scope of Services referenced above in Part II of the RFP and what the Bidder will offer, including a description of the methods and resources the Bidder will use and how each task involved will be accomplished. Bidders must also describe how the expectations and/or desired outcomes as a result of these services will be achieved. If subcontractors are involved, Bidders must clearly identify the work each will perform.

**Section IV Cost Proposal**

* 1. **General Instructions**
		1. Bidders must submit a current rate sheet. Rate sheets must provide a listing of all the typical fixed and hourly rates for all services and the positions expected to be involved in the services provided as well as all other expected expenses.
		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.

**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.
	4. Changes to proposals, including updating or adding information, will not be permitted during any portion of the evaluation process. 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:** Proposal scores will be based on a 100-point scale and will measure the degree to which each proposal meets the following criteria:

|  |  |  |
| --- | --- | --- |
| **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)** |
| **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. | **(40 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. | **(30 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:** The evaluation team will use a consensus approach to evaluate and score Sections II, III and IV 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.
	2. **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.
	2. 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.

**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 Questions Form

**APPENDIX A**

**State of Maine**

**Department of Environmental Protection**

**PROPOSAL COVER PAGE**

**RFP# 202503032**

**Development of Regulatory Guidance Materials**

|  |  |
| --- | --- |
| **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 agreement with the Department should they be 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 Environmental Protection**

**RESPONSIBLE BIDDER CERTIFICATION**

**RFP# 202503032**

**Development of Regulatory Guidance Materials**

|  |  |
| --- | --- |
| **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.*
6. *Is not a foreign adversary business entity (*[*https://www.maine.gov/oit/prohibited-technologies*](https://www.maine.gov/oit/prohibited-technologies)*).*
7. *Is not on the list of prohibited companies (*[*https://www.maine.gov/oit/prohibited-technologies*](https://www.maine.gov/oit/prohibited-technologies)*) or does not obtain or purchase any information or communications technology or services included on the list of prohibited information and communications technology and services* [*https://www.maine.gov/oit/prohibited-technologies*](https://www.maine.gov/oit/prohibited-technologies) *(Title 5 §2030-B).*

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

**APPENDIX C**

**State of Maine**

**Department of Environmental Protection**

## QUALIFICATIONS & EXPERIENCE FORM

**RFP# 202503032**

**Development of Regulatory Guidance Materials**

|  |  |
| --- | --- |
| **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.** |
|  |

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

**State of Maine**

**Department of Environmental Protection**

**COST PROPOSAL FORM**

**RFP# 202503032**

**Development of Regulatory Guidance Materials**

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

This form should be used by Bidders to submit the anticipated costs for each service they intend to provide to meet the deliverables described in the RFP. In addition to any hourly costs for specific services, please include all potential costs in your budget breakdown. Please add more lines as necessary.

If travel is to be included, please note that the Office of the State Controller sets reimbursement rates at their website here: <https://www.maine.gov/osc/travel/mileage-other-info>

As a reminder, the allotted budget for this RFP is $425,000, and cost forms should reflect what the bidder can provide within this budget range.

|  |  |  |  |
| --- | --- | --- | --- |
| **Description of Services**(e.g. graphic design, technical writing) | **Quantity** (e.g. hours) | **Hourly Rate ($)** | **Total Cost ($)** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| **Subtotal** |  |  | **Total ($)** |

**APPENDIX E**

**State of Maine**

**Department of Environmental Protection**

**SUBMITTED QUESTIONS FORM**

**RFP# 202503032**

**Development of Regulatory Guidance Materials**

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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