

Maine Section 319 Nonpoint Source Grant Program Quality Assurance Program Plan

December 16, 2022




Approval Signatures:

DEP QAPP Review Coordinator:



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Date

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Date

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Alex Wong, Maine DEP 1/30/23
Date

USEPA, Region 1 NPS Program Coordinator:

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[Appendix 6](#) DEP Division of Environmental Assessment Organization Chart (September 30, 2022)

I. Distribution List

The approved Quality Assurance Program Plan (QAPP) will be distributed to the following staff from the Maine Department of Environmental Protection (DEP) and the U.S. Environmental Protection Agency (USEPA or EPA):

Greg Beane	Environmental Specialist III – DEP Bureau of Water Quality (BWQ) Division of Environmental Assessment (DEA)
Alaina Chormann	Environmental Specialist III – DEP BWQ DEA
Jeff Dennis	Biologist III – DEP BWQ DEA
Sandra Fancieullo	USEPA Region 1 Nonpoint Source Program Coordinator and Section 604(b) Grant Project Officer
Kristin Feindel	Environmental Specialist III - DEP BWQ DEA
Wendy Garland	Director – DEP BWQ DEA
Addie Halligan	Environmental Specialist III – DEP BWQ DEA
Kirsten Thompson	Environmental Specialist IV – DEP BWQ DEA
Julie Churchill	QAPP Review Coordinator – DEP Office of the Commissioner
Karen McCarthy	USEPA Region 1 Senior Project Officer
Anthony Pepe	USEPA Region 1 Quality Assurance Manager
Alex Wong	Environmental Specialist IV/Nonpoint Source Program Coordinator – DEP BWQ DEA

Other DEA staff may also receive a copy of the approved plan, when appropriate. The most up-to-date version of this QAPP will be available through DEA’s Nonpoint Source Program Coordinator.

II. Introduction

The purpose of this document is to describe the process used to manage the Section 319 program in Maine and how quality assurance concerns are addressed in this process. This document will serve as an overall quality assurance program plan (QAPP) for most projects funded with Section 319 funds in Maine. Projects not covered by this QAPP are described in Section II, below. The QAPP will be reviewed by staff from the DEP’s Watershed Management Unit (WMU) on an annual basis, and any modifications to the QAPP or attachments will be incorporated and distributed as needed. In addition, the QAPP will be reviewed, updated and resubmitted to DEP’s QAPP Review Coordinator and the U.S. Environmental Protection Agency (EPA) for re-approval every five years to ensure that it is current.

III. Program Objectives and QAPP Applicability

The overall objective of the Maine Nonpoint Source Management Program is to prevent, control, or abate nonpoint source pollution (NPS) to lakes, streams, rivers and coastal waters so that beneficial uses of those waters are maintained or improved. DEP uses Clean Water Act (CWA) Section 319 grant funds from the EPA as well as state funds, to support a variety of NPS projects to help achieve this objective. DEP manages use of 319 funds in accordance with EPA’s *Nonpoint Source Program and Grants Guidelines for States and Territories* (April 2013). Section 319 under the CWA allows for programs to include a variety of components, including technical and financial assistance, education, training, technology transfer, demonstration projects, and regulatory programs.

DEP administers a grants program to provide financial assistance (subgrants of Section 319 funds) to help subrecipients (may also be referred to in DEP documents as Grantees) conduct NPS Projects. NPS projects

implement actions in a specific watershed to help restore or protect a lake, stream, or coastal water that is impaired or considered threatened by polluted runoff. Subrecipients conducting NPS Pollution Control Projects (NPS Projects) are obligated to administer projects in accordance with the State of Maine 'Agreement to Purchase Services' (also referred to as a Grant Agreement or contract) as well as Maine DEP's *Nonpoint Source Grant Administrative Guidelines* (December 2016). See Appendix 3.

This program QAPP is intended to cover all NPS projects, except projects that include water quality monitoring. Projects involving the collection and analysis of water quality samples will require a Quality Assurance Project Plan or other Quality Plan (e.g., Sampling & Analysis Plan) developed in accordance with the *MDEP Quality Management Plan* (Section 7.3 or 7.4) and *EPA Requirements for Quality Assurance Project Plans, EPA QA/R-5* (2001).

IV. Program Organization

The Maine DEP staff operating under this QAPP are associated with the Watershed Management Unit (WMU), which is part of the Division of Environmental Assessment in the DEP's Bureau of Water Quality (Appendix 6). Assistance may also be provided by other DEA staff, interns, contractors or volunteers (Figure 1). WMU staff is responsible for managing and implementing the Clean Water Act 319 grant program. This includes issuing request for applications (RFA), project selection, oversight of funded projects, review and approval of project deliverables, and coordinating with EPA.

The Nonpoint Source Program Coordinator is responsible for overall management of Maine's NPS Management Program. In addition, the NPS Program Coordinator works with the Agreement Administrators (AA, Table 1) who work directly with subrecipients and monitor the project to help the Grantee successfully implement the project work plan and comply with the Grant Agreement. The Maine NPS Program Coordinator is in regular communication with EPA Region 1 NPS coordinator and DEA management.

Table 1. Agreement Administrator NPS Project Service Area.

Service Area	AA
Northern Maine Region	Kirsten Thompson
Eastern Maine Region	Greg Beane
Central Maine Region	Alex Wong
Southern Maine Region	Addie Halligan Alaina Chormann

Project Oversight and Subrecipient Monitoring

A WMU staff person is assigned as AA to guide each pass-through project and to monitor subrecipient performance under the Grant Agreement. AAs generally service projects in a defined service area (Table 1). The AA helps ensure that work is carried out according to the work plan and Maine's *NPS Grant Administrative Guidelines* (GAG) (Appendix 3) by conducting office and field site visits, reviewing deliverables and invoices, maintaining regular contact with subrecipients and providing assistance to resolve problems.

Agreement Administrators must be familiar with NPS pollution issues and a wide range of Best Management Practices (BMPs) as well as program documents including this program QAPP and GAG. To

achieve quality goals experienced staff will train new staff. All training events will be documented in project files.

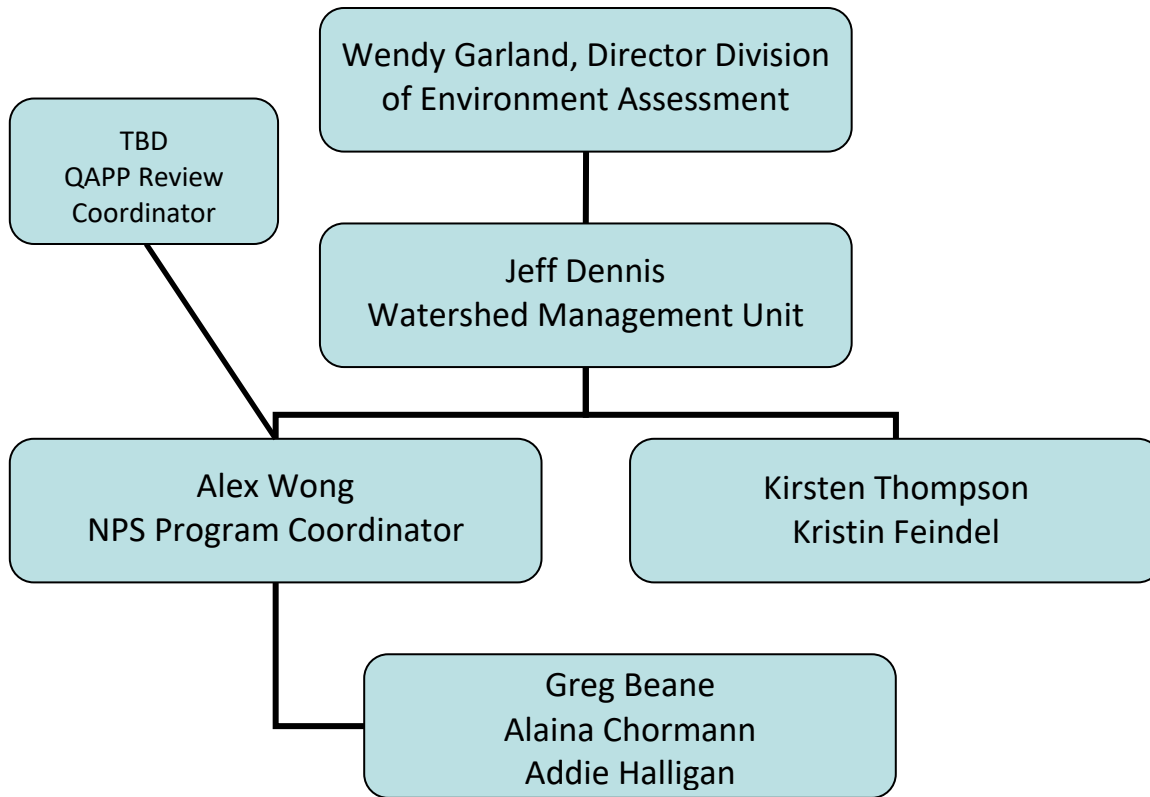


Figure 1. Section 319 NPS Grants Program Organizational Chart.

V. Program Quality Objectives

The primary program goal is to protect and restore water quality in Maine’s lakes, rivers, streams and estuaries through the reduction of NPS pollution. To accomplish this goal in a particular watershed, DEP actively promotes the development of a locally-supported plan that will guide pollution control and prevention activities throughout the watershed. The EPA-required plan, known as a Watershed-based Plan (WBP), identifies and formally recognizes the roles of participating project sponsors and stakeholders, focuses implementation efforts throughout a watershed so that water quality will be protected or measurably improved, and recommends BMPs. Implementation projects install BMPs that will lead to significant reductions of NPS pollution to the waterbody. A DEP-accepted NPS WBP is necessary for all NPS grant projects.

There are currently two kinds of EPA-required watershed plans being used in Maine. The first is an EPA nine-element plan¹ that addresses NPS-impaired waters, and the second is an alternative watershed-based plan for lake protection projects². DEP maintains a list of all current and accepted plans on its website <https://www.maine.gov/dep/water/grants/319.html>.

¹ EPA guidance on nine-element plans is available at https://www.epa.gov/sites/production/files/2015-09/documents/2008_04_18_nps_watershed_handbook_handbook-2.pdf

² DEP guidance on lake watershed-based protection plans is available at <https://www.maine.gov/dep/water/grants/319.html>

A. Quality Assurance Requirements

The quality assurance requirements for NPS Projects are addressed through the following documents:

- DEP Request for Applications FY 'Grants for Nonpoint Source Pollution Control Projects Watershed Plan Implementation'. (see Appendix 2 for sample: RFP#202203023, June 2022). This document includes instructions for work plan content and format and the template for a Grant Agreement.
- Grant Agreement Template. Subrecipients are obliged to administer the project in accordance with the Grant Agreement. The Grant Agreement describes Subrecipient responsibilities in 7 riders: Rider A, Specifications of Work to be Performed (includes the Project Work Plan); Rider B, Payment and Other Provisions; Rider C, Exceptions to Rider B; Rider D, Debarment for Federal Funds; Rider E, USEPA Performance Partnership Grant Terms & Conditions; Rider F, None, and Rider G, Identification of Country in Which Contracted Work will be Performed.
- NPS Grant Administrative Guidelines - Maine Nonpoint Source Grants Program. December 2016. (Appendix 3). Grant agreements for NPS Projects require subrecipients to use these Guidelines to comply with reporting requirements. The guidelines detail reporting requirements and provide other information to help subrecipients and DEP staff administer NPS projects to comply with the Grant Agreement.
- Pollutants Controlled Report. Report form (See Appendix 3 – GAG) provides instructions to subrecipients for estimating and reporting pollutant load reduction and resource protection accomplished during NPS Projects for the EPA database - the Grant Records Tracking System (GRTS).
- Standard Operating Procedures for Regular Contact and Site Visits for Nonpoint Source Grant Projects. December 2017. (Appendix 4). This Standard Operating Procedure (SOP) applies to all DEP staff assigned as Agreement Administrators for a NPS Project funded through the NPS Grants Program. DEP is responsible for monitoring Subrecipient use of federal awards through review of Subrecipient reports and deliverables, site visits and regular contact. The SOP describes procedures for regular contact and site visits (includes office and fieldwork site visits) to monitor Subrecipient compliance with the grant agreement.
- Standard Operating Procedures for Filing Documents and Records Pertaining to Nonpoint Source Grant Projects, Bureau of Water Quality. December 2017. (Appendix 5). This SOP applies to all DEP staff who develop or utilize NPS Project files funded through the NPS Grants Program. This SOP is to ensure that NPS Project files are properly created and maintained; contain pertinent documents and records; and DEP personnel can easily access NPS project files.
- Maine Lake and Stream Watershed Survey Generic Quality Assurance Project Plan. DEPLW1088. May 2020. This plan specifies procedures and quality requirements for conducting watershed surveys of lakes and stream watersheds.
- Generic Quality Assurance Project Plan for Maine Stream Corridor Survey. November 2018. This plan specifies procedures and quality requirements for conducting stream corridor surveys.

- *Maine Erosion and Sediment Control Practices Field Guide for Contractors, and Maine Erosion and Sediment Control Best Management Practices (BMPs)* are accessible from the DEP Nonpoint Source Training and Resource Center webpage <https://www.maine.gov/dep/land/erosion/escbmps/index.html>.
- *Nonpoint Source Program and Grants Guidelines for States and Territories*. April 12, 2013. USEPA Manual (<https://www.epa.gov/sites/default/files/2015-10/documents/319-guidelines-fy14.pdf>)

B. Use of Secondary Data

NPS projects that involve compilation and use of pre-existing data (secondary data) about the watershed and water bodies will include a task in the work plan requiring the subrecipient to specify the methods used to evaluate the quality/validity of the data to determine if the data is acceptable for the purposes of the NPS project. All such secondary data must be available for review by DEP program staff on request.

VI. Program Design

A. RFA Process

Most Section 319 funded projects in Maine are selected through a competitive RFA process. DEP prepares and releases an RFA to the public once a year, usually in May. The RFA is drafted by the NPS Program Coordinator and AAs and then reviewed and approved by the EPA Nonpoint Source Coordinator for Maine. Both DEP priorities and EPA national NPS Guidelines are considered during RFA preparation. The RFA requirements, evaluation criteria, and project selection process are summarized below. DEP is obliged to comply with *Chapter 110 - Rules for the Purchases of Services and Awards* which outlines procedures for purchasing services and awarding grants pursuant to Maine law 5 M.R.S. § 1825-B. Prior to RFA issuance, DEP hosts workshops to provide information for interested parties regarding planning and implementing NPS projects. During the RFA process the NPS Program Coordinator provides a summary of all questions received and responses regarding the RFP to all who downloaded a copy of the RFA.

B. Application Requirements

The RFA describes funding priorities, project eligibility, evaluation criteria, and program requirements. The RFA section titled “Scope of Services to be Provided, D. Project Design” provides the recommended format and content of work plans/proposals submitted in response to the RFA. The document describes how the following sections should be addressed in project work plans: project title, subrecipient name, watershed information, problem/need, purpose, project duration, general project plan, tasks, schedules & estimated costs, deliverables, interagency coordination, environmental results, project coordinator, and budget information.

C. Application Selection Criteria

As described in the RFA, “Application Evaluation and Selection” the following evaluation criteria are used in the scoring of applications:

1. Applicant Qualifications, Past Performance (max: 15 points)
Consider the adequacy of applicant qualifications (relevant experience, financial, administrative & technical qualifications, personnel and facilities) to carry out the project within the proposed timeframe, along with any known past performance on relevant projects.

2. Relative Value of the Waterbody (max: 10 points)

Evaluate the degree to which the public currently uses and values the waterbody. Consider the availability (access) and extent of use. Consider uses including, but not limited to, drinking water supply; public recreational opportunities; scenic and aesthetic benefits; aquatic and terrestrial habitat benefits; commercial benefits; and potential for increased public use and improved habitat.

3. Water Quality Problem (max: 10 points)

Evaluate the extent to which the work plan exhibits an informed understanding of water quality conditions. Consider the severity of the water quality impairment or indication that the waterbody may not attain its water quality standards in the future.

4. Nature, Extent and Severity of NPS Problems (max: 10 points)

Evaluate the nature, extent, and severity of NPS problems in the watershed. Evaluate the work plan's understanding of what actions are needed to address the NPS sources and problems.

5. Feasibility for Success (max: 25 points)

Likelihood that the project will be successfully completed as proposed and that the waterbody can be successfully restored or protected. Considerations: adequate information and capacity to determine actions needed restore or protect the waterbody; proposed tasks/BMPs address the primary water quality stressors and pollutants of concern, as well as impacts associated with climate change; effective well-sequenced tasks; contribution or participation by appropriate stakeholders and municipal government; leveraged with other previous or concurrent efforts; extent of community support to restore or protect the waterbody.

6. Cost Effectiveness (max: 25 points)

Regarding the grant funds requested and the proposed work, consider the degree to which the project represents a good return for the investment (money, time). Consider whether project work and cost estimates (tasks & budget) are reasonable for the expected outcomes, along with the amount and quality of proposed matching funds or services.

7. Comprehensive Plan (max: 5 points)

How much of the watershed falls within the jurisdiction of towns that have a current State comprehensive plan finding of consistency with the Maine Growth Management Act (scored by Municipal Planning Assistance Program in the Maine Department of Agriculture, Forestry and Conservation).

D. Application Review, Selection and Approval Process

Applications received under the RFA are evaluated by an evaluation team composed of WMU and other state agency staff. The evaluation team uses a consensus approach per Maine Department of Administrative & Financial Services (DAFS) Division of Purchases requirements to evaluate and score Sections 1-7 above. Members of the evaluation team will not score those sections individually; rather the team will arrive at a consensus for the point value for each section. DEP funds projects from highest to lowest scoring. Once the evaluation team has completed assessment of all the proposals, the NPS Program Coordinator prepares a written summary of the proposed award decision for review and approval by the DEA Division Director and EPA NPS Coordinator for Maine. The EPA NPS Coordinator reviews the proposals to ensure funding eligibility, as well as to provide comments on technical feasibility, cost effectiveness, and

other aspects of the proposals. Upon acceptance, the award decision is then shared with the DAFS Division of Purchases and each RFA respondent.

For each project selected, DEP asks the applicant to submit a revised work plan, taking into account the comments received from the evaluation team, WMU and EPA. Following the submittal of a revised work plan, the DEP and EPA conduct a final review. DEP accepts the work plan for contract preparation after determination that the applicant has adequately addressed the review comments. DEP prepares an *Agreement to Purchase Services* (Grant Agreement) for each accepted project. All Grant Agreements go through a State of Maine and DEP contract approval process which includes a review by financial staff, the DEA Director, and the Director of the BWQ; they are then signed by the subrecipient; and DEP Commissioner and Division of Purchases provides a final review and approval.

E. Load Reduction Estimates

The national *NPS Program and Grants Guidelines for States and Territories* (April 2013) require that load reduction estimates be developed for projects that will result in load reductions of either sediment or nutrients (nitrogen and phosphorus). EPA recognizes that due to variability in site and weather characteristics (among other factors), load reductions associated with BMP projects are extremely difficult to derive accurately. Accordingly, load reduction estimates for Maine Grants Program projects are developed using simple models or equations and calculated by the subgrant recipient. DEP and subrecipients use the methods described in the EPA "Region 5 Model" and/or the U.S. Forest Service Water Erosion Prediction Project - Road (WEPP - Road) computer model to estimate NPS load reductions. These models are described at websites <https://www.epa.gov/nps/plet> and <https://forest.moscowfl.wsu.edu/fswapp>, respectively. Subrecipients are required to contact DEP for review and approval if they plan to use an alternate estimation method.

NPS Projects involve installing BMPs at numerous NPS sites within the project watershed. Pollutant load reduction estimates are developed and reported as follows:

1. During design and/or installation of BMPs at NPS sites, appropriate field measurements are recorded to enable preparation of written estimates of pollutant load reductions;
2. Estimates are prepared for all NPS sites, unless there is not an applicable estimation method for a given site;
3. Estimates are checked for proper application of the method(s) and the results are summarized on a standard form provided by DEP titled "Pollutants Controlled Report" (PCR) (see Appendix 3 - GAG);
4. The PCR and supporting documentation are submitted to the AA, by December 31 of each year, until project completion. If there were no load reductions or resources protected during the reporting period, the Subrecipient notifies the AA prior to December 31. Information required in the PCR includes: a brief description of the NPS sites; name of the model used for each NPS site; selection of BMPs used; and the model result for each NPS site. The PCR requires that subrecipients sign the following statement: "The estimations in this report were determined using the appropriate estimation model(s) and applied according to the procedures prescribed for the model. To the best of my knowledge these are reasonable estimates using appropriate methods; documentation of the estimates is attached to this PCR for review by DEP/EPA";

5. Documentation of the estimation procedures used for each NPS site are retained in the subrecipient project files; and
6. Annually by the date required by EPA (usually March 31) DEP enters the load reduction estimates into EPA's national Grant Reporting & Tracking System (GRTS) according to EPA *Nonpoint Source Program and Grants Guidelines for States and Territories*, April 2013.

F. Selection and Installation of BMPs at NPS Sites

The subrecipient exercises professional judgment in the selection, design and installation of the BMPs for NPS sites. Subrecipients are obliged to design and install BMPs at NPS sites according to design guidance described in Maine BMP Guidance Manuals or use other BMPs acceptable to the Department. Projects involving complex or relatively costly BMP installations require DEP review and acceptance of site designs prior to construction.

The AA visits NPS sites in the field observing conditions and BMPs installed to determine if the BMPs appear appropriate for the site and functional. Many NPS projects involve installation of BMPs at numerous NPS sites. BMP installations at NPS sites range widely from simple (e.g., buffer plantings, water bars, etc.) to more complicated (e.g., biofilters, manure management systems, etc.). BMP installation costs (including landowner contacts, permits, design, and construction, etc.) vary widely among different types of BMPs and NPS sites. The AA may not need to evaluate relatively simple, lower cost NPS sites; however, if the sites is complicated or high cost, the AA does a Fieldwork Site Visit before construction (see Appendix 4). The AA will use best professional judgment to determine if a site visit is needed to help ensure the Subrecipient uses appropriate BMPs. To decide whether a site visit is needed, the AA will consider (a) cost and complexity of the site; and (b) the knowledge, skills, and experience of the person(s) evaluating and designing BMPs for that site.

In all cases, if a NPS pollution site involves more than \$2,500 in construction costs paid by grant funds, the AA does a Fieldwork Site Visit during and/or after construction to observe the BMPs installed at a site to determine if the BMPs appear appropriate for the site and functional.

G. Subrecipients Reports and Deliverables

Under the grant agreement, DEP requires that subrecipients submit deliverables and semi-annual reports to document progress throughout the project period and a final project report upon completion of the project. Subrecipients provide a brief "NPS Site Report" with photographs to document BMP installation at each NPS site. The final project report includes a title page, project overview, task summary, deliverables summary, project outcomes, summary of total expenditures, nonfederal match documentation, match certification and applicable appendices. DEP provides project deliverables and progress and final project reports to EPA upon project completion.

VII. Documentation and Records Management

DEP tracks all grant agreements (subgrants) and maintains a filing system for documents and records on each NPS project. All documents for each project are stored in the NPS Project File. DEP has *Standard Operating Procedures for Filing Documents and Records Pertaining to Nonpoint Source Projects for the Bureau of Water Quality* (Appendix 5). This SOP applies to all DEP staff that develop or utilize NPS project

files funded through the NPS Grants Program. This helps to ensure that NPS Project files are properly created and maintained, contain pertinent documents and records, and are readily accessible by DEP personnel. DEP retains a NPS project file on each project for at least 5 years. Grant Agreements (subgrants) require that subrecipients retain all NPS project documents in a file for at least 5 years following project closeout.

DEP retains all documents pertaining to the EPA Section 319 grant award to Maine (included in the Performance Partnership Grant) for at least seven years in accordance with EPA regulations.

VIII. Continuous Improvement of the Maine NPS Management Program

The Maine NPS Program is guided by the EPA-approved *Maine Nonpoint Source Management Program Plan 2020-2024* (September 1, 2019). Previous versions of the plan were completed in 1989, 1995, 1999 and 2014. Additional updates are planned for every five years, with the next plan to be completed in 2025. Through this update process, the state seeks to continually improve the program and maintain program relevancy to current challenges.

Several reports and planning processes provide opportunities for continuous program review and improvement. As required by EPA, DEP develops an annual NPS report that summarizes Maine's NPS program accomplishments, the status of NPS Management Program Plan milestones and water quality improvements (<https://www.maine.gov/dep/water/grants/319-documents/reports>). In addition, DEP participates in EPA's annual Satisfactory Progress Determination review, which helps EPA assess Maine's progress implementing its NPS program. Maine uses both the annual report and EPA feedback to help assess the overall performance of the program and develop work priorities for the upcoming years.

Maine's NPS program is also shaped and guided by interactions with partners across the state. Each November DEP holds a one-day "Watershed Managers Roundtable" meeting to share information regarding NPS projects and other related watershed or water quality work. DEP uses a 'Watershed Listserve' to help inform and communicate with watershed managers and other professionals involved in NPS work.

The Performance Partnership Agreement (PPA) between DEP and EPA, re-signed every four years and reviewed annually, describes in broad terms the tasks DEP will accomplish with EPA funding. The PPA includes descriptions of 319-related performance objectives and actions. DEP uses the biennial Section 305(b) and 303(d) assessments to help identify water quality restoration needs and water quality improvements, which can be highlighted as NPS Success Stories.

In addition to this programmatic review, DEP also evaluates the success of Section 319-funded projects individually to consider project effectiveness and to identify opportunities for improvement in program delivery. DEP and EPA jointly review the Section 319 RFA and the 319 work plan format every year for any needed changes or improvements. This review provides an opportunity to modify the focus of pass-through projects, adjust priorities, and identify any new requirements.

IX. References

Maine DEP, Maine Department of Environmental Protection Quality Management Plan. January 2021.

Maine DEP, Maine Lake and Stream Watershed Survey Generic Quality Assurance Project Plan. DEPLW1088. May 2020.

Maine DEP, Maine Nonpoint Source Management Program Plan 2020-2024. September 1, 2019.

Maine DEP, Generic Quality Assurance Project Plan for Maine Stream Corridor Survey. November 2018.

US EPA, EPA Requirements for Quality Assurance Project Plans (March 2001).

Appendix 1 - Definitions

Agreement to Purchase Services – A legal contract between a Provider and the Maine Department of Environmental Protection. Also referred to as the Grant Agreement or contract.

Alternative Watershed-based Plan – Refers to a type of watershed plan that is accepted by EPA instead of a nine-element watershed-based plan. In Maine, lake watershed-based protection plans may be developed as alternative plans.

Subrecipient – An organization committed to completing an NPS Project by signing an Agreement to Purchase Services. May also be referred to as Provider or Grantee in Maine NPS program documents.

NPS Grants Program – Maine DEP’s pass-through grant program using Clean Water Act Section 319(h) and 604(b) nonpoint source funding from the USEPA. The Program is focused on working with subrecipients to reduce or eliminate NPS of pollution through the development and implementation of Watershed-based Plans.

Maine NPS Management Program – Encompasses all coordinated efforts from a variety of state agencies and organizations to address NPS issues. Includes NPS Grants Program but is not limited to only the Grants Program. Guided by the Maine NPS Management Program Plan, which is updated every five years.

NPS Program Coordinator – Maine DEP Environmental Specialist IV responsible for overseeing and coordinating the Maine Nonpoint Source Program.

NPS Project – A specific watershed focused grant funded effort to reduce NPS pollution based on an approved Watershed-based Plan.

Watershed-based Plan (WBP) – Refers to an approved nine-element plan as defined by EPA or an alternative plan as approved by DEP and EPA.

Appendix 2 – Separate Document

**DEP Request for Applications #202203023 Grants for Nonpoint Source Pollution Control Projects,
Watershed-based Plan Implementation**

STATE OF MAINE
 Department of Department of Environmental Protection
Bureau of Water Quality



RFA# 202203023

Grants for Nonpoint Source Pollution Control Projects
Watershed-based Plan Implementation

RFA Coordinator	<p><i>All communication regarding the RFA <u>must</u> be made through the RFA Coordinator identified below.</i></p> <p>Name: Alex Wong Title: Nonpoint Source Program Coordinator Contact Information: alex.wong@maine.gov</p>
Submitted Questions Due	<p><i>All questions <u>must</u> be received by the RFA Coordinator identified above by:</i></p> <p>Date: May 2, 2022, no later than 11:59 p.m., local time</p>
Application Submission	<p>Submission Deadline: All applications are due May 20, 2022, no later than 11:59 p.m., local time. Applications <u>must</u> be submitted electronically to the following address:</p> <p>Electronic (e-mail) Submission Address: Proposals@maine.gov</p>

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RFA TERMS/ACRONYMS with DEFINITIONS

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

<u>Term/Acronym</u>	<u>Definition</u>
BMP	Best Management Practice
CWA	Federal Clean Water Act
Department or DEP	Department of Environmental Protection
EPA	US Environmental Protection Agency
NPS	Nonpoint Source
RFA	Request for Proposals
State	State of Maine
WBP	Watershed-Based Plan

RFA # 202203023

Grants for Nonpoint Source Pollution Control Projects: Watershed-based Implementation

INTRODUCTION

A. Purpose and Background

As defined in this Request for Applications (RFA) document, the Department of Environmental Protection (Department or DEP) is seeking proposals to implement watershed projects to restore or protect waterbodies that are impacted by nonpoint source (NPS) pollution. Watershed projects funded under this RFA must be guided by Watershed-based Management Plans (WBP) accepted by the Department. WBPs provide assessment and management information and describe actions needed for restoration and/or protection. This document provides instructions for submitting proposals, the procedure and criteria by which the applicant(s) will be selected, and the contractual terms which will govern the relationship between the State of Maine (“State”) and the awarded applicant(s).

Pursuant to Maine statutes ([38 M.R.S.A. Article 1-F](#)), the Department is charged with coordinating Maine’s Nonpoint Source Management Program to prevent or reduce NPS water pollution so that lakes, streams, rivers and coastal waters are protected and attain their designated water quality standards. NPS pollution is caused when rainfall or snowmelt moves over and through the ground and picks up natural and human-made pollutants such as sediment, fertilizer, road salt, oil, and bacteria. Eventually these contaminants end up in waterbodies, where they can threaten drinking water supplies, cause nuisance algal blooms, diminish recreational activities, and endanger aquatic life and habitat.

The [Maine Nonpoint Source Management Program Plan 2020-2024](#) describes NPS pollution control programs, strategies, and actions needed to make progress controlling and preventing NPS pollution. DEP administers Maine’s NPS program and awards and monitors subgrants for watershed projects in accordance with and using funding provided by the United States Environmental Protection Agency (EPA) under Section 319(h) of the [Federal Clean Water Act](#) (CWA). EPA’s [Nonpoint Source Program and Grants Guidelines](#) requires states to use at least 50% of the annual appropriation of Section 319 funds to implement watershed projects guided by Watershed-based Plans (WBPs). Grants for projects selected under this RFA will be funded with monies provided to the Department by EPA under Section 319(h); grant awards are subject to the availability of federal funds.

Funding awarded to a subrecipient is considered a sub-award of federal funds. The Department will provide a draft of the award decision and work plan proposals to EPA for review and approval and will then submit the proposed award decision to the State of Maine, Division of Procurement Services for approval. For more information about the Department's NPS Grants Program refer to [Nonpoint Source Management Program – Annual Report](#).

B. General Provisions

1. From the time this RFA is issued until award notification is made, all contact with the State regarding this RFA must be made through the aforementioned RFA Coordinator. No other person/ State employee is empowered to make binding statements regarding this RFA. Violation of this provision may lead to disqualification from the application process, at the State's discretion.
2. Issuance of this RFA does not commit the Department to issue an award or to pay expenses incurred by an Applicant in the preparation of a response to this RFA. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
3. All applications should adhere to the instructions and format requirements outlined in this RFA and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Department. Applications are to follow the format and respond to all questions and instructions specified below in the "Application Submission Requirements" section of this RFA.
4. Applicants shall take careful note that in evaluating an application submitted in response to this RFA, the Department will consider materials provided in the application, information obtained through interviews/presentations (if any), and internal Departmental information of previous contract history with the Applicant (if any). The Department also reserves the right to consider other reliable references and publicly available information in evaluating an applicant's experience and capabilities.
5. The application shall be signed by a person authorized to legally bind the Applicant and shall contain a statement that the application and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the application opening.
6. The RFA and the selected Applicant's application, including all appendices or attachments, shall 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 RFA will be considered public records available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) (1 M.R.S. §§ 401 et seq.).
<http://www.mainelegislature.org/legis/statutes/1/title1sec401.html>
8. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in applications received in response to this RFA.

9. The State of Maine Division of Procurement Services reserves the right to authorize other Departments to use the contract(s) resulting from this RFA, if it is deemed to be beneficial for the State to do so.
10. All applicable laws, whether or not herein contained, shall be included by this reference. It shall be the Applicant's responsibility to determine the applicability and requirements of any such laws and to abide by them.

C. Eligibility to Submit Applications

Eligible recipients for Section 319 grants are public organizations such as state agencies, soil and water conservation districts, regional planning commissions, watershed districts, municipalities, and incorporated nonprofit organizations with federal tax-exempt status [501(c)(3)].

D. Contract Term

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

Period	Start Date	End Date
Initial Period of Performance	January 1, 2023	December 31, 2025
Optional No-Cost Extension	January 1, 2026	December 31, 2026

Applicants may schedule work to be conducted for up to two years. The Department may set the grant agreement expiration date for up to three years, to enable a time extension. The Department recognizes that unforeseen delays or extenuating circumstances sometimes occur that require additional time to complete a project. If this is necessary, the Department may approve a no-cost time extension for up to one year beyond the original project completion date specified in the work plan, but for no later than the grant agreement expiration date. Department procedures for considering a time extension are described in *Nonpoint Source Grant Administrative Guidelines*, <http://www.maine.gov/dep/water/grants/319.html>.

E. Grant Funds Available and Number of Awards

The Department anticipates making multiple awards as a result of this RFA process. Funds for grants will be from the EPA under Section 319 of the Clean Water Act.

1. Approximately \$1,300,000 will be available for implementation projects, pending EPA and State approvals and federal budget appropriation consistent with recent years. DEP anticipates the following funding allotments will be made:
 - a. At least 50% of the Section 319 funds (\$450,000) will be for grants to help restore impaired waters; and
 - b. No more than 50% of the Section 319 funds (\$850,000) will be for grants to protect unimpaired waters.
2. The Department expects to award grants in the range of \$50,000 to \$150,000.
3. The Department expects to award 9 to 12 grants and reserves the right to make fewer awards.
4. A grant awarded to an applicant is considered a sub-award of federal funds. Federal terms and conditions for sub-awards apply to these grants.

RFA # 202203023

Grants for Nonpoint Source Pollution Control Projects: Watershed-based Implementation

SCOPE OF SERVICES TO BE PROVIDED

A. Purpose – Watershed-based Implementation Projects

The Department is inviting proposals for projects to help communities implement their watershed-based management plans (WBP) to make progress:

- Restoring water bodies that are considered impaired due to NPS pollution, or
- Protecting water bodies that are considered threatened by NPS pollution.

B. Prerequisites

To be eligible to apply for funding, project proposals must meet both of the following prerequisites:

1. The watershed must be on DEP's **NPS Priority Watersheds** list. The purpose of the Department's NPS Priority Watershed Lists is to encourage NPS abatement work in watersheds most vulnerable to NPS pollution. The list is used to help prioritize DEP NPS water pollution control efforts and attract local communities to take action to restore or protect waters impaired or threatened by NPS pollution.

NPS Priority Watersheds lists and information are available at:

http://www.maine.gov/dep/land/watershed/nps_priority_list/index.html

2. Implementation projects must be guided by an **active watershed-based plan** (WBP) accepted by the Department. Refer to <http://www.maine.gov/dep/water/grants/319.html> for the list of eligible WBPs.

C. Eligible and Ineligible Activities

1. **Eligible Activities.** Eligible project activities may include but are not limited to: BMP construction (and BMP design); technical assistance; cost sharing construction of BMPs; training and technology transfer; information outreach; project management; and monitoring to evaluate the outcome of the project.

Not all activities called for in a WBP are eligible for Section 319 grant funds. Proposed activities must be considered eligible under EPA Section 319(h) guidelines. For more information regarding eligible activities refer to EPA Nonpoint Source Program and Grants Guidelines for States and Territories, pages 37-38. <http://water.epa.gov/polwaste/nps/cwact.cfm>

2. **Ineligible Activities.** Grant (or match) funds under this RFA may not be used:
 - a. To conduct erosion or storm water control work required by existing permits or orders (Examples: Maine Pollutant Discharge Elimination System Stormwater Permit; Site Location of Development Permit; Stormwater Law Permit)¹.
 - b. To replace malfunctioning septic systems. The Department's Small Community Grant Program offers grants to towns to help replace malfunctioning septic systems that are polluting a water body or causing a public nuisance.
 - c. To pay for materials and other costs associated with maintaining or repairing Best Management Practices (BMPs). Note that staff services time (e.g., consultation/technical assistance) to discuss malfunctioning, poorly-maintained, or other problematic BMPs sites is eligible for funding.
 - d. Baseline monitoring, monitoring to identify sources or characterize a watershed, and monitoring to support the development of a WBP or TMDL are not eligible for watershed project funding.
 - e. DEP's NPS Program is developing a policy to significantly limit or restrict the use of 319 grant funding (and match) for shoreline stabilization projects using stone riprap. Applicants are encouraged to pursue riprap alternatives or alternative NPS sites for the Candidate NPS Site list.

D. Project Design

Proposed projects should be designed to make progress restoring or protecting waterbodies by implementing Best Management Practices (BMPs) and measures described in a WBP accepted by the Department. Project design considerations include the following:

¹ Note that urban stormwater activities that do not directly implement a final municipal separate storm sewer system (MS4) NPDES permit are eligible. An approved TMDL does not affect 319 funding eligibility for nonpoint source projects.

1. WBP Timeline and Phasing. Effective implementation of a WBP usually requires many years of sustained effort. The work plan should describe and exhibit intent to make substantial progress implementing the WBP. See Work Plan Section IV.b., which includes examples and instructions to provide a brief description of any future project phases anticipated in the watershed.
2. Widespread Implementation of BMPs. A project must implement measures that prevent, control, or abate NPS pollution. Projects should encourage, require, or achieve structural or non-structural BMP implementation on a watershed scale to abate existing nonpoint sources and prevent NPS pollution through improved land use management. A proposal to use most of the grant funds for on-the-ground construction of BMPs (including design services) will be considered more cost effective than projects that include disproportionate amounts of personnel, overhead and grant administration costs.
3. Constructing BMPs at NPS Sites. Activities must be directed towards accomplishing on-the-ground implementation of BMPs at NPS sites and other actions needed to effectively implement the WBP. In some cases, projects provide technical assistance to help landowners install BMPs on their properties using the landowner's own funds. Projects may also choose to provide grant funding as an incentive to help ensure that landowners install BMPs at priority NPS sites. Using this approach, projects typically determine NPS sites to be targeted; set a uniform match requirement (e.g., 60% paid by grant and 40% by owner); work with landowners to develop BMP designs; develop a cost sharing agreement or construction plan that outlines roles and responsibilities including match and maintenance requirements; provide technical assistance to ensure BMPs are installed properly; and authorize grant reimbursement following inspection. Recipients of 319 funds agree to properly operate and maintain their BMPs for the service life of the BMP. (Note: project funds cannot be used for maintenance and repair of existing BMPs.) DEP requires local match to any 319 grant funds used for BMP installation, and the cost share amount of grant funds to an individual cannot exceed 75% of the total cost. Refer to the *NPS Grant Administrative Guidelines* Section III.D. for more information about planning and constructing BMPs at <http://www.maine.gov/dep/water/grants/319.html>.

Project funds (grant or match) may be used to help pay for construction of BMPs at road-related NPS sites to reduce sediment delivery to surface waters. Refer to the following Department guidance on how to evaluate eligibility: *Using Project Funds for Construction of BMPs at Road-related Sites: Guidance for NPS Watershed Projects* (April 2012) available at <http://www.maine.gov/dep/water/grants/319.html>.

The proposal should describe NPS sites that will be addressed by the proposed project.

4. Estimating NPS Pollutant Load Reductions. Projects must be designed to include a means to estimate pollutant load reductions from the installed BMPs. The EPA NPS Program Guidelines require load reduction estimates for all BMPs that are intended to control sediments (in tons/year) and/or nutrients (phosphorus or nitrogen in pounds per year). Applicants should identify the method/model they intend to use to estimate NPS load reductions. The Department accepts use of the EPA Region 5 Load Estimation Model (<http://it.tetrattech-ffx.com/steplweb/default.htm>) or the USDA Forest Service WEPP Road model (<http://forest.moscowfsl.wsu.edu/fswepp/>). A bidder may propose use of other estimation methods.

E. Match Requirements

Maine DEP requires applicants to provide a non-federally sourced match of at least 40% of the total project cost.

To determine the amount of non-federal match required, multiply the amount of grant funds requested times 0.667. Example: if the proposal requests \$81,000 of grant funds, then at least \$54,027 of non-federal match is required. $(\$81,000) \times (0.667) = \$54,027$. For more information, refer to the Work Plan Section XI. Project Budget instructions.

F. Procurement of Services and Subgrants

1. Procurement of Services. For a project, an organization may need to purchase goods or services to complete project activities that are beyond the capacity of the applicant organization. Procurement means acquisition of supplies, equipment, construction or services. Procurement with federal funds must follow applicable requirements and restrictions. Procurement needs to be on a competitive basis to ensure that fair and reasonable prices are obtained for goods and services. Grant recipients may use their own procurement procedures provided that the procedures conform to applicable federal requirements.

For more information, refer to the Department's *NPS Grant Administrative Guidelines* <http://www.maine.gov/dep/water/grants/319.html>.

2. Subgrants. If the applicant plans to pass-through funds to an eligible subgrantee to accomplish a significant part of the project, then the applicant should identify the proposed subgrantee, their qualifications, and a brief description of the work to be conducted. For example, a municipality (applicant) may plan to issue a subgrant to a soil and water conservation district (subgrantee) to coordinate the project or perform certain tasks. A subgrantee could be a Maine public organization such as a soil and water conservation district, a regional planning commission, watershed district, municipality, or an incorporated nonprofit organization with federal tax-exempt status [501(c)(3)].

G. Environmental Data Quality Assurance

Project activities will need to be conducted according to applicable quality assurance procedures for NPS projects as described in the DEP document, *Maine Section 319 Management Program Quality Assurance Program Plan (12/20/17)* <http://www.maine.gov/dep/water/grants/319.html>. If the project includes water quality monitoring to evaluate the outcome of the project, the monitoring must be conducted in accordance with a quality assurance project plan.

Project applications must identify the existing QAPP that will be utilized or describe preparation of a new QAPP as a task. In addition, a Sampling and Analysis Plan (SAP) needs to be submitted and approved by DEP prior to monitoring each year.

RFA # 202203023

Grants for Nonpoint Source Pollution Control Projects: Watershed-based Implementation

KEY PROCESS EVENTS

A. Submitting Questions about the Request for Applications

Any questions must be submitted by e-mail to the Grant Coordinator identified on the [Grant RFPs and RFAs webpage](#) by the date and time specified on the cover page of this RFA document. Submitted Questions must include the subject line: “RFA# 202203023 Questions”. The Department assumes no liability for assuring accurate/complete/on time e-mail transmission and receipt.

Question & Answer Summary: Responses to all questions will be compiled in writing and posted on the following website: [Grant RFPs and RFAs](#). 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.

B. Amendments to the Request for Applications

All amendments (if any) released in regard to this Request for Applications will be posted on the following website: [Grant RFPs and RFAs](#). 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.

C. Submitting your Application

1. **Applications Due:** Applications must be received by the date and time specified on the cover page of this RFA document. Applications received after the 11:59 p.m. deadline will be ineligible for award consideration for that annual application enrollment period.
2. **Submission Instructions:** Applications are to be submitted to the State of Maine Division of Procurement Services, via email, to Proposals@maine.gov.
 - a. Only applications received by email will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
 - b. Only applications received by e-mail will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
 - c. E-mails containing links to file sharing sites or online file repositories will not be accepted as submissions. Only e-mail applications that have the actual

- requested files attached will be accepted.
- d. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. Please check with your organization's Information Technology team to ensure that your security settings will not encrypt your proposal submission.
 - e. Applications are to be broken down into multiple files, with each file named using the conventions below. File size limits are 25MB per e-mail. Applicants may submit files separately across multiple e-mails, as necessary, due to file size concerns.
 - i. File #1: PDF or MS Word format
Application Cover Page
Debarment, Performance and Non-Collusion Certification
 - ii. File #2: MS Word format
Organization Qualifications and Experience (including litigation)
Work Plan
 - iii. File #3: PDF or MS Word format
Location Map
Attachments (if applicable)
 - f. All e-mails and files must be received by the due date and time listed above.
 - g. Applicants are to insert the following into the subject line of their email submission: **"RFA# 202203023 Application Submission – [Applicant's Name]"**

RFA # 202203023

Grants for Nonpoint Source Pollution Control Projects: Watershed-based Implementation

APPLICATION SUBMISSION REQUIREMENTS

Applications must follow the instructions below. Failure to use the outline specified in this section, or to respond to all questions and instructions throughout this document, may result in the application being disqualified as non-responsive or receiving a reduced score. The Department, and its evaluation team for this RFA, has sole discretion to determine whether a variance from the RFA specifications should result in either disqualification or reduction in scoring of an application. The Department seeks detailed yet succinct responses that demonstrate the Applicant's experience and ability to perform the requirements specified throughout this document.

A. Application Format

1. The applicant is asked to be brief and concise in responding to the RFA questions and instructions. The application should be limited to a maximum of 28 pages. Pages provided beyond the aforementioned maximum amount will not be considered during evaluation.
2. All electronic documents should be formatted for printing as formatting will not be adjusted prior to printing and reviewing these documents. For clarity, the application should be single-spaced with 1" margins using a font no smaller than 12-point Times New Roman or similar.
3. Include any forms provided in the submission package or reproduce those forms as closely as possible. All information should be presented in the same order and format as described in the RFA.
4. It is the responsibility of the applicant to provide all information requested in the RFA package at the time of submission. Failure to provide information requested in this RFA may, at the discretion of the Department's evaluation review team, result in a lower rating for the incomplete sections and may result in the application being disqualified for consideration.

B. Application Contents

The application must include the following:

1. **Application Cover Page** (max: 1 page)
Applicants should complete the application cover page that is provided with the application. The application cover page must be the first part of the application

package. The application cover page shall be dated and signed by a person authorized to enter into contracts on behalf of the Applicant.

2. Debarment, Performance and Non-Collusion Certification Form (max: 1 page)

Applicants should complete the form that is provided with the application. Failure to provide this certification may result in the disqualification of the application, at the discretion of the Department.

3. Applicant Qualifications and Experience

a. Summary of the Organization's Qualifications and Experience (max: 2 pages)

Present a brief summary of applicant's qualifications to carry out the project and to manage the grant. Summarize relevant experience, especially experience with NPS projects, and financial, administrative and technical qualifications of the organization. Summarize relevant experience of the person to be assigned to manage the project.

- If you plan to issue a sub-grant to an eligible recipient, provide their name, qualifications and contact information.
- If you plan to acquire consultant services, list key qualifications and experience that you will request in your solicitation for services.
- If you plan to use volunteer partners to accomplish a significant part of the project (e.g., conducting a watershed survey, gathering monitoring data), list pertinent key qualifications.
- Make note of all tasks to be delegated to sub-grantees and/or consultants.

b. Litigation (does not count toward page limit)

Attach a list of all current litigation in which the applicant is named and a list of all closed cases that have closed within the past five (5) years in which applicant 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. If no litigation will be included, write "none" on submitted attachment.

4. Work Plan (max: 15 pages)

The applicant should complete the grant application using the instructions included in the application and this RFA. Prepare the work plan in a direct, concise style and use the format provided, including the numbering and section and sub-section headings.

The project budget section of the application shall include the costs necessary for the applicant to fully comply with the contract terms and conditions and RFA requirements. No costs related to the preparation of the application for this RFA or to the negotiation of the contract with the Department may be included in the application. 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.

Refer to DEP's NPS Grants webpage for an example of the typical content and format of a work plan to develop a watershed-based plan.

<http://www.maine.gov/dep/water/grants/319.html>

5. Location Map (max: 1 page)

Provide a location map of the project's watershed area on one page (8.5" by 11"), clearly showing the waterbody(s), town(s), and the watershed boundary.

6. Progress Implementing Watershed-based Plan (max: 2 pages)

Applicants should complete the form that is included with the application. Follow the instructions provided at the top of the form.

7. Attachments (max: 6 pages)

An attachment is any document included with the application that is not required by the RFA. The page count includes the list of the attachments.

- Use attachments if you want to provide additional information.
- If you want to provide letters of commitment from project partners, the letters should clearly describe the work activity, services or funds that will be committed for the project. General letters of support for a project are discouraged.

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Grants for Nonpoint Source Pollution Control Projects: Watershed-based Implementation

APPLICATION EVALUATION AND SELECTION

Evaluation of the submitted applications shall be accomplished as follows:

A. Evaluation Process - General Information

1. An evaluation team, comprised of qualified reviewers, will judge the merits of the applications received in accordance with the criteria defined in the RFA.
2. Officials responsible for making decisions on the selection of applications shall 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 applications and to ensure that the contract is awarded to the applicant(s) whose application(s) provides the best value to the State of Maine.
3. The Department reserves the right to communicate and/or schedule interviews/presentations with applicants if needed to obtain clarification of information contained in the applications received, and the Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Interviews/presentations are not required, and changes to applications will not be permitted during any interview/presentation process. Therefore, applicants should submit applications that present their rates and other requested information as clearly and completely as possible.

B. 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 application meets the following criteria.
 - a. **Applicant Qualifications and Experience (15 points)**
Consider the adequacy of applicant qualifications (relevant experience, financial, administrative & technical qualifications, personnel and facilities) to carry out the project within the proposed timeframe, along with any known past performance on relevant

projects. If the project plans to issue a sub-grant to an eligible recipient, consider the adequacy of the subgrantee's qualifications and relevant past performance. If the project plans to acquire consultant services, consider the adequacy of the qualifications and experience that will be requested in the project's solicitation for services. If the project plans to involve volunteer partners to accomplish significant portions of the project, consider the adequacy of the qualification and experience of that partner to achieve the necessary outcome.

Includes all elements addressed in RFA Part B.3. Applicant Qualifications and Experience.

b. Relative Value of the Waterbody (10 points)

Evaluate the degree to which the public currently uses and values the waterbody. Consider the availability (access) and extent of use. Consider uses including, but not limited to, drinking water supply; public recreational opportunities; scenic and aesthetic benefits; aquatic and terrestrial habitat benefits; commercial benefits; and potential for increased public use and improved habitat.

Includes all elements addressed in RFA Part IV.B.4 Work Plan and Application (Waterbody and Watershed Information).

c. Water Quality Problem (10 points)

Evaluate the extent to which the work plan exhibits an informed understanding of water quality conditions. Consider the severity of the water quality impairment or indication that the waterbody may not attain its water quality standards in the future.

Includes all elements addressed in RFA Part IV.B.4 Work Plan and Application (Water Quality Problem or Threat)

d. Nature, Extent and Severity of NPS Problems (10 points)

Evaluate the nature, extent, and severity of NPS problems in the watershed. Evaluate the work plan's understanding of what actions are needed to address the NPS sources and problems.

Includes all elements addressed in RFA Part IV.B.4 Work Plan and Application (Watershed Nonpoint Pollution Sources and NPS Mitigation Activities).

e. Feasibility for Success (25 points)

Likelihood that the project will be successfully completed as proposed and that the waterbody can be successfully restored or protected. Considerations: adequate information and capacity to determine actions needed restore or protect the waterbody; proposed tasks/BMPs address the primary water quality stressors and pollutants of concern, as well as impacts associated with climate change; effective well-sequenced tasks; contribution or participation by appropriate stakeholders and municipal government; leveraged with other previous or concurrent efforts; extent of community support to restore or protect the waterbody.

f. Cost Effectiveness (25 points)

Regarding the grant funds requested and the proposed work, consider the degree to which the project represents a good return for the investment (money, time). Consider whether project work and cost estimates (tasks & budget) are reasonable for the expected outcomes, along with the amount and quality of proposed matching funds or services

Includes all elements addressed in RFA Part IV.B.4 Work Plan, Part IV.B.7. Attachments and Application (All Sections and Project Budget).

g. Comprehensive Plan (5 points)

How much of the watershed falls within the jurisdiction of towns that have a current State comprehensive plan finding of consistency²? Scored by Municipal Planning Assistance Program (MPAP) in the Maine Department of Agriculture, Forestry and Conservation as described in #3.

2. **Scoring Process:** With the exception of the Comprehensive Plan points (described in #3 below), the review team will use a consensus approach to evaluate and score the applications. Members of the review team will not score those sections individually but, instead, will arrive at a consensus as to assignment of points for each scoring criteria. The Cost Effectiveness criteria will be scored as described below in #4.
3. **Comprehensive Plan Scoring Process:** The Comprehensive Plan points will be recommended for each project by staff from the Municipal Planning Assistance Program (MPAP) in the Maine Department of

² Upon request, MPAP reviews municipal comprehensive plans for consistency with the Maine Growth Management Act. A finding of consistency is valid for 12 years.

Agriculture, Forestry and Conservation. MPAP staff first reviews program records to determine which towns within the watershed have a current comprehensive plan finding of consistency. MPAP then determines the proportion of the watershed that falls within the boundaries of towns having a current finding and recommends a score by applying this proportion to the maximum possible points (See example below.) MPAP’s scoring table and recommendation are shared with and discussed by the review team, and a final point score is assigned.

Unorganized territories are not subject to the Growth Management Act, and they generally do not have the authority to adopt comprehensive plans or land use ordinances. The Land Use Planning Commission (LUPC) is responsible for those functions through [Title 12 § 681](#), and the LUPC ensures that all unorganized territories are covered by an LUPC document that is roughly equivalent to a comprehensive plan. For this reason, under this RFA, unorganized territories will be treated as though they have a current comprehensive plan finding of consistency.

Applicant	Watershed	Towns(s)	Comp Plan Consistency	% Watershed with Consistent Plan	Recommended Points
Chesters’ Mill	Mill Brook	Chesters’ Mill	No	67%	3
		Castle Rock	Yes		

- 4. **Cost Effectiveness Scoring Process:** Regarding the grant funds requested and the proposed work, the review team will consider the degree to which the project represents a good return for the investment (money, time, etc.) with regards to water quality, whether the project work and cost estimates (tasks & budget) are reasonable for the expected outcomes, and the amount and quality of proposed matching funds or services.

No Best and Final Offer: The State of Maine will not seek a best and final offer (BAFO) from any applicant in this procurement process. All applicants are expected to provide their best value pricing with the submission of their application.

- 5. **Negotiations:** The Department reserves the right to negotiate with the successful applicant to finalize a contract at the same rate or cost of service as presented in the selected application. Such negotiations may

not significantly vary the content, nature or requirements of the application or the Department's Request for Applications to an extent that may affect the price of goods or services requested. The Department reserves the right to terminate contract negotiations with a selected respondent who submits a proposed contract significantly different from the application they submitted in response to the advertised

6. In the event that an acceptable contract cannot be negotiated with the highest ranked applicant, the Department may withdraw its award and negotiate with the next-highest ranked applicant, and so on, until an acceptable contract has been finalized. Alternatively, the Department may cancel the RFA, at its sole discretion.

C. Selection and Award

1. The final decision regarding the award of the contract will be made by representatives of the Department after consulting with the Environmental Protection Agency and receiving approval by the State Procurement Review Committee.
2. Notification of selection or non-selection will be made in writing by the Department.
3. Issuance of this RFA 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 this request, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel or any other costs incurred by the Applicant.
4. The Department reserves the right to reject any and all applications or to make multiple awards.

D. Appeal of Contract Awards

Any person aggrieved by the award decision that results from this RFA may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in 5 MRSA § 1825-E and 18-554 Code of Maine Rules, Chapter 120 (found here: <https://www.maine.gov/dafs/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 contract award.

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Grants for Nonpoint Source Pollution Control Projects: Watershed-based Implementation

CONTRACT ADMINISTRATION AND CONDITIONS

A. Contract Document

1. The successful applicant(s) 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 Division of Procurement Services' website at the following link: [Division of Procurement Services Forms Page](#)

2. 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 RFA which has an effective date less than fourteen (14) calendar days after award notification to Applicants. (Referenced in the regulations of the Department of Administrative and Financial Services, Chapter 110, § 3(B)(i): [Chapter 110](#))

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

3. The State recognizes that the actual contract effective date depends upon completion of the RFA 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 this RFA may need to be adjusted, if necessary, to comply with mandated requirements.
4. In providing services and performing under the contract, the successful applicant(s) shall act as an independent contractor and not as an agent of the State of Maine.

B. Standard State Service Contract Provisions

1. Contract Administration
 - a. 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 successful Applicant in the finalization of the contract.
- b. In the event that an acceptable contract cannot be negotiated with the highest ranked applicant, the Department may withdraw its award and negotiate with the next-highest ranked Applicant, and so on, until an acceptable contract has been finalized. Alternatively, the Department may cancel the RFA, at its sole discretion.

2. Payments and Other Provisions

The State anticipates issuing project payments 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 this RFA.

RFA # 202203023

Grants for Nonpoint Source Pollution Control Projects: Watershed-based Implementation

APPLICATION COVER PAGE

Handwritten Applications Will Not Be Accepted

Project Title	Click or tap here to enter text.		
Applicant's Organization	Click or tap here to enter text.		
Chief Executive – Name/Title	Click or tap here to enter text.		
Tel:	Click or tap here to enter text.	E-mail:	Click or tap here to enter text.
Headquarters' Street Address:	Click or tap here to enter text.		
Headquarters' City/State/Zip	Click or tap here to enter text.		
<i>Provide information requested below if different from above</i>			
Lead Point of Contact for Application- Name and Title	Click or tap here to enter text.		
Tel:	Click or tap here to enter text.	E-mail:	Click or tap here to enter text.
Headquarters' Street Address:	Click or tap here to enter text.		
Headquarters' City/State/Zip	Click or tap here to enter text.		

- This application 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 Applicant's application.
- No attempt has been made, or will be made, by the Applicant to induce any other person or firm to submit or not to submit an application.
- The above-named organization is the legal entity entering into the resulting agreement with the Department should they be awarded a 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 application, both programmatic and financial, is complete and accurate at the time of submission.

Name (Print): Click or tap here to enter text.	Title: Click or tap here to enter text.
Authorized Signature:	Date: Click or tap here to enter text.

RFA # 202203023

Grants for Nonpoint Source Pollution Control Projects: Watershed-based Implementation DEBARMENT, PERFORMANCE and NON- COLLUSION CERTIFICATION

Applicant's Organization Name:	Click or tap here to enter text.
---------------------------------------	----------------------------------

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 application:

- a. *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.*
- b. *Have not within three years of submitting the application for this contract been convicted of or had a civil judgment rendered against them for:*
 - i. *Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state or local government transaction or contract.*
 - ii. *Violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;*
 - iii. *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; and*
 - iv. *Have not within a three (3) year period preceding this application had one or more federal, state or local government transactions terminated for cause or default.*
- c. *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 application 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.*

Failure to provide this certification may result in the disqualification of the Applicant's application, at the discretion of the Department.

Name (Print): Click or tap here to enter text.	Title: Click or tap here to enter text.
Authorized Signature:	Date: Click or tap here to enter text.

RFA # 202203023

Grants for Nonpoint Source Pollution Control Projects: Watershed-based Implementation WORK PLAN AND INSTRUCTIONS

Instructions: Complete work plan using the instructions and format below and in RFA Part IV, B, 4. **Delete italicized instructions prior to submittal.** Refer to DEP’s NPS Grants webpage for examples of the typical content of a work plan to develop a watershed-based plan. <http://www.maine.gov/dep/water/grants/319.html>. (Maximum length: 11 pages)

I. Project Information

Project Title	<i>Title should include the name of the watershed, whether it is a protection or restoration project, and the phase of 319 implementation (e.g., Orion Pond Watershed Protection Project, Phase II).</i>
Applicant’s Organization	
Applicant’s Billing Address	
Project Start Date	<i>Month and Year</i>
Project Completion Date	<i>Month and Year</i>

II. Waterbody and Watershed Information

a. Background

Waterbody Name	
Waterbody Size (e.g., lake acres, stream miles)	
Watershed Area (acres or square miles)	
Watershed Location (town(s), county(s))	

Title and Date of Existing or Past Watershed-based Management Plan	<i>DEP maintains a list of active plans at https://www.maine.gov/dep/water/grants/319.html</i>
Public Access to Waterbody	<i>Briefly list public access. Details should be provided in Section II.c.</i>

b. Waterbody and Watershed Physical Characteristics

Provide a brief overview of the physical characteristics of the waterbody and its watershed. (Do not repeat above information.) Describe any major tributaries or other waterbodies located in the watershed. Describe the land uses in the watershed. List the downstream watershed(s).

c. Description of Waterbody Uses and Value

Summarize the extent of uses of the waterbody by the public. Consider uses including, but not limited to: drinking water supply (if applicable please provide the size of population served); public recreational opportunities; scenic and aesthetic benefits; aquatic and terrestrial habitat benefits, and commercial benefits; and potential for increased public use and improved wildlife habitat. Describe public access to the waterbody.

The Beginning with Habitat webpage provides several map viewers that can be used to search for watershed resources (<http://webapps2.cgis-solutions.com/beginningwithhabitat/>).

III. Water Quality Problem or Threat

a. Water Quality Listing Status

Is water quality listed as impaired?	<i>Answer yes or no. Refer to the most recent DEP Integrated Water Quality Monitoring and Assessment Report - Appendices Categories 4 and 5 (https://www.maine.gov/dep/water/monitoring/305b/index.html).</i>
If impaired, what is the listed cause(s) and/or impaired use?	<i>State the listed cause(s) and/or impaired use (e.g., streams – benthic macroinvertebrates; lakes – trophic trend; marine – elevated fecal indicators). See Integrated Report reference above.</i>
Name and date of any DEP TMDL report(s) for the waterbody.	<i>Approved TMDLs are available at http://www.maine.gov/dep/water/monitoring/tmdl/tmdl2.html.</i>

b. Water Quality Overview

Summarize available water quality information for the waterbody and provide details on important water quality parameters. For an impaired waterbody, describe the extent and severity of the impairment. For a threatened waterbody,

describe the water quality parameter(s) that is threatened and any indications that water quality is under stress. Water quality information available at:

- Resources listed in Section III.a. (above)
- Lakes Stewards of Maine - www.lakesofmaine.org
- Maine Volunteer River Monitoring Program - https://www.maine.gov/dep/water/monitoring/rivers_and_streams/vrmp/reports.html
- Maine DEP Biomonitoring Program - <https://www.maine.gov/dep/water/monitoring/biomonitoring/data.html>
- Maine Department of Marine Resources Shellfish Program - <https://www.maine.gov/dmr/shellfish-sanitation-management/maps/index.html>

IV. Watershed Nonpoint Pollution Sources and NPS Mitigation Activities

a. Summary of Watershed Assessments and Priority Nonpoint Pollution Sources

Summarize any past assessments or surveys to identify the nature, extent and severity of nonpoint pollution sources in the watershed (e.g., provide the number, impact rating, land use etc. of sites identified in most recent watershed survey, if applicable). Describe the important nonpoint sources and critical source areas that need to be addressed. If there is an approved TMDL for the waterbody, summarize any applicable information. For impaired waters, describe the likely or known nonpoint sources associated with the impairment. For threatened waters, describe NPS threats that may cause the waterbody to not attain water quality standards in the future and the extent to which the waterbody is threatened by NPS pollution.

b. Description of Watershed Activities to Address NPS Pollution

Include a brief description of any past or ongoing activities to address NPS sources in the watershed. Briefly summarize any watershed projects that involved funding provided by EPA through DEP under Clean Water Act, Sections 604(b) or 319. In addition, in two to four (2-4) sentences, provide a brief description of any future project phases anticipated in the watershed. Examples (phasing):

- *Following this proposed phase, one additional phase would be needed to help address the final 15 high priority NPS sites. The remaining low and medium impact NPS sites would be addressed through the lake association's ongoing mini-grant program and LakeSmart.*
- *It is anticipated that four phases would be needed to substantially implement the WBP. Following this proposed phase, approximately three additional phases are anticipated to address chloride management, stream restoration, and retrofits within the other drainage areas within the watershed. Phases III*

and IV would implement the chloride strategies developed in Phase II, install additional bioswales on U.S. Route One and Main Street, and address runoff from Town-owned properties by intercepting roof drains and implementing biofilters within parking lot islands. Phase V project would focus on instream habitat restoration following the extensive stormwater projects in prior phases.

V. Project Purpose

In five (5) sentences or less, state the specific **purpose** of the project **and** the anticipated major project **accomplishments or outputs**. The purpose should include 1-2 sentences stating the overall water quality goal (e.g., protect or restore water quality) and generally how this will be achieved (addressing erosion sites, reducing bacteria sources, improving stream habitat, raising public awareness etc.). The specific major project outputs and accomplishments from key project tasks should be summarized and quantified in 2-3 sentences. Do not repeat information provided below in Environmental Outcome section. Examples:

- *This purpose of this project is to protect Eagle Pond’s water quality by reducing the export of sediment and phosphorus into the pond and raising public awareness about watershed stewardship actions. In this Phase I project, BMPs will be installed at 24 high and medium impact NPS sites identified in the watershed survey. The project will raise public awareness through a buffer planting workshop, a gravel road workshop, lake association outreach (newsletter, website and annual meetings), and three press releases aimed at encouraging landowners to address NPS sites.*
- *This project is part of an overall effort to restore Shady Brook’s water quality by reducing sediment and bacteria loading from identified watershed NPS sources. This Phase II project will address seven NPS sites on town and private roads and implement BMPs on at least one agricultural NPS site. Technical assistance will be provided to an additional five agricultural landowners. The public will be informed about the project through at least two press releases and via online media.*
- *This project is part of an overall effort to restore Oyster Creek. This project phase will reduce fecal contamination associated with agricultural manure and pet waste areas. The project will enhance over 350 feet of riparian buffer on Maplewood Farm and provide technical assistance and cost-sharing for BMP installation at one small residential or hobby farm. Pet waste disposal signage and bag dispensers will be placed in two high priority neighborhoods. Public outreach will include two press releases and a tour of the Maplewood Farm project.*
- *This project is part of a multi-phased effort to restore Winding Stream’s water quality. This Phase II project will focus on reducing nutrient and bacteria loading and improving riparian buffers and instream habitat. Eight NPS sites will be addressed, including four stormwater BMP installations, two buffer enhancement projects, and one in-stream restoration project. The project will host one buffer planting workshop and two educational events about septic systems.*

VI. Environmental Outcome

Provide a concise statement of the expected environmental result, outcome, or end-state that this proposed work would likely achieve. (Note that this is not the number of BMPs and NPS sites planned through the project.) If the environmental outcome is not expected to be achieved before this project ends, describe the progress to be made towards the outcome. Examples:

- *This project will help the lake meet Class GPA water quality standards. The long-term goal is to reduce phosphorus loading to eliminate nuisance algal blooms to improve water clarity. The in-lake phosphorus concentration goal is 15 parts per billion. The total phosphorus load reduction needed is 450 lbs. phosphorus. The project will reduce phosphorus loading by an estimated 45 lbs.*
- *This project will help to maintain Class GPA standards in Great Diamond Lake. Preliminary estimates indicate this project will reduce pollutant loading to the lake by 15 tons of sediment and 13 pounds of phosphorus.*
- *The project will reduce ambient fecal coliform bacteria levels to enable reopening of 200 acres of closed shellfish harvest area.*
- *The project will reduce bacteria levels and beach advisories and help restore the river and estuary so it can attain Class B and SB standards.*

VII. Partner Coordination, Roles and Responsibilities

Briefly list the participation and commitment expected from other key project partners (e.g., municipalities, watershed associations, interest groups, federal, state, or regional agencies, etc.). Describe the project role of each group (e.g., project advisor, technical assistance, engineering services, outreach, steering committee, etc.). If the project role is technical in nature (i.e. technical assistance, engineering services, watershed survey, etc.) please provide the partners qualifications. You may (optional) provide letters of commitment from entities as project attachments (RFA Part IV.B.7. Attachments) that indicate a commitment to provide those specific services.

- *If the applicant plans to pass-through funds to an eligible subgrantee to accomplish a significant part of the project, then provide a brief description of the work and subgrantee.*
- *If the applicant plans to purchase services as part of their project work, provide a brief description of the service and indicate that the applicant will use appropriate competitive procurement procedures outlined in the DEP's NPS Grant Administrative Guidelines.*
- *If the applicant plans to utilize volunteer partners to accomplish a significant part of the project (e.g., conducting a watershed survey, gathering monitoring data), then provide a brief description of the work, the volunteer partner, and the volunteer partners qualifications.*

Examples:

Maine Department of Environmental Protection will administer project funding, serve as the project advisor and provide project and technical support.

The **US Environmental Protection Agency** will provide work plan guidance and project funding, pending acceptability of final workplan and availability of federal funds.

The **Green Lake Association** will participate on the steering committee, advertise project activities in their newsletter and provide \$1,000 in cash match.

The **Green Lake Association** will collect water quality data in support of bmp implementation. In doing so, the GLA will provide \$1,500 of in-kind match. The GLA Board Chair is a retired limnologist and has many years of experience in water quality sampling.

Phillips Lake Watershed Commission will serve as a subgrantee for the project. Their watershed manager will serve on the steering committee, conduct LakeSmart visits and coordinate the commercial camp and residential BMP installations.

A **consulting engineer** will be hired (following procurement procedures in the DEP's NPS Grant Administrative Guidelines) to develop designs and provide construction oversight for the private road NPS sites.

VIII. Tasks, Schedules and Estimated Costs

List each major project task in numbered sequence. Generally, there should be 5 to 7 tasks. Subtasks may be used to organize information within a task (e.g., subtasks 5a, 5b, etc.) For each task, identify who will do the task and what will be done. Describe the work in quantifiable terms. If a task cannot be readily quantified, then the actions should be explained in specific enough terms so that both the work and the expected output are clear. The task description should provide information sufficient to support the estimate of total cost for the task. For examples of task descriptions, refer to sample NPS work plans at the Department's NPS Grants webpage.

<http://www.maine.gov/dep/water/grants/319.html>

In the tables provided for each task, include:

- Month/year for the start and completion of the task (e.g., October 2021 to October 2022).
- Estimate of the total grant, match and total cost to complete the task.
- Breakdown of grant cost by budget category listed in project budget Part 2 (e.g., \$3,000 salary, \$230 supplies).
- Breakdown of match cost by budget category listed in project budget Part 2 (e.g., \$2,450 donated services, \$250 travel).

Include the following standard language between the Section III. heading and Task 1 heading:

All press releases, outreach materials, project signs, and plans will acknowledge that the project is funded in part by the United States Environmental Protection Agency under Section 319 of the Clean Water Act. Project staff will consult with DEP on EPA's public awareness terms and conditions for Section 319 grants before the project commences. In addition, project staff will consult with DEP and EPA before project signs are designed. Refer to the Service Contract, Rider A. Section III. D. Acknowledgement.

Project staff will exercise best professional judgment in the selection, design and installation of BMPs for NPS sites and will design and install BMPs at NPS sites according to design guidance described in Maine BMP guidance manuals or use other BMPs acceptable to the DEP. BMP design will incorporate climate change resiliency and aquatic organism passage to the extent practicable.

Project staff will ensure that permits required for construction are secured prior to construction and BMPs are constructed in an acceptable manner, before reimbursing landowners according to applicable Cost Sharing Agreements. The project will not use project funds to undertake, complete or maintain work required by existing permits, consent decrees or other orders.

Include the following if applicable: MDEP guidelines "Using Project Funds for Construction of BMPs at Road-related Sites" will be used to evaluate road-related NPS sites and determine if NPS project funds can be used to help a landowner pay for construction of road-related BMPs.

Include the following if applicable: The project will be conducted within the Municipality Name's Urbanized Area designation. The project activities are not permit requirements under Municipality Name's Municipal Separate Storm Sewer System (MS4) General MEPDES permit.

Task 1 – Project Administration

Label Task 1 "Project Administration". Task 1 should describe work and costs for overall administration of the project (sub-agreements or sub-contracts) and required administrative reports (progress reports and final project report). Include the following language and adjust/elaborate as needed:

(Applicant) will administer the project according to the service contract with DEP.
(Applicant) will track project progress, expenses, matching funds, and submit reports (semi-annual progress reports and final project report) and other deliverables.
(Applicant) will establish (or continue use of) an NPS Site Tracker spreadsheet tool to efficiently accumulate and record information about NPS sites observed during this project to enable continued activity in future years to maintain existing BMPs and address new NPS sites.

Start and Completion Dates		
Grant Cost: \$	Match Cost: \$	Total Cost: \$
Breakdown of Grant by Cost Category:		
Breakdown of Match by Cost Category:		

Task 2 – Title

Task Description

Start and Completion Dates		
Grant Cost: \$	Match Cost: \$	Total Cost: \$
Breakdown of Grant by Cost Category:		
Breakdown of Match by Cost Category:		

Task 3 – Title

Task Description

Start and Completion Dates		
Grant Cost: \$	Match Cost: \$	Total Cost: \$
Breakdown of Grant by Cost Category:		
Breakdown of Match by Cost Category:		

Task 4 – Title

Task Description

Start and Completion Dates		
Grant Cost: \$	Match Cost: \$	Total Cost: \$
Breakdown of Grant by Cost Category:		
Breakdown of Match by Cost Category:		

Task 5 – Pollutant Load Reduction Estimates

Label the final task, “Pollutant Load Reduction Estimates” and include or modify the following language as needed:

Project staff will estimate NPS pollutant load reductions and resources protected under this project. During design or installation of conservation practices at NPS sites, appropriate field measurements will be recorded to prepare estimates of pollutant load reductions. Estimates will be prepared for all NPS sites, unless there is not an applicable estimation method. Methods to be used are the EPA Region 5 Load Estimation Model <http://it.tetrattech-ffx.com/step1web/> and/or the U. S. Forest Service WEPP Road Model at <http://forest.moscowfs1.wsu.edu/fswepp/>

Results will be provided using DEP’s "Pollutants Controlled Report" (PCR), which will be submitted to the MDEP, by December 31st of each project year.

Start and Completion Dates		
Grant Cost: \$	Match Cost: \$	Total Cost: \$
Breakdown of Grant Cost by Cost Category:		
Breakdown of Match by Cost Category:		

(Add additional tasks as needed.)

IX. Deliverables

List 5-7 project deliverables (and associated task number). Project deliverables are the primary products or outputs of the project work that must be provided to DEP for review and approval. Semi-annual progress reports and a Final Project Report are required deliverables for all projects. NPS Site Reports, NPS Site Tracker (or summary) and Pollutants Controlled Reports are required for most projects. Examples of deliverables listed in a work plan:

- Sub-agreements, semi-annual progress reports, final project report, NPS site tracker (Task 1)
- Newspaper articles, press releases, and stream crossing signage templates (Task #)
- NPS Site Report for each NPS Site (Task #)
- Copy of updated ordinance and amendments (Task #)
- Pollutants Controlled Reports each year until project completion (Task #)

Include the following language: An electronic copy of each deliverable will be provided to the DEP Contract Administrator (AA). Each deliverable will be labeled according to procedures described in DEP document *Nonpoint Source Grant Administrative Guidelines*, <http://www.maine.gov/dep/water/grants/319-documents/2016GrantAdminGuidelinesFinal2.docx>.

1. Subagreements (if applicable), semi-annual progress reports, final project report, NPS site tracker (Task 1)
- 2.
- 3.
- 4.
- 5.

(Add additional deliverables as needed.)

X. Project Coordinator

Name	
Organization	
Mailing Address	
Telephone Number	
Email Address	

XI. Project Budget

Instructions: Complete project budget using the instructions and format below and in RFA Part IV, B.4. For examples of project work plans (including budgets) for watershed implementation projects, refer to <http://www.maine.gov/dep/water/grants/319.html>.

Federal Funds:	\$	
Non-Federal Match:	\$	
Proposed Total Cost:	\$	

Part 1. Estimated Personnel Expenses: (Applicant staff only)

Position Name & Title	Hourly Rate	Number of Hours	Salary & Fringe	Total Applicant Personnel Expenses
<i>Add rows if needed.</i>				
Totals				

Part 2. Budget Estimates by Cost Category

Cost Category	Federal Funds (CWA 319)	Non-Federal Match	Total Cost
Salary & Fringe (from Part 1)			
Subgrant			

Contractual			
Donated Services – Labor			
Construction			
Travel			
Supplies			
Other			
Indirect Costs			
Totals			

Part 2 Notes - Include the following, as needed:
 Subgrant – (Include type of work, hourly rate and number of hours)
 Contractual - (Include type of services, hourly rate and number of hours)
 Donated Services-Labor – (Include hourly rate and number of hours)
 Travel – (Include number of miles and rate)
 Supplies – (Describe and provide cost breakdown)
 Other – (Describe and provide cost breakdown)

Part 3. Sources of Non-federal Match and Estimated Amounts

Sources of Non-federal Match	Amount
<i>Add rows if needed.</i>	
Total	

Additional Project Budget Instructions

A. Budget Information - Provide estimated project costs in three parts:

Part 1. Estimated Personnel Expenses;

Part 2. Budget Estimates by Cost Category; and

Part 3. Sources of Non-federal Match and Estimated Amount.

Cost estimates listed in the work plan tasks should sum to the total cost in the Part 2, Budget Estimates by Cost Category, excluding indirect costs. Under Part 2, applicants should add notes to adequately describe the basis for the budget estimates within a cost category.

B. Cost Categories - Descriptions of cost categories:

- 1. Salary & Fringe: Salaries and fringe benefits to be paid for work on the project by the applicant's staff, as reflected in Part 1. "Totals" in Part 1 are used to complete the "Salary and Fringe" category under Part 2. Salary & Fringe should reflect only costs for personnel employed by the applicant.*
- 2. Subgrant: Costs for subgrant to pass-through a portion of the NPS grant funds to an eligible subgrantee (also known as a lower tier subrecipient) for project work.*
- 3. Contractual: Cost for a contract for the purchase of services (such as engineering, project management services, etc.) that will be provided to the grant recipient.*
- 4. Donated Services - Labor: Value of volunteer personnel services to be used to meet match requirements. Includes the total value of labor (based on hours of work) donated to help accomplish the project. Note: if donated services are associated with construction (e.g., backhoe operator, landowner installing BMPs), please include in Construction category.*
- 5. Construction: Construction costs for design, materials, labor, and equipment rental for BMPs at NPS Sites. If applicable, include the value of volunteer services associated with construction on this line in the column for match.*
- 6. Supplies: Office/field/lab supplies, data processing materials, books, paper and other office supplies, etc.*
- 7. Travel: Project related charges for travel activities (e.g., mileage, tolls, and auto rental charges). Vehicle costs should be shown as the number of miles times the mileage rate. Mileage rate cannot exceed the State of Maine rate in effect during the travel (currently \$0.45/mile).*
- 8. Equipment: Any single article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost of more than \$5000.*
- 9. Other: Any direct costs not included in one of the above categories. May include costs for postage, publication and printing, license fees, equipment maintenance and repair, computer software, or other eligible costs.*
- 10. Indirect Costs: If the organization intends to claim indirect costs, specify the current applicable indirect cost rate and the estimated total amount.*

- If the applicant has a federally “Negotiated Indirect Cost Rate Agreement” (NICRA), this rate must be used to determine indirect costs. DEP will require an organization to verify they have an effective NICRA before execution of the contract for the grant.
- If the applicant does not have a federally NICRA, the organization may use the de minimis rate of 10% of modified direct costs.

For more information, see Code of Federal Regulation Title 2 Part §200.414 Indirect (F&A) costs, paragraph (f).

http://www.ecfr.gov/cgi-bin/textidx?SID=b24c83fa40382277cf3249c3bfc718e1&mc=true&node=se2.1.200_1414&rqn=div8

C. Match Requirements

1. **Minimum Amount.** The Maine DEP requires that subrecipients must provide a non-federally sourced match of at least 40% of the total project cost. To calculate the amount of non-federal match required, multiply the amount of grant funds requested times 0.667. Example: if the application requests \$60,000 of grant funds, then at least \$40,020 of non-federal match is required. $(\$60,000) \times (0.667) = \$40,020$.
2. **Description of Match.** Subrecipients are obliged to document non-federally sourced matching funds or services contributed to the project. Non-federally sourced matching funds are the portion of allowable project costs contributed to a federally-funded project that do not come from federal sources. Non-federally sourced match includes, but is not limited to, allowable costs borne by the applicant and contributions of cash or services from individuals, organizations, municipalities or non-federal public agencies. Non-federally sourced match contributions may include:
 - a. **Cash** contributions, and/or
 - b. **In-kind** contributions. An in-kind contribution is the value of a non-cash contribution to meet cost sharing requirements. An in-kind contribution may consist of the value of goods or services, property, and equipment directly benefitting the project.
3. **Volunteer Services.** Unpaid volunteer time/services donated to the project by individuals as project match must be valued at rates consistent with those ordinarily paid for similar work/services in the applicant’s organization. For example, when documenting donated personnel time as match, use the amount you would pay the person to do the job for which they are volunteering. Two methods for estimating the value of unpaid volunteer services:
 - a. The organization “Independent Sector” provides average rates for volunteers. DEP will accept the most recent rate applicable to **Maine** (make sure to use the Maine, not the National, rate).
<https://www.independentsector.org/resource/the-value-of-volunteer-time/> In January 2022, Maine’s posted rate was **\$25.56/hour**.
 - b. Use the appropriate occupation and Maine wage estimates provided by the Bureau of Labor Statistics, the U. S. Department of Labor. For example, in RFA # 202203023– Grants for Nonpoint Source Pollution Control Projects

2014 the mean hourly wage rate for Environmental Scientists was \$34.64; and Environmental Science Technicians, \$21.82 based on “Maine May 2014 State Occupational Employment and Wage Estimates”.

http://www.bls.gov/oes/current/oes_me.htm

XII. Candidate NPS Sites List

Instructions: List and describe NPS sites where best management practices (BMPs) are likely to be installed under this application. Describe site conditions that cause polluted runoff to reach surface waters via an intermittent stream, ditch, channel, diversion or other form of concentrated flow. Optional: To further describe site conditions, provide descriptive information, sketches and/or photos. (Maximum length: 4 pages)

NPS Site Name & Location	Describe the NPS Site & Conditions at the Site Causing Polluted Runoff to Reach Surface Waters	BMPs Recommended	Construction Cost Estimates: Grant, Match, Total

NPS Site Name & Location	Describe the NPS Site & Conditions at the Site Causing Polluted Runoff to Reach Surface Waters	BMPs Recommended	Construction Cost Estimates: Grant, Match, Total

RFA # 202203023

Grants for Nonpoint Source Pollution Control Projects: Watershed-based Implementation

PROGRESS IMPLEMENTING WATERSHED-BASED PLAN

Instructions: Summarize Activities Completed to Date and Proposed Work. (Maximum length: 2 pages)

- In the first two columns, list up to 10 of the key actions called for in the WBP and associated page numbers in the plan.
- In the 3rd column:
 - A. List activities completed to date to implement the key action(s) in the WBP; and
 - B. List proposed work to be completed under this application corresponding to the action. If there is no work described in this application corresponding to the action, enter “not applicable”.

Key Actions in Watershed-based Plan	WBP Page #	A. List activities completed to date to implement the key action(s); and B. List proposed work to be completed under this application corresponding to the action.
<i>Example: Improve stream habitat.</i>	<i>page 31</i>	A. City installed three hemlock root wads and attached trunks within the bank of Goodall Brook through Phase I project. B. Not applicable.
<i>Example: Implement soil building practices to reduce cropland erosion.</i>	<i>page 59</i>	A. In 2018, over 500 acres planted to multi-species cover crops through Phase I grant and NRCS EQIP. B. Proposed work includes planting another 700 acres to multi-species cover crops.

Key Actions in Watershed-based Plan	WBP Page #	A. List activities completed to date to implement the key action(s); and B. List proposed work to be completed under this application corresponding to the action.

Appendix 3 – Separate Document

Maine DEP Nonpoint Source Grant Administrative Guidelines

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Nonpoint Source Grant Administrative Guidelines

December 2016



MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 State House Station | Augusta, Maine 04333-0017
www.maine.gov/dep

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I. Background and Purpose

The Maine Department of Environmental Protection (DEP) is a recipient of federal Clean Water Act Section 319 and 604(b) funds to help restore or protect waters from nonpoint source pollution (NPS). DEP administers a grants program to pass-through a portion of these funds as subawards to subrecipients (referred to hereafter as Grantees). Grantees conducting NPS Pollution Control Projects are obliged to administer projects in accordance with the 'Agreement to Purchase Services' (hereafter referred to as Grant Agreement) as well as this document, *NPS Grant Administrative Guidelines*. This document applies to all NPS grant projects and supersedes the previous version, *NPS Grant Administrative Guidelines* (June 2010).

These guidelines provide information to help Grantees administer a NPS project to comply with the Grant Agreement. The document is organized into the following three sections:

- Grantee and DEP Responsibilities and Coordination;
- Financial Management and Project Implementation; and
- Project Reporting.

Appendices include templates, forms and instructions associated with project reporting.

Commonly Used Terms and Acronyms

319 – Section 319 of the federal Clean Water Act that establishes a program to address nonpoint source pollution. 319 funds from the United State Environmental Protection Agency (EPA) are the main funding source for Maine's NPS grants program.

604b – Section 604(b) of the Clean Water Act that provides limited funding for water quality assessment and management planning.

BMP – Best Management Practice. Also referred to as conservation practice. Methods that have been determined to minimize, repair or prevent pollution from nonpoint sources.

NPS – Nonpoint Source Pollution. Pollution from diffuse sources on the landscape that are picked up and carried by rainfall runoff or snowmelt into surface waters.

Grant Agreement - Official agreement between the DEP and Grantee that describes the work to be performed (including the project work plan), method of payment, and other State and Federal provisions.

Grantee – Recipient of a grant award from Maine DEP to carry out a NPS Project. Also referred to as subrecipient and Provider.

II. Grantee and DEP Responsibilities and Coordination

A. Grantee Responsibilities

Grantees are obliged to administer the project in accordance with the Grant Agreement. The Grant Agreement describes Grantee responsibilities in seven riders. The project work plan is included in Rider A, 'Specifications of Work to be Provided'. The primary responsibilities for administering a Grant Agreement are summarized below.

- Project Work Plan - Conduct the project or program activities as described in the project work plan. Take action to conduct the work as scheduled and close out the project by the completion date specified in the "project duration" section of the work plan.

- DEP Communication - Maintain an active cooperative working relationship with the DEP Agreement Administrator (AA) designated in paragraph #6, Rider B of the Agreement. Keep the Agreement Administrator informed of project activities. Contact the Agreement Administrator for assistance with any questions.
- Changes in Work - Notify DEP as soon as possible if changes to project work plan are needed to effectively conduct the project. If necessary, request and secure DEP acceptance of changes in the project work plan. (Refer to Section II.F.).
- Project Reporting - Prepare and submit Progress Reports, NPS Site Reports, Pollutants Controlled Reports, Final Project Report and other deliverables listed in the project work plan according to guidelines in Section IV.
- Office and Site Visits - Meet with the Agreement Administrator for annual Office Visits at the Grantee's office to review project files and activities and accompany Agreement Administrator on NPS Fieldwork Site Visits, as needed. (Refer to Section II.D.)
- Project Acknowledgement - Acknowledge DEP and EPA in any materials, presentations, or press releases produced relative to the project according to Rider A, Section III.F. as follows: "*Funding for this project, in part, was provided by the U.S. Environmental Protection Agency under Section (either 319 or 604(b)) of the Clean Water Act. The funding is administered by the Maine Department of Environmental Protection in partnership with EPA. EPA does not endorse any commercial products or services mentioned.*" DEP and EPA logos may not be included on materials unless the Grantee receives prior instruction and approval.
- Invoices - Prepare invoices according to instructions in Section III.D. and submit to the DEP Agreement Administrator.
- Financial Management - Maintain a financial management system to permit the tracking of funds to a level of expenditure adequate to establish that funds have been expensed on allowed activities and purposes under the Grant Agreement. Costs charged to the grant must be reasonable and allowable and may not be incurred before the effective date of the Grant Agreement. Provider will follow federal cost principles described in the Code of Federal Regulations, 2CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- Match Tracking - Organize and record non-federal match information as it is accumulated during the project (Section III.C).
- Environmental Data - If environmental data is collected as part of the project, conduct activities according to applicable quality assurance procedures. (See Section III.F.)
- Records Retention - Maintain all correspondence, documents, deliverables, payroll and accounting records and other materials pertaining to the Agreement. Allow inspection of pertinent documents by DEP or other authorized representative of the State of Maine or the federal government. Records must be retained for a period of five (5) years following DEP closeout of the agreement.

B. DEP Responsibilities

DEP is responsible for monitoring the Grantee's use of the grant award to provide reasonable assurance that project goals are achieved and the Grantee administers the grant award in compliance with terms of the Grant Agreement. Monitoring activities normally occur throughout the year and may take various forms including reviewing reporting, performing site visits and maintaining regular contact.

DEP designates a staff person as Agreement Administrator to serve as DEP's representative (agency contact person) to help guide the project, monitor Grantee performance on the Grant Agreement and help ensure that work is carried out according to the work plan. The following list highlights the DEP Agreement Administrator's primary responsibilities:

- Project Monitoring - Provide or coordinate DEP consultation and monitor the project to help the Grantee successfully implement the project work plan and comply with the Grant Agreement. Regularly contact the Grantee about the NPS project by phone, email, letter or site visit at least once every three (3) months.
- Project Startup - Within two (2) months of project start-up, contact the Grantee to review the Grant Agreement, project work plan, and the NPS Grant Administrative Guidelines to help ensure the Grantee understands their responsibilities and is prepared to effectively administer the project.
- Review of Agreements - Review and, if acceptable, approve all subgrants and procurement agreements over \$3,000. For projects involving BMP construction, review and approve the Grantee's cost sharing agreement (CSA) template and any CSAs and Construction Plans involving \$5,000 or more in grant funds.
- Office and Fieldwork Site Visits - Conduct annual Grantee Office and Fieldwork Site Visits, as needed, according to DEP Standard Operating Procedures. (Refer to Section II.D.)
- Deliverables and Invoices - Receive, acknowledge, review and handle all material submitted to DEP by the Grantee in a timely manner, including but not limited to Progress Reports, Deliverables, Invoices and the Final Project Report.
- Prompting Action - Prompt the Grantee, as needed, to help ensure the project is proceeding as scheduled and that Deliverables required by the Agreement are provided to DEP.
- Project Records - Create and maintain a paper and an electronic file for the NPS Project that contains all pertinent documents and records according to DEP Standard Operating Procedures. Document key contacts with the grantee (e.g., site visits, meetings etc.) in writing for the DEP project file to exhibit DEP monitoring of the project.
- Project Closeout – Closeout the Grant Agreement when the project has been completed.

C. Grantee and DEP Cooperation

The Grantee and the DEP Agreement Administrator should develop a good working relationship so that each understands the other's needs and responsibilities. In some cases a Grantee and the AA may prefer to work closely together on many aspects of the project, such as training

sessions, evaluating NPS sites, engaging stakeholders, etc. At other times it may be preferable for DEP to remain more distant, but still available to provide assistance upon request. The best approach should be determined on a case-by-case basis by the Grantee and the AA with the mutual goal being to implement the project as effectively as possible.

D. Office and Fieldwork Site Visits

As part of their project monitoring, the Agreement Administrator will conduct Grantee Office Visits and Fieldwork Site Visits according to DEP Standard Operating Procedures. See Appendix K for forms.

1. Office Visits

The Agreement Administrator will arrange an annual Grantee Office Visit to interview staff, review records, observe operations and discuss the project. Observations and any recommendations for areas needing improvement will be recorded on a standard form, which will be shared with the Grantee and NPS Grants Program Manager.

2. Fieldwork Site Visits

For projects with BMP installations, the Agreement Administrator will conduct Fieldwork Site Visits to assess if installed BMPs appear appropriate for the site and are functional. NPS projects involving >\$2,500 in grant funds require visits during or after construction. Preconstruction site visits are also required for high complexity or high cost sites. Site visits may be conducted, but are not required, for smaller projects. The Agreement Administrator will invite the grantee to join them for Fieldwork Site Visits. Observations will be recorded on a standard form, which will be shared with the Grantee and NPS Grants Program Manager. If a BMP does not appear to be functional or maintenance is needed, the Agreement Administrator will discuss with the Grantee and determine a course of action to remedy the issue.

E. Problem Resolution

Grantees are responsible for implementing the Grant Agreement. The DEP Agreement Administrator is involved in project activities to the extent of reviewing deliverables, progress reports and invoices, attending occasional meetings, and providing advisory support and technical assistance. Problems such as unforeseen loss of staff, prolonged bad weather, equipment breakdown, etc., may affect the Grantee's ability to meet Grant Agreement requirements. In such cases more hands-on interaction between Grantee and DEP may be needed to help keep project activities on track. Minor or temporary delays are usually resolved through cooperation between the Grantee and the DEP Agreement Administrator.

More significant problems may develop where the project work is not progressing satisfactorily. Examples of potentially serious problems or deficiencies include: repeated failure to complete project work plan tasks; reports or related documentation not submitted or of poor quality; project work changed without notice or not performed according to the work plan; poor budget management, unsubstantiated project costs; etc. If the problem cannot be resolved between the Agreement Administrator and Grantee, then the Agreement Administrator or the Grantee should request assistance from the DEP NPS Program Manager.

F. Requesting Approval for Changes in the Work

This section describes when and how to request DEP approval for changes in the work. Grant Agreements have a standard provision regarding "Changes in the Work" in Section 7 of Rider B. A grantee is obliged to conduct the project as described in the project work plan. However, as project work proceeds, the Grantee and/or Agreement Administrator may determine that it is necessary or appropriate to change the project work plan in order to implement the project more effectively or respond to various changed conditions.

1. Changes in the Work

"Changes in the Work" is differentiated from "Substantial Changes in the Work" based on the magnitude of proposed change described below.

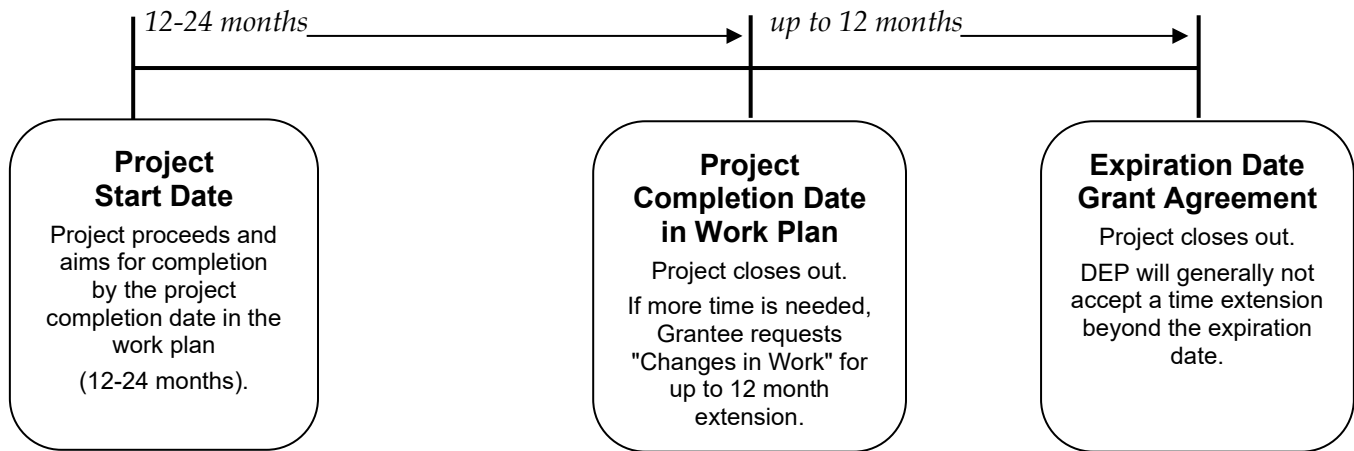
- a. Changes in the Work need to be documented and approved by the DEP Agreement Administrator before changes are implemented by the Grantee. Changes can include:
 - Project work described in the work plan (e.g., tasks, schedules, estimated costs within cost categories, and/or deliverables) needs to be revised to achieve the overall purpose of the project; and/or
 - A time extension is needed because work will need to be conducted after the planned completion date cited in the work plan but before the expiration date of the Grant Agreement.
- b. Substantial Changes in the Work need to be documented with a formal amendment to the Grant Agreement and approved by the DEP Commissioner and the Department of Administrative and Financial Services, Division of Purchases before changes are implemented by the Grantee. Substantial changes in the work can include:
 - There will be a substantial change in the purpose, scope or objectives of the project;
 - An increased amount of grant funds is needed; or
 - A time extension is needed because work will need to be conducted after the expiration date of the Grant Agreement.

2. Time Extension

Grantees should aim to manage projects according to the timeline and project completion date listed in the "Project Duration" section of the work plan. DEP recognizes that unforeseen delays or extenuating circumstances sometimes occur that may require additional time to complete a project. If this is necessary, DEP may approve project extensions for additional time up to the expiration date of the Grant Agreement.

To apply for additional time, Grantees need to request a "Change in the Work" to revise the project completion date in the work plan. A time extension request should be for no more than one year beyond the completion date in the work plan. Generally DEP will not accept a time extension beyond the Grant Agreement expiration date (located on the first page of the Agreement).

NPS Project Timeline



Grantees should not operate under the assumption that they will automatically receive a one year time extension. Some Grant Agreements do not have an expiration date that allows for a one year extension. There also may be situations when requests are not approved (e.g., poorly performing projects). Furthermore, completing projects according to the original timeline reflects favorably on grantee performance and avoids the additional costs associated with stretching out the project timeline.

3. Requesting DEP Approval of Changes in the Work

- a. Requests should be submitted as soon as possible after the need is determined. The Grantee should submit a letter to DEP requesting approval of changes in the work. The request should provide the following information:
 - NPS project # and title;
 - A statement requesting DEP approval of "changes in the work";
 - Overview of work completed to date on the project;
 - Description of the reasons for the proposed changes;
 - Description of the proposed changes, revised tasks, revised deliverables and/or revised budget, etc.
- b. If the changes involve a time extension, also provide the following information:
 - Description of why the time extension is needed;
 - The revised project completion date and revised schedule for each task that needs to be completed; and
 - Description of adjustments to project management to help ensure the project will be completed before the proposed revised project completion date.

4. DEP Review of a Request for Changes in the Work

DEP will review the request for acceptability and, if necessary, secure approval from EPA. DEP will reply in writing to advise if the changes in the work are accepted or are not accepted. Provided the request is clear and thorough, DEP will review and respond within three (3) weeks. For "substantial changes in the work" anticipate eight (8) weeks to secure approval.

- a. General Acceptance Criteria - DEP may accept proposed changes in the work if:
 - The Grantee has exhibited acceptable past performance on the project; and
 - Changes are appropriate to meet the purpose, scope and objectives of the project.
- b. Time Extension Acceptance Criteria - DEP may approve extension if:
 - The request indicates the project work was not completed as scheduled due to reasonable unforeseen delays or extenuating circumstance;
 - The request indicates the Grantee will take action needed to manage the project and complete the project before the revised project completion date; and
 - The requested extension date is on or before the grant expiration date.

G. Closeout of Grant Agreement

DEP must document closeout of the Grant Agreement when the project ends. DEP will review the Final Project Report and information in the project file to verify that the Grantee performed project work in accordance with the terms of the Grant Agreement. DEP will check for the following:

- Project tasks in the project work plan were implemented;
- Project Deliverables are acceptable and in the project file;
- The Final Project Report is accepted and in the project file; and
- The final payment was approved.

When DEP finds the Grantee has exhibited adequate performance and compliance according to terms of the Grant Agreement, DEP will acknowledge completion of the Grant Agreement by letter to the Grantee. The Agreement Administrator prepares the Closeout Letter for review and signature by the Director of the Environmental Assessment Division.

III. Financial Management and Project Implementation

A. Subgrants

Grantees may issue a subgrant to pass through a portion of the grant funds to an eligible subgrantee, provided that the work to be performed is aligned with the public purpose or mission of the subgrantee. A subgrantee must be a Maine public organization such as a state agency, soil and water conservation district, regional planning commission, watershed district, municipality or an incorporated nonprofit organization with federal tax exempt status (501c3). For example, a municipal grantee may issue a subgrant to a soil and water conservation district to coordinate the project or perform certain tasks. This arrangement is not considered procurement and does not need to follow procurement procedures. However, terms of the arrangement between the grantee and subgrantee must be described in a written agreement, which must be reviewed and approved by the Agreement Administrator (Agreement Rider B, Section 8).

B. Procurement

1. Procurement Methods

In some projects, a Grantee may need to purchase goods or services to conduct project activities. Procurement means acquisition of supplies, equipment, construction or services. Procurement with federal funds must be made on a competitive basis to ensure that fair and reasonable prices are obtained for goods and services.

Grant recipients must use procurement procedures that conform to applicable federal law and standards as described in 2 CFR 200 Subtitle D Procurement Standards. These regulations outline principles of competition (e.g., considering all 'equal' products instead of specifying only 'brand name' products) and describe five (5) procurement methods: micro-purchases, small purchase procedures, sealed bids, competitive proposals and noncompetitive proposals. Grantees should document the specific procurement method(s) used during a project. The three most common procurement methods used in NPS grants are described briefly below. For more information on these or other methods, refer to 2 CFR Part 200.

a. Micro-purchases

Micro-purchase means a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold of \$3,000 set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (Definitions). To the extent practicable, the Grantee must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the Grantee considers the price to be reasonable.

Agreements Needing DEP Review and Approval

- All subgrant contracts.
- Procurement agreements greater than \$3,000 (larger than micropurchases).
- The Grantee's Cost Sharing Agreement template.
- Individual Cost Sharing Agreements and Construction Plans for projects using \$5,000 or more in grant funds (See Section III.E.)

b. Small Purchase Procedures

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold of \$150,000 set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (Definitions). Small purchase procedures require that price or rate quotations must be obtained from an adequate number of qualified sources. Standard practice is to document price or rate quotations from three or more qualified sources.

c. Competitive Proposals

The technique of using competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. Contracts are awarded to the respondent that is most advantageous to the program, with price and other factors considered. Grantees may use Request for Proposals (RFP) or Request for Qualifications (RFQ) approaches. Both RFPs and RFQs must publicize evaluation factors and solicit responses from an adequate number of qualified sources (typically three or more).

A **RFP** is a type of bidding solicitation in which a company or organization announces that funding is available for particular goods or services, and companies can place bids to meet these needs. Final RFP selection is based on the proposal as well as cost. A **RFQ** can be used for selection of professional services (e.g., engineering). Qualifications are the main selection factor and price does not need to be considered, subject to negotiation of fair and reasonable compensation. Grantees may contact their AA for examples of RFP and RFQ documents used by grantees on other 319 projects.

A written agreement between the Grantee and selected provider must be created for procurement greater than \$3,000 (greater than micropurchases) and reviewed and approved by the Agreement Administrator (Agreement Rider B, Section 8).

Procurement methods using federal funds are specified in the Code of Federal Regulations at 2 CFR 200.320, which are available at http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

2. Utilization of Contractors Certified in Erosion Control Practices

DEP requests that grantees give preference to purchasing services from contractors certified in Erosion Control Practices by DEP. A list of certified contractors is available at <http://www.maine.gov/dep/land/training/cccec.html>. Note that certified contractors are required for any work conducted in the shoreland zone.

3. Utilization of Minority and Women's Business Enterprises

For procurements under federally funded projects, grantees are obliged to make good faith efforts to assure that disadvantaged business enterprises (DBE) are used when possible. Minority and women's business enterprises (MBE/WBE) should be given equal opportunities to participate as suppliers, contractors or subcontractors. See Grant Agreement, Rider E for the specific 'fair share' goal for the project, information about where to find WBE/MBE lists, and 'Six

Good Faith Efforts' required to assure that disadvantaged business enterprises are used as subcontractors, when possible.

EPA requires that States collect and report information regarding Grantee procurements. The invoice form requires submission of the DEP "MBE/WBE Utilization Report" form (Appendix F) if funds were used for procurement. This form reports total procurement and MBE/WBE vendors used for the project.

C. Non-Federal Match

Grantees are obliged to document non-federal matching funds or services contributed to the project. The amount of non-federal match required is listed in the project work plan under "Budget Information". To efficiently meet documentation requirements, Grantees should have a systematic approach to accumulate match information as the project proceeds and record information in a table or spreadsheet (See Appendix A). Grantees must submit documentation of non-federal project match as part of the Final Project Report.

1. Description

Non-federal matching funds are the portion of allowable project costs contributed to a federally funded project. Match includes, but is not limited to, allowable costs borne by the Grantee and contributions of cash or services from individuals, organizations, municipalities or non-federal public agencies. For the governing provisions relating to match, refer to 2 CFR 200.306 at http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl.

a. Non-federal match contributions may include:

- Cash contributions, and/or
- In kind contributions. An in kind contribution is the value of a non-cash contribution to meet a Grantee's cost sharing requirements. An in kind contribution may consist of the value of goods or services, property and equipment directly benefitting the project.

b. Non-federal match contributions must be:

- Related directly to tasks in the project work plan;
- Reasonably valued for the work performed;
- Conducted between the Grant Agreement effective date and closeout of the Grant Agreement, except when DEP's grant agreement with EPA allows Grantees to start accruing match during the 6-8 week period after the Grant Agreement is finalized but before it is an effective agreement. Contact the Agreement Administrator to confirm applicability. Note that project expenses incurred during this period cannot be reimbursed.
- Supported by appropriate documentation; and
- Provided by non-federal sources. Personnel, projects, or services paid with federal funds do not qualify as non-federal match.

2. Valuation of In-Kind Contributions

- a. Personnel Time Paid for by Grantee or Project Partner Organizations - When an employer furnishes free of charge the services of an employee in their normal line of work, the services will be valued at the employee's regular rate of pay. Paid fringe benefits that are reasonable, necessary, allocable and otherwise allowable may be included in the valuation. Indirect costs may be included at either the organization's approved federally-negotiated indirect cost rate or a rate in accordance with [2 CFR § 200.414](#).
- b. Donated Supplies - The contribution of donated supplies must be valued at the market value of the supplies at the time of donation.
- c. Donated Equipment or Space in a Building - The contribution must be valued at the fair market rental rate of the equipment or space.
- d. Volunteer Services - Unpaid volunteer time/services donated to the project by individuals must be valued at rates consistent with those ordinarily paid for similar work/services in the Grantee's organization. For example, when documenting donated personnel time as match, use the amount you would pay the person to do the job for which they are volunteering. If the Grantee organization does not have employees performing similar work, the value of donated personnel time must be consistent with those ordinarily paid by other employers for similar work in the area. Methods to estimate the value of unpaid volunteer services include, but are not limited to:
 - Determine the appropriate occupation and Maine occupational wage estimates provided by the Bureau of Labor Statistics, U. S. Department of Labor. For example, in 2014 the mean hourly wage rate for Environmental Scientists was \$34.64; and Environmental Science Technicians, \$21.82 based on "Maine May 2015 State Occupational Employment and Wage Estimates".
http://www.bls.gov/oes/current/oes_me.htm
 - The organization "Independent Sector" provides average rates for volunteers. DEP will accept the most recent rate established for Maine at http://www.independentsector.org/programs/research/volunteer_time.html Make sure to use the rate provided for Maine and not the national volunteer rate.

3. Documentation of Non-federal Match

Grantees should accumulate match information in a table or spreadsheet as the project proceeds. The table should allow the Grantee to efficiently summarize accumulated match. (See example in Appendix A.) The following information should be recorded to document match:

- a. Date - List the date associated with the match;
- b. Source - Identify the source of funds or services (e.g., person, group, business etc.);
- c. Activity - Describe the activity (e.g., steering committee meeting, construction etc.);
- d. Dollar Value - The value of the activity or item in dollars or dollars/hour; and

- e. Valuation - Identify the basis for the dollar value assigned to the activity or item (e.g., Maine Volunteer rate reported on Independent Sector website).

Before the closeout of the project, Grantees must submit a signed Non-Federal Match Documentation and Certification form (Appendix B) along with the supporting match table.

4. Examples of Match

Match must be “contributions of cash or services” that relates directly to tasks and objectives in the project work plan. Examples of services or items that may be eligible as non-federal match:

- a. Time and expenses installing BMPs called for in the work plan (i.e., cost of labor, equipment and materials associated with construction of acceptable BMPs).
- b. Time serving on the project steering committee; writing, copying and mailing water quality publications or watershed newsletters; providing training or workshop sessions; designing or reviewing BMP or conservation plans, etc.
- c. Vehicle mileage is eligible as match, but the rate cannot exceed the State of Maine Government allowance rate at the time mileage is accrued (available at <http://www.maine.gov/osc/travel/addtltravelinfo.shtml>).
- d. Cost of office or field equipment rentals, and supplies used for the project; and
- e. Time spent at a training session that will prepare volunteers to then contribute services to help implement project tasks and objectives (e.g., volunteer time spent at a watershed survey training session). Note, people attending a meeting or a workshop to hear about the project or NPS pollution issues does **not** generate eligible match because they are not 'contributing services' to the project.

D. Invoices and Payments

Grantees may request payments for grant activities on a reimbursement basis as described in Rider B of the Grant Agreement. Payments on all new Grant Agreements will be made only on a reimbursement basis for costs incurred, except DEP may issue an advance payment due to hardship. Ten percent (10%) of grant funds are retained until the project is completed.

1. Submitting an Invoice to DEP

- Grantees should complete the Invoice form in Appendix E according to instructions in Rider B of the Grant Agreement and as follows.
- If a Grantee used funds for procurement (i.e., acquisition of supplies, equipment, construction or services) during the reporting period, a ‘MBE/WBE Utilization Report’ form (Appendix F) must be provided with the payment request.
- The Invoice should be submitted to the DEP Agreement Administrator.
- One paper copy of the invoice with original signature must be submitted. Electronic and photocopied signatures are not acceptable.

- Grantees may sign up for direct deposit with the State of Maine at <http://www.maine.gov/osc/accounting/ddeflt.shtml>.

2. DEP Review of Invoices

a. The Agreement Administrator will:

- Review the invoice for acceptance; and
- Inform the Grantee the invoice is accepted or not accepted within three (3) days of receipt.

b. An invoice will be accepted if:

- The invoice is completed according to instructions;
- The Agreement Administrator finds the Grantee exhibits adequate compliance and performance according to terms of the Grant Agreement; and
- Progress reports and deliverables due to DEP have been received and accepted.

c. If accepted, the Agreement Administrator will sign/date the invoice indicating acceptance; retain one copy for the project file; and forward the original invoice to the NPS Program Manager. Grantee can anticipate receipt of the payment from DEP within four (4) weeks of acceptance.

d. If an invoice is rejected, the Agreement Administrator will let the Grantee know the reason why the invoice is not acceptable and advise the Grantee as appropriate.

3. Final Payment

Grantees may request the final 10% payment upon submission of the Final Project Report. The Agreement Administrator will accept the final invoice provided the Final Project Report and reports and deliverables required under the Agreement are satisfactory.

E. Constructing BMPs at NPS Sites

Many NPS projects provide grant funding and technical assistance to prompt installation of BMPs to address identified pollution problems. This section describes the standard program elements and construction process, as well as the different methods to fund and coordinate projects. This approach should be employed for all BMP construction projects where grant funds are used or where other funds are intended to qualify as project match.

1. Project Funding

A combination of grant funds and local match is typically used to fund BMP installations. Local match is required in order to use 319 grant funds for BMP installation. Grantees set the match requirement at a level to try to accomplish BMP implementation at as many important NPS sites as feasible. Usually, the Grantee sets one uniform rate for the entire NPS project in the project work plan (e.g., 50% grant and 50% match). The grant funds for a project cannot exceed 75% of the total cost.

2. Planning for BMP Construction Projects

The Grantee generally follows the steps listed below to initiate, coordinate and oversee BMP construction:

- Project Eligibility – The Grantee reviews the NPS project work plan and program guidance to ensure that a site is eligible for grant funding and/or can be used as match. For example, project funds cannot be used to undertake, complete or maintain BMPs required by existing permits or for normal maintenance and repair at road-related NPS sites⁴.
- Site Design - The Grantee confers with the landowner about the NPS site problem and solutions to determine if the landowner would agree to install and maintain appropriate BMPs at the site. If the landowner agrees, the Grantee proceeds with developing a BMP design for the site. BMPs must comply with the Maine BMP Guidelines or Federal USDA Natural Resources Conservation Service (NRCS) standards and specifications in the NRCS Field Office Technical Guide, or other recognized guidelines.
- Cost Sharing Agreement or Construction Plan – Depending on the funding approach used, either a Cost Sharing Agreement or Construction Plan is created to outline grant and match funding, site design, long term maintenance requirements and other roles and responsibilities of the parties involved in the project.

The service life for the BMP(s) also needs to be specified in the Cost Sharing Agreement or Construction Plan. The Grantee should use best professional judgment to specify an appropriate service life for BMP(s). The USDA-NRCS maintains a list of the service life of agricultural conservation practices (BMPs) in Section IV.F. Lifespans of the Electronic Field Office Technical Guide at <https://efotg.sc.egov.usda.gov/treemenu.aspx#>. Landowners must agree to properly operate and maintain the BMP for the duration of its expected service life.

- Permits - The Grantee ensures that permits required for construction are secured prior to construction.
- Construction – BMPs are installed at the NPS site according to the design. The Grantee provides technical assistance as needed to help ensure the BMP is installed and constructed properly.
- Site Inspection and Payment - The Grantee (or third party if deemed necessary) inspects the site to determine if the BMPs were installed in accordance with the design. If acceptable, the Grantee or landowner is reimbursed according to the terms in the Cost Sharing Agreement or Construction Plan.

3. Coordinating BMP Construction Projects

The most common methods to coordinate and fund BMP construction projects include landowner cost sharing, direct procurement and installation by the Grantee/landowner. Each approach is described below.

⁴ Refer to DEP guidance, *Using Project Funds for Construction of BMPs at Road-related Sites: Guidance for NPS Watershed Projects* (April 2012) at <http://www.maine.gov/dep/water/grants/319.html>.

a. Cost Sharing

Many 319 implementation projects use cost sharing as their standard approach to installing BMPs. With cost sharing, a Grantee provides a landowner with technical assistance; the landowner installs and maintains the planned BMPs; and the landowner is reimbursed following verification of proper installation. Cost sharing as described here is not considered procurement because the Grantee is not purchasing goods or services.

The Grantee should develop a standard CSA template for the project that aligns with the DEP example provided in Appendix C. The CSA includes the site design and outlines Grantee and landowner roles and responsibilities, grant funding, match requirements, terms of landowner reimbursement, and long term maintenance. The Agreement Administrator must review and approve this template as well as individual CSAs for projects involving \$5,000 or more in grant funds.

b. Procurement

If the Grantee directly hires a contractor and/or purchases materials to install a BMP project, this is considered procurement and procurement procedures should be followed (Section III.B.). For example, if the Grantee is a Town and one of the NPS sites is on a Town Road, the Town may use procurement to select and hire a private contractor to install the BMPs.

In this case, a Construction Plan should be completed to ensure different staff and departments involved with the project have a shared understanding of their respective roles and responsibilities, grant funding, match requirements, site design, timeline and long term maintenance. The plan does not require, but may include, signatures from involved parties. See Appendix D for a sample Construction Plan. As with CSAs, Agreement Administrators must review and approve individual Construction Plans for projects involving \$5,000 or more in grant funds.

c. Grantee or Landowner Labor

Some construction projects do not involve cost sharing or procurement. For example, a Town Grantee might use stockpiled materials and their own crews to implement BMPs and seek partial reimbursement. In another scenario, a landowner may not receive grant funding for a BMP installation on their property. They may require only technical assistance from the Grantee, and in return, agree to install the BMPs themselves and at their own expense.

If these projects are being counted as match/project sites or receive grant funding, a Construction Plan should be completed to ensure that the Grantee, landowner and any

Types of BMP Construction Projects

- **Cost Sharing** – Landowner selects contractor and/or purchases materials to install BMPs and is then reimbursed by Grantee following terms of Cost Sharing Agreement.
- **Procurement** – Grantee directly purchases materials and/or hires contractor services to install BMPs. Must follow procurement methods (Section III.B.). Terms of project are outlined in a written Construction Plan.
- **Grantee or Landowner Labor** - Grantee or landowner installs BMPs with their own forces. Terms of project are outlined in a written Construction Plan.

other involved parties fully understand the BMP design, long term maintenance requirements and roles and responsibilities associated with the project. The plan does not require, but may include, signatures from involved parties. Again, Agreement Administrators must review and approve individual Construction Plans for projects involving \$5,000 or more in grant funds.

F. Environmental Data Quality Assurance

Project activities should be conducted according to applicable quality assurance procedures for NPS projects as described in the DEP document, *Maine Section 319 Management Program Quality Assurance Program Plan* (12/1/11) <http://www.maine.gov/dep/water/grants/319.html>. This GAG outlines many of the required program elements. The following additional provisions are required for projects that collect or use environmental data.

1. Water Quality Monitoring and Other Data Collection

Projects involving the collection and analysis of water quality or other data require a Quality Assurance Project Plan (QAPP) or other Quality Plan (e.g., Sampling & Analysis Plan), which must be approved by DEP prior to data acquisition. Project work plans identify the existing QAPP that will be utilized or describe preparation of a project-specific QAPP as a task. If a project operates under an existing approved QAPP, a Sampling and Analysis Plan (SAP) needs to be submitted and approved by DEP prior to monitoring each year. A SAP is a relatively brief document that describes project-specific monitoring information including sampling locations, methods, time schedules and any deviations from the overarching QAPP. A SAP template is typically provided in the associated QAPP.

If a project does not already have an existing QAPP, one will need to be prepared. The key 24 components of any QAPP are described in *EPA Requirements for Quality Assurance Project Plans* (EPA QA/R-5) <http://www.epa.gov/quality/gs-docs/r5-final.pdf>. Grantees should consult the Agreement Administrator to see if there are any similar existing QAPPs that could aid in QAPP preparation.

Quality Assurance Terms

Quality Assurance Project Plan (QAPP) – Document that outlines procedures to ensure that collected data meets data quality objectives. Required for all monitoring projects.

Survey Implementation Plan (SIP) – Relatively brief document that includes project-specific details for lake/stream watershed surveys or stream corridor surveys that follow DEP's generic survey QAPPs.

Sampling and Analysis Plan (SAP) – Relatively brief document that includes project-specific sampling details. Required for projects that collect monitoring data and operate under an existing QAPP.

2. Stream Corridor Surveys and Watershed Surveys

Projects that develop a watershed-based management plan often conduct various types of field surveys to collect information about potential NPS problems in a watershed. DEP has developed the following generic QAPPs for the two most commonly used surveys:

- Maine Lake and Stream Watershed Survey Generic QAPP (2015)
<http://www.maine.gov/dep/water/grants/319-documents/quapp.pdf>
- Maine Stream Corridor Survey Generic QAPP (2013)
<http://www.maine.gov/dep/water/grants/319-documents/FinalStreamCorridorSurveyQAPP1-4-13.pdf>

For these types of surveys, grantees must follow the generic DEP QAPP and complete a Survey Implementation Plan (SIP) prior to the survey. A SIP is a relatively brief document that outlines the project-specific survey details. The above QAPPs and SIP templates are available from the Agreement Administrator and at the above webpages.

3. Use of Secondary Data

NPS projects that develop a watershed-based management plan often compile and use preexisting data (secondary data) about the watershed and water bodies. If a NPS project depends on the use of secondary data, then a task in the work plan will require the grantee to specify the methods used to evaluate the quality/validity of the data to determine if the data is acceptable for the purposes of the NPS project. The secondary data analysis findings are typically summarized in a table, which is submitted as a project deliverable. A sample secondary data table is available from the Agreement Administrator.

IV. Project Reporting

A. Progress Reports

The Grant Agreement requires Grantees to submit semiannual progress reports. DEP uses progress reports to monitor Grantee progress and performance. Federal regulations require Grantee monitoring to provide reasonable assurance that the Grantee achieves project goals and administers the grant award in compliance with terms of the Grant Agreement.

1. Preparing and Submitting a Progress Report

- a. The Progress Report should concisely summarize important work activity performed within the six-month reporting period. Progress reports should not report work performed prior to the reporting period; anticipated work to be conducted in the future; or other local activities that do not relate directly to project tasks. Content and format instructions for preparing a Progress Report are detailed in Appendix G.
- b. The progress report should be submitted electronically (preferred method), or two (2) hard copies should be sent to the DEP Agreement Administrator.
- c. Grantees must submit progress reports on each due date until DEP receives the Final Project Report. However, if the project just started or is near completion, contact the Agreement Administrator to see if a progress report is necessary. Due dates and reporting periods are:

November 15th - Report activity for the 6 month period, May 1 to October 31

May 15th - Report activity for the 6 month period, November 1 to April 30

2. DEP Review of Progress Reports

- a. Acknowledgement - The Agreement Administrator will acknowledge receipt of the Progress Report and review the progress report within 14 days of receipt to determine whether the report is acceptable.
- b. Report Accepted - A Progress Report will be accepted if the report reasonably describes the work accomplished during the period and was prepared according to the instructions for content and format. The Agreement Administrator may accept a Progress Report with *minor* deficiencies. When the Agreement Administrator determines the progress report is acceptable, they will sign/date two (2) copies and place in the project file. (The EPA copy will be sent by DEP's Agreement Administrator with all deliverables at the end of the project.)
- c. Report Not Accepted - The Agreement Administrator will inform the Grantee why the report is not acceptable and work together to make needed changes as soon as possible.
- d. Payment Hold - DEP will not issue a payment if the Grantee fails to provide Progress Report(s) that are accepted by the Department. Payments can resume once overdue reports are turned in and accepted or problems are addressed in reports that were previously not accepted.
- e. Project Slippage - The Agreement Administrator may find that the Progress Report(s) indicate that the project is not proceeding at the pace necessary to complete the project according to the work plan or there are some other problems. If so, the Agreement Administrator should contact the Grantee to determine why the project is not proceeding as planned and take action to resolve the matter. Refer to Section II.E. Problem Resolution and Section II.F. Changes in the Work – Requesting Approval.

B. Project Deliverables

“Deliverables” are key materials or products developed under the project that demonstrate work activity and/or outcomes. Deliverables are clearly identified and listed as a separate section in project work plans. Deliverables must be submitted, reviewed, and approved to complete a project and closeout a Grant Agreement.

1. Labeling Deliverables

Deliverables must be clearly labeled with the appropriate Project ID number, the project title and the deliverable number from the project work plan. If possible, labels should be added into the headers of documents prior to electronic submission. Example label for a deliverable:

#2014RR01 Red Pond Watershed Restoration Project
Deliverable #3

2. Submitting Deliverables

The Grantee should prepare and submit deliverables to DEP soon after the associated work is completed. Grantees should not wait to submit deliverables until a Progress Report is due or

until the end of the project. Failure to submit deliverables in a timely manner may result in project invoices being held until they are submitted. Electronic submission of deliverables is preferred. If hard copies are submitted, the Grantee should send two (2) copies of the Deliverable directly to the DEP Agreement Administrator. The AA will file one copy in the NPS project file and send one copy of all Deliverables to EPA upon closeout of the project.

C. NPS Site Reports

Grantees prepare NPS Site Reports to describe before and after construction site conditions at NPS sites when grant funds or matching funds are used to pay for construction. Refer to Appendix H for the NPS Site Report form.

These reports must include a location map; brief description of the location (including GPS coordinates), NPS site problem and BMP design; before and after construction site photos or sketches; and summary of the Operations and Maintenance plan.

The work plan for a NPS Watershed Project usually specifies NPS Site Reports as a project deliverable. Grantees should submit NPS Site Reports to DEP within two (2) months of completion of the site work.

D. Pollutants Controlled Reports

EPA National 319 Program Guidelines requires States to enter estimates of pollutant load reduction accomplished during NPS Projects into EPA's national database, the Grant Records Tracking System (GRTS). In order to collect this information, DEP requires annual pollutants controlled reports (PCR) for all NPS Watershed

Implementation Projects intended to control sediments and/or nutrients (Appendix I).

The PCR form asks for totals of sediment and nutrient reductions and shoreline/streambank protected for each waterbody. For each NPS site, grantees should: (a) briefly describe each site (b) identify the method used to estimate NPS load reductions, and (c) estimate the amounts of pollutant load reduction in sediment (tons/year), phosphorus (pounds/year) and nitrogen (pounds/year). If the NPS project included streambank, shoreline or stream channel protection or stabilization (e.g., buffer establishment), the linear feet associated with this work should also be reported. Specific BMPs used for the project should also be selected from the options provided, and BMPs not listed can be added.

DEP recommends using the methods described in the EPA "Region 5 Model", Spreadsheet Tool for the Estimation of Pollutant Load (STEPL) and Water Erosion Prediction Project (WEPP) computer model to estimate NPS load reductions. These models are described at websites

Describing NPS Sites

Often the terms BMP or NPS Site are used interchangeably to describe NPS work at a specific location. For clarity, DEP recommends distinguishing BMP and NPS Site from each other based on the following:

- **NPS Site** means a specific location described as a source of polluted runoff. The area or size of a NPS Site could be relatively small (culvert/stream crossing), large (17 acre corn field, 2 acre parking lot) or linear (600 feet of unstable road and ditch line).
- **BMP** (best management practice) means a conservation practice used to minimize, repair or prevent a NPS problem at a NPS Site. One or more BMPs may be needed at one NPS Site.

<http://it.tetrattech-ffx.com/steplweb/> and <http://forest.moscowfsi.wsu.edu/fswepp/>, respectively. DEP allows the use of other accepted estimation methods that are appropriate. Contact the Agreement Administrator for review and approval if you plan to use an alternate estimation method.

PCRs should be submitted to the Agreement Administrator by December 31 of each year and upon completion (closeout) of the project. Supporting documentation should also be provided with the PCR. If there were no load reductions or resources protected during the reporting period, the Grantee should either send the Agreement Administrator an email letting them know that no load reductions were achieved or submit a PCR showing zero reductions. As with other reports and deliverables, Grantees are encouraged to submit PCRs and supporting documentation electronically. If hard copies are submitted, two (2) copies should be provided.

E. Final Project Report

The Grant Agreement requires the Grantee to submit a Final Project Report (FPR) to DEP when the project ends. The FPR should provide a stand-alone, concise summary of all important project activities and outcomes for DEP, EPA, the public and other users. The FPR also documents completion of the project and closure of the Grant Agreement.

The report includes a project overview and summary of project tasks, deliverables, project outcomes and grant and match expenditures. DEP recommends the FPR be approximately 5 to 10 pages in length, and 10 to 30 pages overall, including any supporting appended documentation such as photos, sketches, etc. (Note that deliverables should not be included as part of the FPR document.) Electronic submission is encouraged. If hard copies are submitted bulky binders or fasteners should be avoided since space is limited for storing project file records. Instructions for preparing a FPR are provided in Appendix J.

DEP recommends that Grantees submit a draft to the Agreement Administrator for review prior to submitting the FPR so they can provide comments before the report is finalized.

Appendix A. Non-Federal Match Documentation Example

This is an example of a summary table of non-federal match documentation submitted upon NPS project completion (closeout). Costs or in-kind contributions counting towards satisfying a matching requirement must be verifiable from the records of the Grantee.

Non-Federal Match Summary NPS Project #2014RR03 Crystal Lake Watershed Improvement Project - Phase II

Date	Source	Activity or Item	Hours	Rate or Value	Subtotal	Mileage	Total
	John Smith	Steering committee (5 meetings)	15	\$20.54/hr	\$308	\$64	\$308
	Mary Doe, NWA	Steering committee (5 meetings)	15	\$20.54/hr	\$308	\$80	\$308
	Dan Blake, Town CEO	Septic system file review, task 2	42	\$25/hr	\$1,000	\$50	\$1150
	Jane Chin, Instructor	Presentation Road BMP training, task 5a	17	\$30/hr	\$510	\$15	\$525
	J. Dewey, Attorney	Setup riparian easement, task 4	21	\$95/hr	\$1,995	\$12	\$2,007
	Mary Doe, NWA	Produce 4 newsletters, task 6	62	\$20.54/hr	\$1,273	\$10	\$1,273
	ABC Plant Nursery	Plant materials donations for 4 NPS sites		\$350			\$350
	Tom Ring	BMP installation, private road		\$900			\$900
	Joe Johnson	BMP installation, residence		\$200			\$200
	High Spring Farm	BMP installation, heavy use area		\$6,400			\$6,400
	Sunland, Town of	BMP installation, Stine Rd		\$8,500			\$8,500
	Sunland, Town of	BMP installation, Long Rd		\$9,000			\$9,500
	Ray Jones	BMP installation, Buffer planting		\$180			\$180
	Nice Lake Association	Cash Match for Outcome report, task 5					\$1,000
	Omega Foundation	Grant to Grantee, used for various tasks					\$2,000
						Totals	\$34,601

Valuation of Activity / Items

1. Volunteer labor to help install BMPs was valued at \$20.54/hour based on the rate for Maine reported by the Independent Sector.
2. Town CEO regular rate of pay exclusive of fringe and overhead.
3. Typical billing rate for professional legal services in this area is \$90 to \$110 per hour
4. BMP installations include the materials, labor and mileage at a BMP construction site.
5. Mileage is based on Maine state rate of \$0.44/mile.

Appendix C. Sample Cost Sharing Agreement

(Grantee letter head)

Cost Sharing Agreement

between (Grantee name) and (owner name)

A. Purpose. (Grantee name) will provide technical and cost sharing assistance to (owner name) to install Best Management Practices (BMPs) that will abate nonpoint pollution. This work is needed to help achieve the goals of: **Nonpoint Source Pollution Control Project - (number and project title).**

NPS Site Description:

Briefly describe the site location and the NPS problem.

BMPs to be Installed:

Briefly describe the proposed BMPs to be installed to solve the NPS problem.

B. (Grantee name) agrees to:

1. Provide to the Owner design and specifications for the proposed Best Management Practices (BMPs) and an estimate of allowable costs for the BMPs to be constructed / installed under this Agreement. The design and specifications are an Appendix to this Agreement. The design meets Maine BMP Guidelines, Natural Resources Conservation Service (Field Office Technical Guide), or other recognized BMP guidance.
2. Reimburse the Owner at a rate of ___ % of the costs to implement the practices in the design and specifications attached, not to exceed \$ _____, after verification the BMP was installed in accordance with the design.
3. Provide technical assistance to help the owner install the BMP in accordance with the design.
4. Provide a brief Operation & Maintenance Plan describing how to operate and maintain the proposed BMPs.

C. (Owner name) agrees to:

1. Construct / install the proposed BMPs as described in the attached design and specifications provided by (Grantee name). If the Owner hires a contractor, preference will be given to contractors with staff certified in Erosion Control Practices by DEP. If working in Shoreland Zone, then owner must use a contractor with staff certified in Erosion Control Practices by DEP.
2. If needed, obtain any local, state or federal permits to install / construct BMPs under this Agreement; and comply with such requirements if applicable. Signing this Agreement does not provide permits.

3. Complete all construction /installation work by (date), unless approved in writing by both parties.
4. Provide documentation to (Grantee) to substantiate the costs (expenses and/or in-kind services) to construct / install the BMP project after completion of the work or as requested.
5. Allow the (Grantee) access to the site area to inspect the BMP or show the BMP to others at a mutually convenient and pre-arranged time for a period of five years.
6. Properly operate and maintain BMPs according to the attached Operation & Maintenance Plan provided by (Grantee name) for the service life of the BMP, which is _____ years. Operation and maintenance includes actions needed to keep the completed practice safe and functioning as intended, work to prevent deterioration of the practice, repairing damage, or replacement of the practice to its original condition if one or more components fail.

D. Payments

1. The Owner agrees to pay costs for the constructing / installing the BMPs recommended in the design and specifications including payments to contractors and others.
2. The Grantee will reimburse the Owner for the costs of constructing / installing the BMPs at the rate specified in B.2. after verification by the (Grantee) representative that the BMPs were installed according to the design and specifications.

E. Changes

If necessary, the parties may mutually agree to change this Agreement. The Owner will notify (Grantee name), in advance, regarding proposed changes to this Agreement or the BMP design and specifications or cost estimate. Changes to this Agreement must be documented in writing, signed by the parties and attached to this Agreement.

ENDORSEMENTS

The undersigned hereby agree to the terms of this Cost Share Agreement.

Landowner

Grantee

Name: _____

Signature: _____

Date: _____

Phone: _____

Mailing Address: _____

Name: _____

Signature: _____

Date: _____

Phone: _____

Mailing Address: _____

Attach the Design, Specifications and Operations & Maintenance Plan for the proposed BMPs.

Appendix D. Construction Plan

(Grantee letter head)

Construction Plan

Provided for (site name and address)

A. Purpose

The Nonpoint Source Pollution Control Project (Project # and Title) grant will be used to assist (Grantee or Landowner name) with the installation of Best Management Practices (BMPs) that will abate nonpoint pollution to (water body name).

B. NPS Site Description:

Briefly describe the site location and the NPS problem.

C. BMPs to be Installed:

Briefly describe the proposed BMPs to be installed to solve the NPS problem.

D. Project Costs

Provide the estimated total project cost and grant and match requirements.

E. Roles and Responsibilities

Identify who (Grantee and/or Landowner) will assume responsibility for the following:

1. Develop design and specifications and cost estimate for the BMPs described above. The design and specifications are an Appendix to this Plan. The design meets Maine BMP Guidelines, Natural Resources Conservation Service (Field Office Technical Guide), or other recognized BMP guidance.
2. Provide technical assistance to help install the BMP in accordance with the design.
3. Provide an Operation & Maintenance Plan describing how to operate and maintain the proposed BMPs. The O&M Plan is an Appendix to this Plan.
4. Construct / install the proposed BMPs as described in the attached design and specifications.
5. If needed, obtain any local, state or federal permits to install / construct BMPs under this and comply with permit requirements if applicable. Signing this Agreement does not provide permits.
6. Complete all construction /installation work by (date).

- 7. Provide documentation to substantiate the costs (expenses and/or in-kind services) to construct / install the BMP project after completion of the work or as requested.
- 8. Allow access to the site area to inspect the BMP or show the BMP to others at a mutually convenient and pre-arranged time for a period of five years.
- 9. Properly operate and maintain BMPs according to the attached Operation & Maintenance Plan for the service life of the BMP, which is _____ years. Operation and maintenance includes actions needed to keep the completed practice safe and functioning as intended, work to prevent deterioration of the practice, repairing damage, or replacement of the practice to its original condition if one or more components fail.

D. Payments

Describe how the project will be paid for and/or reimbursed and any verification measures (including DEP or other third party verification if deemed necessary) to ensure that the BMPs were installed properly.

E. Changes

If necessary, the parties may adjust the BMP design and specifications or cost estimate.

ENDORSEMENTS *(optional)*

The undersigned hereby agree to the terms of this Construction Plan.

Name: _____

Signature: _____

Date: _____

Name: _____

Signature: _____

Date: _____

Attach the Design, Specifications and Operations & Maintenance Plan for the proposed BMPs.

Appendix E. Invoice

Invoice - Nonpoint Source Grants Program
Maine Department of Environmental Protection

Instructions: Complete items in the following box electronically (not by hand). Submit original invoice (no copies or email) to DEP Agreement Administrator.

Invoice Date: _____ Invoice ID: _____

PROVIDER: _____ *Project # along with a unique invoice number (e.g., #2013RT07-02)*

Grantee Name: _____

Mailing Address: _____

City, State, Zip: _____

Project # _____ Project Title: _____

PAYMENT REQUESTED:

Total Expensed to Date: _____

Minus Prior Payments: _____

Amount This Invoice: _____ Check if Final Project Payment

GRANT AND MATCH SUMMARY:

Total Grant:	\$	Minus Spent to Date:	\$	= Grant Remaining	\$
Match Required:	\$	Minus Match to Date:	\$	= Match Remaining	\$

PROCUREMENT:

Were funds used for procurement? Yes _____ No _____

If yes, submit the 'MBE/WBE Utilization Report' form with this invoice.

CERTIFICATION:

Provider certifies that grant funds were expensed or costs were incurred on allowed activities and purposes in accordance with the Grant Agreement. Upon request by DEP, the Provider agrees to produce the source documents used to prepare this payment request.

Original Signature of Authorized Provider Representative: _____

Name Printed: _____ Title _____ Date _____

PAYMENT APPROVED BY:

Signature DEP Agreement Administrator: _____

Name Printed: _____ Date _____

FOR DEP USE ONLY	Date received from AA ___/___/___	Date forwarded to Admin ___/___/___
AdvantageME CT No: _____		
Vendor Code _____	Fund _____	Agency _____
Object _____	Activity _____	SubActivity _____
Program _____	Amount \$ _____	

Appendix F. MBE/WBE Utilization Report

MBE/WBE Utilization Report
NPS Grants Program, Maine Department of Environmental Protection

Instructions: If grant funds were used for procurement since the last invoice, submit this MBE/WBE Utilization report with payment request. If the procurement did not involve MBE/WBE vendors, fill out project information and Item #1 and list \$0 on Item #2. If there was procurement using MBE/WBE vendor(s), complete Items #1, 2 and 3.

Project #: _____ Project Title: _____

Grantee: _____

1. Total Procurement Amount in the Reporting Period: _____

2. MBE/WBE Procurement Accomplished in the Reporting Period: _____

3. MBE/WBE Vendor Information:

a. Vendor Name: _____ Date _____ Amount: _____

Vendor Address: _____

Procurement Summary: _____

Procurement Code (below): _____ Check applicable box: WBE MBE

b. Vendor Name: _____ Date _____ Amount: _____

Vendor Address: _____

Procurement Summary: _____

Procurement Code (below): _____ Check applicable box: WBE MBE

Procurement Codes: 1 = construction; 2 = supplies; 3 = services; 4 = equipment
Procurement means acquisition of supplies, equipment, construction or services.
MBE means "minority business enterprise; **WBE** means "women's business enterprise"

Prepared By: _____ Date: _____

Appendix G. NPS Progress Report

NPS Progress Report
 NPS Grants Program, Maine Department of Environmental Protection

Instructions: Submit this form electronically or in 2 hard copies to report progress conducting a NPS Project. For instructions, refer to the *NPS Grant Administrative Guidelines*, Section IV.A. Total report should not exceed three (3) pages. Do not attach any Deliverables or other material to the Progress Report.

Project #: _____ **Project Title:** _____

Report for the 6-Month Period Ending (check one): April 30 Oct. 31 Year _____

Grantee Name: _____

Grantee Contact Person: _____

Phone: _____ **Email:** _____

I. Account Drawdown Information:

a.) Funds expended this period:	Grant	\$		Match	\$
b.) Total agreement amount:	Grant	\$		Match	\$
c.) Funds expended to date:	Grant	\$		Match	\$
d.) Funds remaining (b-c):	Grant	\$		Match	\$

II. Brief summary of any significant difficulties encountered, reasons for project delays and revised schedule for any work scheduled for, but not completed, in this reporting period:

III. Report any Changes in Key Project Personnel:

VI. Tasks. Use this sample format to describe work conducted for each task. Reference associated Deliverable(s). Explain periods of inactivity. Report only on activity during **this** reporting period.

Task #	Task Heading	Work Conducted During the Six Month Reporting Period	Estimated % Completion
1	Project Management	Grantee signed sub-agreement with the SWCD in May. Steering Committee formed; held 2 meetings to plan for accomplishing the project tasks; and agreed on details of cost sharing program to help prompt BMPs installation at the proposed NPS sites.	25%
2	Tech Assistance – Residential NPS sites	Project Manager met onsite with 12 shoreline property owners; evaluated property NPS problems; and provided BMP recommendations. Five owners installed recommended BMPs.	50%
3	Roadside BMPs	Project Manager & Engineer did site visits & prepared designs for 5 road projects. Five Cost Share Agreements signed. Three road projects completed – Haven, Pine, and Swing roads. 3 NPS Sites Reports were submitted. Two projects will be delayed due to landowner needs. Construction is rescheduled for June 2016.	70%
4	Public Outreach	No activity.	50%
5	Pollutants Controlled Report	Prepared estimates for the 3 completed road sites.	25%

VII. Deliverables: List all Deliverables from the project work plan.

List of Deliverables from Work Plan	Date Deliverable submitted to DEP
1. Grant Agreement, Subagreement with Town Progress Reports Final Progress Report	1/15/15 2/15/15 4/30/15, 11/1/15
2. Summary of technical assistance visits (Task 2)	--
3. NPS Site Reports (Task 4) Lakeside Drive, Birchwood Drive Town Beach	8/15/15 10/30/15
4. Pollutants Controlled Report each year until project completion (Task 5)	12/31/15

Prepared by: _____ Date Submitted to DEP: _____
 DEP Signature: _____ Date Accepted: _____

Appendix H. NPS Site Report

NPS Site Report
 NPS Grants Program, Maine Department of Environmental Protection

Instructions: Complete the NPS Site Report to document BMP installation / construction at a NPS site. DEP requires the NPS Site Report when grant or matching funds are used to pay for construction costs at a NPS site. For more information, refer to Section IV.C. in the *NPS Grant Administrative Guidelines*.

Project # and Title: _____
 Grantee: _____
 Grantee Contact: _____ DEP Agreement Admin.: _____
 NPS Site Name: _____ Property Owner: _____
 Date Site Completed: _____ Date Report Submitted: _____
 Grant Cost: \$ _____ Match Cost: \$ _____

1. Location of Site. Attach a map with the site clearly marked. Use USGS topo, Maine Atlas & Gazetteer, Google Earth, GIS, or other map source. Provide a sufficient description and/or sketch of local landmarks so that DEP can find the site. List location coordinates below.

Latitude (N)		Longitude (W)	
--------------	--	---------------	--

2. NPS Problem. Describe NPS problem and site conditions that caused polluted runoff to reach surface waters via a stream, ditch, channel, diversion or other flow.
3. BMPs Installation Summary. Briefly describe the BMPs installed.
4. Operation & Maintenance Plan. Pursuant to the Cost Share Agreement or Construction Plan, the property owner agreed to properly operate and maintain the BMPs for its intended purpose for _____ years, the conservation practice service life. Summarize or attach the O&M Plan the landowner agreed to use to regularly inspect and maintain the BMPs.
5. Site Before and After Photos. Attach labeled photos or sketches that show before and after conditions.
6. Other (optional). Describe any other noteworthy project information (e.g., public outreach).

Appendix I. Pollutants Controlled Report

Pollutants Controlled Report

NPS Grants Program, Maine Department of Environmental Protection

Year: _____
 Project #: _____ Project Title: _____
 Grantee: _____ DEP Agreement Admin.: _____

1. Pollutant Load Reduction Estimates for NPS Sites Treated with BMPs

Water Body Name	Sediment Tons/Yr	Phosphorus Pounds/Yr	Nitrogen Pounds/Yr	Streambank or Shoreline Protected Feet
Totals				

2. NPS Sites, Methods Used, and Pollutants Controlled

Site ID	Brief NPS Site Description	Method (See list below)	Sediment Tons/Yr	Phosphorus Pounds/Yr	Nitrogen Pounds/Yr	Streambank or Shoreline Protected Feet
Totals for the Year:						

Pollutant Load Reduction Estimation Methods

Region 5 Model. Region 5 Load Reduction Model Sub-methods
http://it.tetrattech-ffx.com/steplweb/STEPLmain_files/Region%205%20manual05.pdf

R5/GEE	Gully Erosion Equation for Gully Stabilization
R5/CEE	Channel Erosion Equation for Streambank/Ditchbank/Roadbank Stabilization
R5/Fields	Uses Revised Universal Soil Loss Equation (RUSLE), sediment delivery ratio and contributing drainage area for Agricultural Fields
R5/Filter	Uses Relative gross filter strip effectiveness Filter Strips
R5/Feedlot	12 step method for Feedlot Pollution Reduction
R5/Urban	Urban Runoff BMP Pollutant Load Reduction Worksheet

WEPP Model. Water Erosion Prediction Project (WEPP) computer model
<http://forest.moscowfsl.wsu.edu/fswepp/>

STEPL. Spreadsheet Tool for the Estimation of Pollutant Load
http://it.tetrattech-ffx.com/steplweb/STEPLmain_files/STEPLGuide310.pdf

Appendix J. Final Project Report Instructions

The Grant Agreement requires submission of a Final Project Report (FPR). The FPR should provide a stand-alone, concise reference that describes important project activities and outcomes. DEP acknowledges project completion once the FPR is reviewed and accepted.

Title Page:

Project Number and Title, Grantee name, Grantee Contact Person, Date Project Started, Date FPR submitted, and acknowledgement of DEP and EPA (Grant Agreement, Rider A).

I. Project Overview (suggested length - 1/2 to 2 pages)

In narrative format summarize the project purpose, highlights (successes, problems, key personnel, etc.), and any changes in scope of the project. This should be a brief abstract of the project as a whole as it occurred.

II. Task Summary (suggested length - 1 to 3 pages)

Summarize project efforts by respective task in the project work plan (Task #1, Task #2, etc.). Include specific numbers and facts to explain results where possible, such as number and description of NPS sites treated with BMPs; workshops held and number of attendees at each; number of technical assistance visits conducted; amount of NPS pollutant load reduction achieved, etc. Include pertinent descriptions of unusual or significant problems or successes.

III. Deliverables Summary (suggested length - 1/4 to 1/2 page)

List each of the deliverables as shown in the project work plan and dates submitted to DEP.

IV. Project Outcomes (suggested length - 1 to 3 pages)

- A. List the major outcomes of the project (e.g., NPS sites treated with BMPs, local NPS control accomplishments, report or publication, etc).
- B. Describe environmental results of the project in terms of NPS pollutant load reductions and/or water quality improvements.
- C. Discuss any "lessons learned" based on your experience doing the project. What made the project more effective? What did not work well?

V. Summary of Total Expenditures Summarize expenditure totals as follows:

	<u>NPS Grant</u>	<u>Non-Federal Match</u>
Grant Agreement Amount	_____	_____
Funds Expensed	_____	_____
Funds Balance	_____	_____

VI. Non-federal Match Documentation / Certification

The Grantee must certify that non-federal match has been documented. Grantees need to complete the "Non-federal Match Documentation / Certification" form and attach supporting material adequate to summarize the contributions to project work (source, activity and valuation) claimed as non-federal match.

Appendices If needed include pertinent information that supports the descriptions offered in the above sections (e.g., maps, sketches, photos, figures). Appendices should not include deliverables, which should be submitted separately.

Appendix K. Office and Site Visit Forms

Grantee Office Visit Checklist
 NPS Grants Program, Maine Department of Environmental Protection

Complete the Grantee office visit checklist based on interview with the Grantee, reviewing records, observing operations, and sampling information associated with active NPS Projects.

Grantee: _____ Grantee Representative: _____ Office Visit Date: ___/___/___

DEP Agreement Administrator: _____

A. List Active NPS Projects the Grantee Administers (add more rows if necessary)

Project # and Title	Planned Project Completion Date	Agreement Expiration Date	Grant Amount	Total of DEP payments received

B. Administration - Applicable to All Active NPS Projects the Grantee Administers

	Status		Comments Summarize observations; add any useful comment; if improvement is needed, summarize what is needed.
	ok	Needs improving	
1. Grantee Responsibilities Interview. AA interview with Grantee to review awareness and knowledge of responsibilities summarized in GAG (Section II).			
2. Recordkeeping. Ask the Grantee to show you how they organize & file records pertaining to the NPS project(s). Are records reasonably organized and accessible to DEP if requested? Is there an archive system to keep for five (5) years?			

C. Review of Specific NPS Project(s)

Complete this checklist for each NPS project reviewed during the Grantee Office Visit

Project # and Title: _____

	Status		Comments Summarize observations; add any useful comment; if improvement is needed, summarize what is needed.
	ok	Needs improving	
1. Project Work Plan. Review work plan & discuss progress to date.			
2. Pace Implementing Work & Planned Completion Date. Is project work progressing at a pace needed to complete the project by the planned completion date?			
3. AA Visits for Construction Sites. Identify NPS sites that AA needs to see in the field (post-construction, >\$2,500 grant cost; or pre-construction, if complex or high cost)			
4. Changes in the Work. Is DEP promptly notified if "Changes in the Work" are necessary? Is there adequate documentation?			

	Status		Comments Summarize observations; add any useful comment; if improvement is needed, summarize what is needed.
	ok	Needs improving	
<p>5. Deliverables.</p> <p>Ask to see examples of some deliverables produced to date. Are deliverables generally satisfactory and provided to DEP when completed?</p>			
<p>6. Pollutants Controlled Reports.</p> <p>Review documentation supporting the annual PCR submitted to DEP</p>			
<p>7. Cost Share Agreements and Construction Plans.</p> <p>Does the Grantee operate its cost sharing program generally according to the GAG? Has CSA template been reviewed and approved? Are CSAs and Construction Plans with >\$5,000 grant funding submitted for DEP review?</p>			
<p>8. Non-Federal Match.</p> <p>Ask the Grantee to show you how they accumulate and document match as the project proceeds.</p>			
<p>9. Grantee Comments, Other Items.</p>			

Reviewed by DEP NPS Program Manager: _____ Date: _____

Fieldwork Site Visit Report
 NPS Grants Program, Maine Department of Environmental Protection

Project # and Title: _____

Grantee: _____

AA Name: _____ Date: _____

Grantee Staff Name (if present): _____

NPS Site Name	Location	Construction B - before D - during A - after	Brief Comments: Site conditions observed; if pre-construction, any recommendation; if post construction, do BMPs appear to be appropriate for the site, functional and maintained; follow-up actions needed, if any; other comments

Reviewed by DEP NPS Program Manager: _____ Date: _____



Appendix 4

Bureau of Water Quality
Division of Environmental Assessment
Standard Operating Procedure

Standard Operating Procedures for Regular Contact and
Site Visits for Nonpoint Source Grant Projects

1. APPLICABILITY.

This Standard Operating Procedure (SOP) applies to all Bureau of Water Quality (BWQ) staff in the Division of Environmental Assessment (DEA) at the Maine Department of Environmental Protection (DEP) who are assigned as Agreement Administrators for a Nonpoint Source (NPS) Project funded through the NPS Grant Program.

2. PURPOSE.

DEP is responsible for monitoring grantee (subrecipient) use of federal awards through review of grantee reports and deliverables, site visits and regular contact. This SOP describes procedures for regular contact and site visits to monitor grantee compliance with the grant agreement.

3. DEFINITIONS.

- A. AGREEMENT ADMINISTRATOR (AA). DEP staff person designated in a Grant Agreement or an Agreement to Purchase Services to represent the DEP (agency contact person) to monitor Grantee performance. The AA helps ensure that work is carried out according to the work plan by regular contact, conducting site visits, reviewing deliverables, addressing any problems or questions, and authorizing payments.
- B. Fieldwork Site Visit. AA visit to ensure appropriate NPS sites are chosen and Best Management Practices (BMPs) installed at NPS Sites are appropriate for the site.
- C. Grantee. The legal entity to which a grant is made and which is accountable to DEP for the use of the funds provided.
- D. Grantee Office Visit. AA visit at Grantee office to monitor Grantee compliance with the grant agreement by interviewing staff, reviewing records, and observing operations.
- E. Maine NPS Program Coordinator. Maine DEP staff member responsible for administering the NPS Grants Program and coordinating Maine's NPS work.
- F. NPS Grant Administrative Guidelines (GAG). DEP publication that (1) details reporting requirements, and (2) provides other information to help Grantees administer a NPS project to comply with the Grant Agreement.



- G. NPS Project. A nonpoint source pollution control project funded and administered by the DEA Nonpoint Source Grants Program pursuant to a Grant Agreement.
- H. Regular Contact. Periodic contacts made with a Grantee to check in on the progress regarding a NPS project.
- I. Subrecipient. The legal entity to which a federal subaward is made and which is accountable to the recipient (DEP) for the use of the funds provided. (adapted from U.S. Environmental Protection Agency definition)

4. RESPONSIBILITIES.

Agreement Administrator: The AA makes regular contact with a Grantee and conducts site visits as needed according to this SOP to monitor Grantee compliance with the grant agreement.

Maine NPS Program Coordinator: The NPS Program Coordinator provides supervisory review of Fieldwork Site Visits Reports and the Grantee Office Site Visit Checklists.

5. GUIDELINES AND PROCEDURES.

A. REGULAR CONTACT - WHEN NEEDED & DOCUMENTATION

The AA is expected to have contact with a Grantee about a NPS project by voice, email, letter or site visit at least once every 3 months. The AA will document key contacts with a Grantee (site visits, meetings, decisions, phone calls, etc.) in writing for the NPS project file to help enable successful project completion and exhibit DEP monitoring of the project.

B. GRANTEE OFFICE VISITS - WHEN NEEDED

The AA will visit the Grantee at his or her office once per year and complete the Grantee Office Visit Checklist.

For New Projects, the AA will contact the Grantee within 2 months of project start-up to review the Grant Agreement, Project Work Plan, and the NPS Grant Administrative Guidelines to help ensure the Grantee understands his or her responsibilities and is prepared to effectively administer the project.

C. GRANTEE OFFICE VISIT - PROCEDURES

The Grantee office visit is conducted to monitor Grantee compliance with the grant agreement by interviewing staff, reviewing records, and observing operations. The AA interviews Grantee staff and checks on Grantee documentation or records that support Grantee reports and deliverables. The Office Visit provides an opportunity for the AA and Grantee staff to review project progress, discuss the grant administrative guidelines, respond to Grantee questions, identify construction sites that need DEP site visits, etc. The AA will use the Grantee Office Visit Checklist to guide and document the visit.



The AA will exercise best professional judgment to determine whether observed Grantee practices are satisfactory or need improvement. The AA will request the Grantee take action to improve practices if needed.

The AA will document the Grantee Office Visit on the DEP form, Grantee Office Visit Checklist, (Attachment 2). The AA will provide a copy of the checklist to the Grantee and the NPS Program Coordinator and file the checklist in the NPS Project file.

D. FIELDWORK SITE VISITS - WHEN NEEDED

1. Appropriate Best Management Practices (BMPs) at NPS sites.

According to the grant agreement, Grantees are obliged to design and install BMPs at NPS sites according to design guidance described in Maine BMP guidance manuals or use other BMPs acceptable to the Department.

2. Purpose. The purpose of fieldwork site visits is to help ensure the Grantee chooses appropriate NPS sites and uses BMPs that are appropriate for NPS sites.

3. Site Visits After Construction.

When a NPS site involves >\$2,500 construction costs paid by grant funds, the AA will conduct a Fieldwork Site Visit during and/or after construction to observe the BMPs installed at an NPS site. The AA will also visit a subset of BMP installation sites to examine installed BMPs.

4. Site Visits Before Construction.

The level of difficulty to assess site conditions, design BMPs, and construct BMPs for a NPS site ranges very widely from simple (e.g., buffer plantings, water bars, etc.) to fairly complicated (e.g., biofilters, manure pits, etc.). Costs for getting BMPs installed (including landowner contacts, permits, design, and construction, etc.) vary widely among different types of NPS sites.

Many NPS projects involve installation of BMPs at numerous NPS sites. DEP does not need to visit relatively simple, lower cost NPS sites. When a NPS site is relatively complicated or high cost, the AA will do a site visit before construction. The AA will use best professional judgment to determine if a visit is needed to help ensure the Grantee uses appropriate BMPs. To decide whether a site visit is needed, the AA will consider (a) cost and complexity of the site; and (b) the knowledge, skills, and experience of the person(s) evaluating and designing BMPs for the NPS site.

E. FIELDWORK SITE VISITS - PROCEDURE

1. Site Visits Before Construction. When needed, the AA visits NPS sites in the field before construction to ensure the Grantee has chosen suitable NPS sites and will use BMPs that are appropriate for the site.

2. Site Visits After Construction. When needed, the AA will visit NPS sites in the field to observe BMPs installed at NPS site(s) to see if BMPs appear appropriate for the site and functional.



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Last Revision Date: 12/15/17

3. The AA will advise the Grantee when Fieldwork Site Visits are planned and invite the Grantee to accompany them. The AA will consult with the Grantee, the landowner, review information in the NPS Project File, or use other means to learn about the pre and post construction conditions at the NPS site. If the BMPs at the site do not appear to be appropriate or need maintenance, the AA will contact the Grantee to discuss the matter and determine actions needed to ensure the BMPs are appropriate for the site, functional and maintained.

4. The AA will document the Fieldwork Site Visits on the DEP form, Fieldwork - Site Visits Report, (Attachment 2). The AA will: identify the site; provide brief comments about site conditions observed; if post-construction, note if BMPs installed appear to appropriate for the site and functional; and if pre-construction, provide any recommendations. The AA will provide a copy of a Fieldwork Site Visit Report to the Grantee and to the NPS Program Coordinator for review. The NPS Program Coordinator will record the office or fieldwork site visits in a program spreadsheet. The report will be filed in the NPS project file.



ATTACHMENT 1

FIELDWORK - SITE VISITS REPORT

NPS Project # Title: _____

Grantee: _____

AA Name: _____ Date: _____

Grantee Staff Name (if present): _____

NPS Site Name	Location	Construction B - before D - during A - after	Brief Comments: Site conditions observed; if pre-construction, any recommendation; if post construction, do BMPs appear to be appropriate for the site, functional and maintained; follow-up actions needed, if any; other comments

Reviewed by DEP NPS Program Coordinator: _____ Date: _____



ATTACHMENT 2

GRANTEE OFFICE VISIT CHECKLIST

Complete the Grantee Office Visit Checklist based on interview with the Grantee, reviewing records, observing operations, and sampling information associated with active NPS Projects.

Grantee: _____ Grantee Representative: _____ Office Visit Date: ___/___/___

DEP Agreement Administrator: _____

A. List Active NPS Projects the Grantee Administers

ID# and Project Title	Planned Project Completion Date	Agreement Expiration Date	Grant Amount	Total of DEP payments received

(add more rows if necessary)

B. Administration - Applicable to All Active NPS Projects the Grantee Administers

	Status		Comments Summarize observations; add any useful comment; if improvement is needed, summarize what is needed.
	ok	Needs improving	
1. Grantee Responsibilities Interview. AA interview with Grantee to review awareness and knowledge of responsibilities summarized in Section I, GAG			
2. Recordkeeping. Ask the Grantee to show you how they organize & file records pertaining to the NPS project(s). Are records reasonably organized and accessible to DEP if requested? Is there an archive system to keep for five (5) yrs?			



C. Review of Specific NPS Project(s)

Complete this checklist for each NPS project reviewed during the Grantee Office Visit

ID# and Project Title: _____

	Status		Comments Summarize observations; add any useful comment; if improvement is needed, summarize what is needed.
	ok	Needs improving	
1. Project Work Plan. Review work plan & discuss progress to date.			
2. Pace Implementing Work & Planned Completion Date. Is project work progressing at a pace needed to complete the project by the planned completion date?			
3. AA Visits for Construction Sites. Identify NPS sites that AA needs to see in the field (post-construction, >\$2,500 grant cost; or pre-construction, if complex or high cost)			
4. Changes in the Work. Is DEP promptly notified if "Changes in the Work" are necessary? Is there adequate documentation?			
5. Deliverables. Ask to see examples of some deliverables produced to date. Are deliverables generally satisfactory and provided to DEP when			



completed?			
	Status		Comments
	ok	Needs improving	Summarize observations; add any useful comment; if improvement is needed, summarize what is needed.
6. Pollutants Controlled Reports. Review documentation supporting the annual Pollutants Controlled Report submitted to DEP			
7. Cost Share Agreements and Construction Plans. Does the Grantee coordinate and fund BMP construction projects generally according to the GAG? Are Cost Share Agreements (CSA) and Construction Plans satisfactory and provided to DEP when needed? (AA needs to review CSA template and all individual CSAs and construction plans for projects using \$5,000 or more in grant funds.)			
8. Non-Federal Match. Ask the Grantee to show you how they accumulate and document match as the project proceeds.			
9. Grantee Comments, Other Items.			

Reviewed by DEP NPS Program Coordinator: _____ Date: _____



Appendix 5

**Bureau of Water Quality
Division of Environmental Assessment
Standard Operating Procedure**

Standard Operating Procedures for Filing Documents and Records
Pertaining to Nonpoint Source Grant Projects

1. Applicability.

This Standard Operating Procedure (SOP) applies to all Bureau of Water Quality (BWQ) staff in the Division of Environmental Assessment (DEA) at the Maine Department of Environmental Protection (DEP) that develop or utilize Nonpoint Source (NPS) Project files for projects funded through the NPS Grant Program.

2. Purpose.

The purpose of this SOP is to ensure that: (a) NPS Project files are properly created & maintained and contain pertinent documents and records; and (b) all Department personnel can easily find NPS project files containing the pertinent documents and records.

3. Definitions

- A. Agreement Administrator (AA). DEP staff person designated in a Grant Agreement or an Agreement to Purchase Services to represent the DEP (agency contact person) to monitor grantee or contractor performance. The AA helps ensure that work is carried out according to the work plan by conducting site visits, reviewing deliverables, addressing any problems or questions, and authorizing payments.
- B. NPS Project. A nonpoint source pollution control project funded and administered under the auspices of the DEP Nonpoint Source Grants Program, pursuant to a Grant Agreement or an Agreement to Purchase Services (also referred to as a "contract"). Documents not directly related to a contract are not subject to this SOP.
- C. NPS Project Root Folder. The electronic project folder that contains all files that pertain to a specific NPS Project.

4. Responsibilities

For each NPS project, it is the NPS Program Coordinator's responsibility to:

- (1) Create the electronic NPS Project Root Folder in the location specified in Section 5.C.;
- (2) File pertinent documents and records in the appropriate folder and sub-folders;



- (3) Apply the naming convention specified in Section 5.E. to NPS Project Invoices and NPS Project Invoice Approvals; and
- (4) Convert the NPS Project Invoices and NPS Project Invoice Approvals to the format specified in Section 5.F.

For each NPS project assignment, it is the assigned AAs responsibility to:

- (1) Create electronic NPS Project files;
- (2) File pertinent documents and records in the appropriate root project folder and sub-folders; and
- (3) Control the locations of the project files in the filing system for NPS Projects described in this SOP.

5. Guidelines and Procedures

A. DEP OFFICES - FILING SYSTEM FOR NPS PROJECTS

- (1) AAs service NPS Projects from four DEP office locations (Augusta, Bangor, Portland and Presque Isle). The AA is responsible for maintaining the NPS Project File for each project assigned to him or her.
- (2) Temporary paper working files may be kept at the AAs desk to facilitate servicing of active NPS Projects. NPS Project files must be located at an individual's desk/cubicle such that they are readily accessible, located together in a labeled desk file drawer, folder or files box.
- (3) Older completed and/or inactive NPS Project paper files that are awaiting conversion to electronic format shall be stored in locations listed in Section 5.B.

B. FILE STORAGE CABINET LOCATIONS.

- (1) Central Maine Regional Office (CMRO) in Augusta: Inactive files can be found in cabinets in the Response Building Annex.
- (2) Northern Maine Regional Office (NMRO) in Presque Isle: The file cabinet is located in the BWQ DEA office.
- (3) Eastern Maine Regional Office (EMRO) in Bangor: The file cabinet is located in the BWQ office.
- (4) Southern Maine Regional Office (SMRO) in Portland: The file cabinet is located in the file and publication storage area in the BWQ DEA section of the office.

C. FILE STORAGE - ELECTRONIC.

- (1) Pertinent NPS Project documents created or received in electronic format shall be placed within the Numbered Projects folder located on the DEP Augusta server. The current path to the appropriate directory on the Augusta server is H:\L&W\Watershed\Nonpoint Source Grant Program\Numbered NPS Projects. The folders are organized by funding year (e.g. in



- folder 2022, 20220013 Goodall Brook, Phase III is funded with FY2022 319 funds, but was awarded in calendar year 2022 and will begin work in 2023). Within the folder year the respective sub-folders are each labeled with the Project ID number and Project Name.
- (2) Electronic documents shall be placed in the appropriate subfolder according to Section 5.D.
 - (3) All pertinent permanent paper files shall be converted to electronic format at project close and saved in the appropriate project folder.

D. FILE FOLDER CONTENTS.

File folder contents shall include all pertinent documents and records directly relating to the NPS Project. Records retained by the Department documenting activities pertaining to NPS Projects shall be uniquely identified by NPS Project Number and Date. DEP AAs may label the record with the associated NPS Project Number and Date, if not provided by the record originator.

E. SUBFOLDERS WITHIN THE ROOT FOLDER.

The Root Folder shall contain at least the basic set of four (4) subfolders or sections labeled as follows. If warranted, additional subfolders with different labels may be added to facilitate file organization.

- (1) "Contract & Work Plan" subfolder holds the Agreement; project work plan; Agreement amendment(s); documentation of "changes in the work", closeout letter and associated correspondence.
- (2) "Deliverables" subfolder holds all Deliverables specified in the Agreement.
- (3) "Payments" subfolder holds invoices, payment or account information.
- (4) "Meetings & Correspondence" subfolder holds correspondence (letters, emails), site visit memos, meeting notes, etc. that directly relate to project activities or the Agreement.

F. FILE NAMING CONVENTION

- (1) The Project Root folder shall be named in the following manner:

Project Number, Watershed, Phase or Plan

For example:

20220001 Great Pond Phase I

20220011 Spruce Creek WBP

- (2) Documents and records in the Deliverables subfolder shall be named in the following manner:

Project number, Project name (abbreviated to waterbody, Phase # or Plan),
Deliverable number (abbreviated to D#), and **Brief deliverable name**

For example:

2017RT03 Cochnewagon II D#3 NPS Site Report 195 Pine Rd



20190001 McGrath Salmon IV D#5 PCR 2019
2017PT14 Annabessacook Plan D#1 FPR

- (3) NPS Grant Invoice and NPS Grant Invoice Approval forms in the Payments subfolder shall be named in the following manner, or as agreed upon by DEP Financial Services' needs:

Date of Invoice (YYYYMMDD), **Payee**, **Project name** (abbreviated to waterbody, Phase # or Plan), and either **Inv** or **InvApp** to indicate document type.

For example:

20220331 Cumberland SWCD Trout Inv

20210518 Eastbrook Abrams InvApp

G. FILE FORMATS

Electronic folders may contain any pertinent Windows compatible files. NPS Grant Invoices and NPS Grant Invoice Approval Forms shall be converted to .pdf format by the NPS Coordinator upon approval prior to submittal for payment.

H. RECORDS RETENTION

DEP shall retain each NPS Project File a minimum of five years after DEP receives notification that the U.S. Environmental Protection Agency has executed closeout of the Assistance Agreement that was the source of the grant funds for the NPS Project.

Appendix 6 – DEP Division of Environmental Assessment Organizational Chart

Bureau of Water Quality – 83 + 2 CA & 3AC
 Division of Environmental Assessment – 39 + 3 AC
 Last Updated: September 30, 2022

