

STATE OF NEW MEXICO



NEW MEXICO ENVIRONMENT DEPARTMENT
SURFACE WATER QUALITY BUREAU
MONITORING, ASSESSMENT AND STANDARDS SECTION

Request For Quotes

**Federal Clean Water Act Section 604 (b)
Water Quality Management Planning
Federal Fiscal Year 2017**

QUOTES DUE OCTOBER 17, 2016

RFQ Release Date: September 16, 2016



MONITORING, ASSESSMENT AND STANDARDS SECTION

New Mexico Environment Department

Surface Water Quality Bureau

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REQUEST FOR QUOTES TO CONDUCT WATER QUALITY MANAGEMENT PLANNING

I. INTRODUCTION

Purpose

The Surface Water Quality Bureau (Bureau or “SWQB”) of the New Mexico Environment Department (“NMED”) requests quotes from **regional public comprehensive planning organizations** to conduct water quality management planning as defined under sections 205(j) and 303(e) of the of the Federal Water Pollution Control Act, a.k.a., Clean Water Act (“CWA”). Please refer to Attachment A. These funds are made available through a Request for Quotes (“RFQ”) as, given the duration and amount of an award, this is the appropriate approach through the State of New Mexico Procurement Code. In response to this RFQ, NMED seeks detailed quotes (i.e., proposals) to conduct water quality management planning. While all quotes focused on water quality management planning are welcomed, those which will fund activities that clearly address the State’s water quality goals to preserve, protect and improve the water quality in New Mexico are likely to be rated highest. In this respect NMED encourages quotes focused on Total Maximum Daily Loads (“TMDLs”), Use Attainability Analysis (“UAA”) or other water quality management planning activities that will directly address identified water quality impairments but do not overlap with development of watershed based plans that are eligible for funding through NMED’s 319(h) program.

Regional public comprehensive planning organizations are defined as regional planning agencies, councils of governments, conservation districts, irrigation districts, counties, cities and towns, and other non-federal or non-state public planning agencies. Such organizations must be chartered with appropriate powers as a unit of New Mexico local government, an independent sub-state agency, or an interstate organization under an interstate agreement of which New Mexico is a party. Organizations operating as an arm of the state or federal government are not eligible. Please see Attachment B for further guidance.

Terminology

Act	=	federal Water Pollution Control Act
Bureau	=	Surface Water Quality Bureau
CWA	=	federal Clean Water Act
DFA	=	New Mexico Department of Finance and Administration
USEPA	=	United States Environmental Protection Agency
FFY	=	Federal Fiscal Year
NMAC	=	New Mexico Administrative Code
NMED	=	New Mexico Environment Department
NMSA	=	New Mexico Statutes Annotated
NPDES	=	National Pollutant Discharge Elimination System
RFQ	=	Request for Quotes
State	=	State of New Mexico
SWQB	=	Surface Water Quality Bureau

TMDL = Total Maximum Daily Load

WQL = Water Quality Limited

Scope of Procurement

The scope of procurement shall encompass the work and other requirements detailed in Section III.

Funding

Funding for the work program is dependent on the receipt of federal grants authorized under Section 604(b) of the federal Clean Water Act and allocated in Federal Fiscal Year (“FFY”) 2017. Award of funds will be made pursuant to the competitive sealed quote process.

The Bureau expects to receive federal funds under Section 604(b) of the federal Clean Water Act on an annual basis with FFY funds anticipated to arrive in January 2017. Continued funding under the 604(b) program will be contingent upon both the continued receipt by the Bureau of these federal funds and on the receipt of acceptable bids through the competitive quote process.

Time Period

The time period of awards made under this RFQ will be one year from the award of the contract.

Background

Section 604(b) of the CWA requires the U.S. Environmental Protection Agency (“USEPA”) to reserve each year for each State 1% or \$100,000, whichever is greater, of its share of Title II funds for statewide water quality management planning. In the case of New Mexico, the amount reserved in FFY17 is anticipated to be \$101,000. Section 205(j)(3) of the CWA provides, with certain exceptions, that 40%, or \$40,400, of these funds be allotted to **regional public comprehensive planning organizations** (defined on page one of this RFQ) for water quality management planning activities that will contribute to the State water quality management program. Any water quality management planning activities, as defined in sections 205(j) and 303(e) of the CWA, are eligible.

The quotes selected as a result of this RFQ process will be included in the State workplan submitted to USEPA. USEPA will have oversight of the State's workplan. Once approval has been granted by USEPA, the Bureau will have oversight of the selected contractor's workplan and will be required to report progress on the contractor's work to USEPA. Further, USEPA guidance requires that in managing the selection and funding process, States clearly communicate their water quality goals, program priorities and prospective projects.

State Water Quality Goals

The State water quality goals are to preserve, protect and improve the water quality in New Mexico in order to protect the designated uses of these waters and to contribute to the general public welfare.

State Program Priorities

Section 303(d) of the federal CWA requires that each State identify those waters for which existing required pollution controls are not stringent enough to meet State water quality standards. For these waters, States are required to establish TMDLs. Implementation of Section 303(d) of the CWA has traditionally emphasized point source wasteload allocations, which are enforced by incorporating them into National Pollutant Discharge Elimination System (“NPDES”) permits as discharge limits. Nonpoint sources are generally included as a separate component of a TMDL because of the difficulty in measuring water quality impacts and the effectiveness of controls. However, experience has shown that controlling point source discharges does not necessarily ensure attainment of water quality standards, especially when nonpoint sources are a significant contributor to water quality problems. Applications submitted for this funding should focus on water quality management planning activities outside of those eligible for funding by the annual SWQB 319(h) Non-Point Source Management Program RFQ process.

State Prospective Projects

The Bureau is engaged in several activities to assess and protect the quality of New Mexico's waters. The Department has developed lists of surface waters impaired by pollutants and, to the extent currently possible, has identified causes and sources of these pollutants (see <http://www.nmenv.state.nm.us/swqb/MAS/#CWA>). Over the past few years, this effort has been expanded to include the evaluation of impacts of all sources of pollution of surface waters and of implementation programs to manage those impacts. Completion of TMDLs, UAAs or other water quality planning for New Mexico's Water Quality Limited ("WQL") surface waters is a necessary and high priority step in the overall process of assessing and managing these impacts, and is essential to protect surface water quality in a watershed.

II. CONDITIONS GOVERNING THE PROCUREMENT

Sequence of Events

Action	Responsibility	Date*
Issue RFQ	NMED/SWQB	September 16, 2016
Deadline for submission of questions	Offeror	September 30, 2016
Posting answers to submitted questions	NMED/SWQB	October 7, 2016
Deadline for quote submission	Offeror	October 17, 2016
Quote evaluation and finalist selection	Evaluation Committee	November 2016
Incorporation of selected quote into grant work plan and submitted to USEPA	NMED/SWQB	December 2016
Grant work plan and grant approved by USEPA	USEPA	January 2017
Start of Contract period	NMED/SWQB and Offeror	April 2017

*Dates are approximate and may change.

Contact Person:

The NMED/SWQB contact person for this request for quotes is:

Shelly Lemon
Monitoring, Assessment and Standards Section
Surface Water Quality Bureau
New Mexico Environment Department
Harold Runnels Building
1190 St. Francis Drive, Suite N2109
P.O. Box 5469
Santa Fe, NM 87505
Telephone: 505-827-2819
E-mail Address: shelly.lemon@state.nm.us

All inquiries regarding the RFQ or its supporting documentation must be made to the contact person. Offerors may also consult with the contact person regarding minor details of format and workplan content.

Submission of Quotes

Offerors may submit any questions regarding the RFQ to Shelly Lemon by September 30, 2016. The Bureau will prepare a response to any questions received and will post the responses to the Bureau website for review by all offerors before the final submission of quotes is due. An original and three copies of the quote must be submitted and received for review by Heidi Henderson at the above address **by 4:30 PM, MDT on October 17, 2016. Electronically mailed quotes and hardcopy quotes received after this deadline will not be accepted.**

Pursuant to Section 13-1-116, New Mexico Statutes Annotated (“NMSA”) 1978 of the Procurement Code, the contents of any quotes shall not be disclosed so as to be available to competing offerors during the negotiation process.

Quote Evaluation

Each quote will be evaluated by the Bureau. All quotes will be reviewed for compliance with the requirements stipulated in this RFQ. Quotes found not to be in compliance will be eliminated from further consideration. If necessary, offerors submitting quotes may be provided an opportunity for discussion and revision of quotes after submission to the Bureau and prior to award, for the purpose of obtaining the best offer.

Contract Award

Before award of the contract, the quote selected must be approved by USEPA as part of the Bureau's workplan for Federal Fiscal Year 2017 funding under Section 604(b) of the Act.

The Bureau reserves the right to reject any or all quotes when it is in the best interest of the State to do so.

Any contract resulting from this RFQ process will follow the format specified by the New Mexico Environment Department and the New Mexico Department of Finance and Administration (“DFA”). The Bureau reserves the right to negotiate with the selected organization, contract provisions in addition to those stipulated in this RFQ. All contracts are subject to the review and approval of the DFA pursuant to 13-1-118, NMSA of the Procurement Code and DFA Rule 87-1, "Governing the Approval of Contracts for the Purchase of Professional Services".

The Procurement Code, Section 13-1-28 through 13-1-199, NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico Criminal Statutes impose felony penalties for illegal bribes, gratuities and kickbacks.

III. QUOTE SPECIFICATIONS

1. The work program proposed to conduct water quality management planning must be for no more than a one-year period.
2. The quote must contain a brief narrative summary describing the work program. In addition the quote must, at a minimum, document the following:
 - that the offeror is an eligible regional public comprehensive planning organization;
 - that the proposed work is an eligible water quality planning activity as defined under sections 205(j) or 303(e) of the CWA;
 - that the proposed work is focused within the offeror's planning boundaries;
 - that the proposed work will result in a clearly defined water quality planning product; and
 - how the implementation of this resulting planning product could further the State's water quality goals
3. Identify necessary resources to carry out the entire contract.

For each water quality planning task/deliverable contained in the quote work plan, the following information must be provided:

- A brief narrative statement of purpose and task summary;
 - Estimated effort in staff time;
 - Estimated nature and amount of assistance to be requested from Bureau staff;
 - Estimated cost, including a separate identification of indirect costs. The cost responses must be based on the offeror's attached fee schedules. The fixed cost must include all fringe benefits and overhead, as well as subcontractor personnel, if appropriate. New Mexico gross receipts taxes, travel and per diem are excluded from the proposed maximum hourly rates, but must be shown separately on the invoice. However, at no time will employee per diem rates be more than the allowable amounts posted by the State of New Mexico in 2.42.2 of the New Mexico Administrative Code ("NMAC") for each relevant fiscal year. Offerors must include a complete Time and Materials Fee Schedule for all activities listed in the sample project work plan. The offerors must also include any other elements of cost that are appropriate for this quote.
4. Quotes must have assigned staff capable of effectively managing and completing the proposed work. To the extent possible, quotes should indicate how work will be completed utilizing in-house staff, without subcontracting work to outside entities. Quotes must contain a listing and identification of proposed project staff members, their responsibilities and relevant work history.
 5. Each task description must also include a description of and time frame for completion and submission of concrete, measurable outputs, including any interim outputs. Examples of acceptable outputs include, but are not limited to the following: Public meetings held to solicit data or input; field sampling dates and/or laboratory submission of water samples; or preparation of reports summarizing how tasks were completed. Offerors are encouraged to identify a contingency plan in the event that weather, staff, or other resources are not available as originally planned.
 6. For projects that will include data collection and lab analysis, the work plan must identify quality assurance and quality control measures equivalent to those in the Bureau's Quality Assurance Project Plan ("QAPP") and Standard Operating Procedures ("SOPs"). These measures must specifically address all proposed data collection activities and lab analyses. Additionally, the proposal must identify a timeline for the development of a Project Quality Assurance Project Plan ("PQAPP") which allows adequate time for PQAPP review and approval prior to the beginning of the planned sampling.

IV. EVALUATION FACTORS

Quotes will be evaluated based on the following factors:

Evaluation Criteria	Possible Points
Quote demonstrates that the offeror is an eligible regional public comprehensive planning organizations, the proposed activities are constitute water quality planning as defined by the CWA and the proposed work focuses within applicants' jurisdiction.	25
Quote contains a clear statement describing the proposed water quality management project.	25
Project goals are demonstrated to align well with SWQB water quality goals.	50
The project recognizes and addresses applicable TMDLs and/or 303(d) Listed waters in the watershed.	25
The quote demonstrates how the proposed project is outside the scope of activities currently addressed by the 319 (h) grant program.	25
The quote identifies the role, responsibilities and qualifications of the Project Manager and documents the qualifications of other staff through relevant work history.	25
The quote recognizes the importance of stakeholder involvement and demonstrates the effective use of this resource in the project.	25
The description of the project tasks and associated schedule are clear and well developed.	50
Project timelines appear feasible.	25
Cost of the project is relative to the proposed scientific rigor in the planning project.	50
Cost of individual project components are fair relative to market conditions.	25
Total Points Possible	350

ATTACHMENT A
RELEVANT SECTIONS FROM THE CLEAN WATER ACT

205(j)

(1) The Administrator shall reserve each fiscal year not to exceed 1 per centum of the sums allotted and available for obligation to each State under this section for each fiscal year beginning on or after October 1, 1981, or \$100,000, whichever amount is the greater.

(2) Such sums shall be used by the Administrator to make grants to the States to carry out water quality management planning, including, but not limited to—

(A) identifying most cost effective and locally acceptable facility and non-point measures to meet and maintain water quality standards;

(B) developing an implementation plan to obtain State and local financial and regulatory commitments to implement measures developed under subparagraph (A);

(C) determining the nature, extent, and causes of water quality problems in various areas of the State and interstate region, and reporting on these annually; and

(D) determining those publicly owned treatment works which should be constructed with assistance under this title, in which areas and in what sequence, taking into account the relative degree of effluent reduction attained, the relative contributions to water quality of other point or nonpoint sources, and the consideration of alternatives to such construction, and implementing section 303(e) of this Act.

(3) In carrying out planning with grants made under paragraph (2) of this subsection, a State shall develop jointly with local, regional, and interstate entities, a plan for carrying out the program and give funding priority to such entities and designated or undesignated public comprehensive planning organizations to carry out the purposes of this subsection. In giving such priority, the State shall allocate at least 40 percent of the amount granted to such State for a fiscal year under paragraph (2) of this subsection to regional public comprehensive planning organizations in such State and appropriate interstate organizations for the development and implementation of the plan described in this paragraph. In any fiscal year for which the Governor, in consultation with such organizations and with the approval of the Administrator, determines that allocation of at least 40 percent of such amount to such organizations will not result in significant participation by such organizations in water quality management planning and not significantly assist in development and implementation of the plan described in this paragraph and achieving the goals of this Act, the allocation to such organization may be less than 40 percent of such amount.

303(e)

(1) Each State shall have a continuing planning process approved under paragraph (2) of this subsection which is consistent with this Act.

(2) Each State shall submit not later than 120 days after the date of the enactment of the Water Pollution Control Amendments of 1972 to the Administrator for his approval a proposed continuing planning process which is consistent with this Act. Not later than thirty days after the date of submission of such a process the Administrator shall either approve or disapprove such process. The Administrator shall from time to time review each State's approved planning process for the purpose of insuring that such planning process is at all times consistent with this Act. The Administrator shall not approve any State permit program under title IV of this Act for any State which does not have an approved continuing planning process under this section.

(3) The Administrator shall approve any continuing planning process submitted to him under this section which will result in plans for all navigable waters within such State, which include, but are not limited to, the following:

- (A) effluent limitations and schedules of compliance at least as stringent as those required by section 301(b)(1), section 301(b)(2), section 306, and section 307, and at least as stringent as any requirements contained in any applicable water quality standard in effect under authority of this section;
- (B) the incorporation of all elements of any applicable areawide waste management plans under section 208, and applicable basin plans under section 209 of this Act;
- (C) total maximum daily load for pollutants in accordance with subsection (d) of this section;
- (D) procedures for revision;
- (E) adequate authority for intergovernmental cooperation;
- (F) adequate implementation, including schedules of compliance, for revised or new water quality standards, under subsection (c) of this section;
- (G) controls over the disposition of all residual waste from any water treatment processing;
- (H) an inventory and ranking, in order of priority, of needs for construction of waste treatment works required to meet the applicable requirements of sections 301 and 302.

604(b)

RESERVATION OF FUNDS FOR PLANNING.—Each State shall reserve each fiscal year 1 percent of the sums allotted to such State under this section for such fiscal year, or \$100,000, whichever amount is greater, to carry out planning under sections 205(j) and 303(e) of this Act.

ATTACHMENT B
**EPA GUIDANCE ON REGIONAL PUBLIC COMPREHENSIVE PLANNING
ORGANIZATIONS**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Attachment C

OCT 27 1987

MEMORANDUM

OFFICE OF
WATER

SUBJECT: Organizations that Qualify as Regional Public Comprehensive Planning Organizations (RPCPO) and Interstate Organizations (I/O) Under Section 205(j)(3) of the CWA, as Amended

FROM: F. Scott Bush, Director
Analysis and Evaluation Division (WH-586)

TO: Rick Claggett, Chief
Water Quality Management Section
U.S. EPA, Region VIII

I have reviewed the letter from the Wyoming Department of Environmental Quality which you forwarded with a request for our guidance on the eligibility of certain Wyoming agencies as RPCPOs and IOs. My conclusions which have been coordinated with the Office of General Counsel are as follows:

1. Municipal Governments - eligible.
2. County Governments - eligible.
3. 208 Designated State Agencies - ineligible. Pass through is not intended to fund arms of the State government. 208 designation is not a criterion for 205(j)(3) eligibility.
4. 208 Designated Federal Agencies - ineligible. Pass through is not intended to directly fund Federal Agency activities. This would not preclude RPCPOs/IOs contracting with Federal Agencies such as the Geological Survey to carry out their work plans for use of 205(j)(1) funds.
5. Conservation Districts - eligible, if the District is chartered with appropriate powers as a unit of local government, an independent substate agency, or as an interstate agency under an interstate agreement to which Wyoming is a party. If it operates as an arm of the State or Federal government it would not be eligible.

P02

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6. Resource Conservation and Development (RC & D) Projects - ineligible, unless a "Project" is chartered with appropriate powers as a unit of local government, as an independent substate agency, or as an interstate organization under an interstate agreement to which Wyoming is a party and the Project is not an arm of the State or Federal government.
7. The Wyoming Association of Conservation Districts - ineligible, unless the Association is chartered with appropriate powers as a unit of local government, as an independent substate agency, or as an interstate organization under an interstate agreement to which Wyoming is a party and the Association is not an arm of the State or Federal government.
8. The Colorado River Basin Salinity Control Forum - ineligible, unless the Forum is chartered with appropriate powers as an independent interstate organization under an interstate agreement to which Wyoming is a party, or as a unit of local government or an independent substate agency and the Forum is not an arm of the State or Federal government.
9. Irrigation and/or Drainage Districts - eligible, if a District is chartered with appropriate powers as a unit of local government, an independent substate agency, or as an interstate organization under an interstate agreement to which Wyoming is a party. If it operates as an arm of the State or Federal government it would not be eligible.

If there are additional considerations with regard to the status of any of the listed organizations, please provide me the details. If you have questions, please call me (382-5389) or have your staff call Henry Cooke (382-7159).

ATTACHMENT C
CONFLICT OF INTEREST FORM

**CONFLICT OF INTEREST
PERSONS OR RETAINER ON CONTRACT**

The offeror (including subsidiaries and affiliates) shall disclose the number and type of all contracts with the Department of Energy or Department of Defense.

The Offeror shall provide the names of current subcontractors. Of current subcontractors identify those who hold current contracts with the Department of Energy or Department of Defense.

The offeror shall list its contracts and its subcontractors' contracts with the Federal Government for the past 10 years listed by agency including the date of the contract, contract amount, and a brief scope of work performed.

Last Name First Name Middle Initial

Title

Company/Firm Name

Company Address:

Address: _____

P.O. Box/Drawer: _____

City: _____ State: _____ Zip Code+4: _____ - _____

Signature

Date

ATTACHMENT D
CAMPAIGN CONTRIBUTION DISCLOSURE FORM

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to the Procurement Code, Sections 13-1-28, et seq., NMSA 1978 and NMSA 1978, § 13-1-191.1 (2006), as amended by Laws of 2007, Chapter 234, any prospective contractor seeking to enter into a contract with any state agency or local public body **for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources** must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a quote or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body may cancel a solicitation or proposed award for a proposed contract pursuant to Section 13-1-181 NMSA 1978 or a contract that is executed may be ratified or terminated pursuant to Section 13-1-182 NMSA 1978 of the Procurement Code if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

The state agency or local public body that procures the services or items of tangible personal property shall indicate on the form the name or names of every applicable public official, if any, for which disclosure is required by a prospective contractor.

THIS FORM MUST BE INCLUDED IN THE REQUEST FOR QUOTES AND MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

"Applicable public official" means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed quote or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive quote.

"Campaign Contribution" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to statewide or local office. "Campaign Contribution" includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

"Family member" means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law of (a) a prospective contractor, if the prospective contractor is a natural person; or (b) an owner of a prospective contractor.

"Pendency of the procurement process" means the time period commencing with the public notice of the request for quotes and ending with the award of the contract or the cancellation of the request for quotes.

"Prospective contractor" means a person or business that is subject to the competitive sealed quote process set forth in the Procurement Code or is not required to submit a competitive sealed quote because that person or business qualifies for a sole source or a small purchase contract.

"Representative of a prospective contractor" means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

Name(s) of Applicable Public Official(s) if any: _____
(Completed by State Agency or Local Public Body)

DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:

Contribution Made By: _____

Relation to Prospective Contractor: _____

Date Contribution(s) Made: _____

Amount(s) of Contribution(s) _____

Nature of Contribution(s) _____

Purpose of Contribution(s) _____

(Attach extra pages if necessary)

Signature Date

Title (position)

--OR--

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable public official by me, a family member or representative.

Signature Date

Title (Position)