Department of Agriculture, Conservation and Forestry

**Land for Maine’s Future**

22 State House Station, Augusta, Maine 04333 Tel. (207) 592-6135

**Chapter 2:**

RULES OF PROGRAM ADMINISTRATION

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# PURPOSE OF RULES

These Chapter 2 rules have been created to clarify and standardize certain procedures in connection with:

1. the issuance of Requests for Proposals;
2. the processing of Proposals received in response to Requests for Proposals pursuant to 5 M.R.S. §§ 6203-A, 6203-B, 6203-C, 6203-E, and 6203-F; 12 M.R.S. § 6042, and 7 M.R.S. § 164;
3. the award of funds pursuant to 5 M.R.S. §§ 6203-A, 6203-B, 6203-C, 6203-E, and 6203-F and attendant obligations of recipients; and
4. the delegation of certain authority by the Board to LMF staff.

# PROGRAM ADMINISTRATION

## REQUESTS FOR PROPOSALS

Funds will be awarded pursuant to Requests for Proposals issued by the Board.

### Board’s Determination

The Board, in its sole discretion, will determine when and whether to issue a Request for Proposals (RFP).

### Manner Issued

The Board issues an RFP by publishing the RFP document, which is typically titled “the Workbook.” The RFP document contains the requirements, necessary forms, guidelines, procedures, and conditions of funding as well as all information deemed advisable by the Board, LMF Staff, and Designated State Agencies.

### Board Review of Proposals Submitted in Response to a Request for Proposals

* + 1. The Board will review all Proposals timely submitted in response to an RFP based on the criteria established within the RFP document.
    2. The Board will document the scoring and substantive information that supports the scoring and will make any award decision based upon the criteria set forth in the RFP document.
    3. The Board retains discretion to make, or not make, funding awards. Satisfying the conditions of the RFP does not create a right to an award of funds.

### Applicant Response to RFP

By submitting a Proposal in response to an RFP, an Applicant consents to the requirements, procedures, and conditions of funding contained within that RFP document.

### Withdrawal of Proposals.

The Applicant may withdraw a Proposal at any time without prejudice to their right to resubmit in response to a subsequent RFP for which the project is eligible for funding.

## DETERMINATION OF TIMELINESS

### Receipt of Materials.

Regarding any period or deadline for the filing of any submission:

* + 1. If the Board requires that a hard copy be delivered to LMF offices, delivery is timely if postmarked by the date specified.
    2. If the Board requests that a submission be delivered by email or other electronic means, or for hand-delivery of a hard copy, delivery is timely if received on or before 5:00 p.m. EST/EDT on the date specified.

### Acceptance of Materials After Expiration of the Period.

The Board, for good cause shown, may at any time in its discretion:

* + 1. With or without notice, extend the period or deadline for the filing of any submission or
    2. Upon request made after the expiration of the prescribed period or deadline for filing, accept a submission delivered after the date and time specified where the failure to act was the result of excusable neglect.

## SIGNATURES

According to 10 M.R.S., Chapter 1053, the Board may accept, require, and use digital signatures for digital submissions and other official matters. However, the Board may, at the Board’s discretion, require that a signature be a manual signature and/or that a digital signature be supplemented by a manual signature.

# DELEGATION OF AUTHORITY TO STAFF

## BOARD FINDINGS

Pursuant to 5 M.R.S. §§ 6205(2), the Board finds that:

* 1. Management and administration of the Program is conducted between LMF Board meetings by LMF Staff under the responsibility of the Director. LMF Staff, therefore, are those most likely to receive requests for help and information from the Public, including potential Applicants, and have a high degree of familiarity with the particular circumstances surrounding such requests.
  2. As LMF Staff manage a Project after the final award but before disbursement, they may learn of changes that alter the previously accepted fair market value that formed the basis for the Board’s final award.
  3. Delegating sufficient authority to LMF Staff to approve minor deviations from program requirements after the final award but before disbursement, provided that the authority is clearly described and defined, will eliminate a waiting period between the completion of the staff work and the next LMF board meeting.
  4. The nature of the discretionary authority that may be conveyed would be such that LMF Staff may decide on the strict basis of the statutory criteria for approval contained in 5 M.R.S. §§ 6203-A, 6203-B, 6203-C, 6203-E, and 6203-F, and the policies, standards, and rules duly adopted by the Board.

## DELEGATION OF AUTHORITY

1. the Board has the authority to develop policy(ies) for delegating authority to its staff, under the responsibility of the Director, including the authority to
   * 1. Approve, approve with conditions, disapprove, or otherwise act on the following, provided they are routine in nature and do not raise significant policy issues:
        1. Reductions in land area of 10% or less of the original total project land area discovered following the Board’s final award but prior to disbursement. This includes instances in multi-parcel projects, provided that the corresponding change to fair market value is also no greater than 10% and further provided that such changes maintain the statutorily required match ratio of at least 1:1.
        2. Changes in project scope discovered after the Board’s final award but prior to disbursement that do not substantially affect public access, recreational opportunities, uses of the land, ecological or conservation attributes.
     2. Extend the time limits for submission as provided in 2.02.
     3. Exercise reasonable judgment after final award in determining when and whether all conditions for funding have been satisfied.
2. Notwithstanding the provisions of Sections 2.03, at the request of the Applicant or the discretion of the Board or the Director, any proposal, request, or matter may be forwarded to the Board for discussion, decision, guidance to staff, or directive to staff.

STATUTORY AUTHORITY: 5 M.R.S. §§6203-A, 6203-B, 6203-C, 6203-E, 6203-F, and 6205

EFFECTIVE DATE:

November 3, 2024 – filing 2024-244