



**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
ROBERT W. GOLLEDGE, JR., SECRETARY**

**REQUEST FOR RESPONSES (RFR)**

**ENV 07 CZM 05  
COASTAL AND ESTUARINE  
LAND CONSERVATION PROGRAM**

**DATED: 15 SEPTEMBER 2006**

**OVERVIEW AND GOALS:** In response to a federal funding notice received from the National Oceanic and Atmospheric Administration (NOAA) the Executive Office of Environmental Affairs (EOEA) through its Office of Coastal Zone Management (CZM) is issuing this Request for Responses (RFR). Through this RFR, EOEA-CZM is soliciting coastal and estuarine land conservation projects for state review, prioritization, and nomination to a national selection process administered by NOAA.

The NOAA Coastal and Estuarine Land Conservation Program (CELCP) protects “important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses.” NOAA’s CELCP also gives “priority to lands which can be effectively managed and protected and that have significant ecological value.” CZM, through its Coastal and Estuarine Land Conservation (CELC) Plan provides guidance on the priority areas for land conservation in Massachusetts and the types of coastal and estuarine resources important for protection. CZM provides the coordinating and facilitating role for the solicitation of highly competitive coastal and estuarine land conservation projects within the Commonwealth, and also takes the lead in selecting and nominating projects to NOAA for further consideration under the national CELCP selection process. Based on this solicitation CZM will nominate to NOAA those projects believed to be most beneficial to the Commonwealth and most competitive in the federal selection process. To assist in this endeavor CZM is planning to establish an advisory committee including representatives of state agencies and others with experience and interest in land conservation activities.

Through a similar RFR issued in November 2005, CZM identified three coastal and estuarine state priority projects. These three priorities were nominated to NOAA for consideration in its national ranking process, which is a highly competitive process that ranks coastal and estuarine land conservation opportunities from all over the country. Two of the three Massachusetts priority projects ranked high enough to be included on a national list of projects that was submitted to Congress for their consideration during the Federal FY 07 budget process. Final word on whether either of these two projects will receive federal CELCP funds is currently not available.

The NOAA funding notice requires CZM to complete its solicitation and selection process and submit its nomination package to NOAA by October 27, 2006 to be eligible for NOAA review and potential CELCP funding. These NOAA CELCP funds are expected to become available in the 2008 Federal Fiscal Year sometime between March 1, 2008 and October 1, 2008. The time frame for expenditure of federal funds awarded under this program is 18 months to three years from the start date of the award.

**BACKGROUND:** As mentioned earlier, this RFR is in response to a notice of funding availability from NOAA. The notice of funding availability is intended to help NOAA meet a request from the US Senate Appropriations Committee. This request directs NOAA to assemble a list of projects that are ready and eligible for funding under the CELCP in fiscal year 2008. NOAA must submit the prioritized list of projects to Congress by April 1, 2007.

A CELC Plan for Massachusetts was developed by CZM, with assistance and participation from the Massachusetts Department of Conservation and Recreation, Massachusetts Division of Fisheries and Wildlife, EOEI Division of Conservation Services, EOEI Interagency Land Acquisition Committee, and the U.S. Fish and Wildlife Service, and included opportunity for public comment. CZM formally submitted the Massachusetts CELC Plan to NOAA for review and approval on March 8, 2006, and is awaiting response. The Massachusetts CELC Plan is available for review at CZM's web page at the following link: <http://www.mass.gov/czm/celcp/>

NOAA will use its own review and ranking process to establish a priority list of all the projects nominated for consideration by all the states and territories within the Federal Coastal Zone Management Program. This national ranking process is expected to be highly competitive.

To help ensure the most competitive projects from Massachusetts, respondents must be capable of ongoing coordination with CZM through the state selection and nomination process. **Please note that CZM does not guarantee that any application submitted in response to this RFR will be submitted to NOAA for consideration or that any NOAA funding will result from this solicitation process.**

**CONTACT PERSON:**

David Janik  
CZM CELCP Coordinator  
Office of Coastal Zone Management  
251 Causeway Street, 8<sup>th</sup> Floor  
Boston, MA 02114  
*Phone:* (508) 291-3625 x20  
*E-mail:* [david.janik@state.ma.us](mailto:david.janik@state.ma.us)

**RESPONSE DEADLINE:**

13 October 2006 at 12:30 PM

**RESPONDENTS CONFERENCE:**

29 September 2006 at 1:00 PM  
Location: MA CZM Office  
251 Causeway Street, 8th Floor  
Boston, MA 02114

**RFR DISTRIBUTION (Comm-PASS):** This RFR has been distributed electronically using the Comm-PASS system. It is the responsibility of every Bidder to check Comm-PASS for any addenda or

modifications to an RFR to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodations to Bidders who fail to check for amended RFRs and submit inadequate or incorrect responses. Potential bidders are advised to check the “last change” field on the summary page of RFRs for which they submit a response to ensure they have the most recent RFR files.

Bidders may not alter RFR language or any RFR component files. Bidders must respond in accordance to the RFR directions and complete only those sections that prompt a bidder for a response. Modifications to the body of this RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited. Any unauthorized alterations will disqualify response.

**RESPONDENT ELIGIBILITY:** This RFR is open to all public governmental agencies including but not limited to: state agencies, towns, regional planning agencies, and other regional or local planning organizations. Non-government, land acquisition entities or Internal Revenue Service Code 501(c)(3) nonprofit organizations are encouraged to partner with public governmental agencies. Respondents with cooperating partners are encouraged to identify a public governmental agency as project lead.

**PROJECT ELIGIBILITY:** To be eligible for consideration under this program, prospective projects must:

- Be located in the coastal and estuarine project area as defined in the Commonwealth’s CELC Plan (see Attachment A for CELC Plan map, for full CELC Plan text and associated geo-spatial data see CZM web page: <http://www.mass.gov/czm/celcp/>).
- Be wholly or partially within the potential “project areas” identified in the Massachusetts CELC Plan, or the project proponent must demonstrate to the satisfaction of CZM that it should be defined as a potential “project areas”.
- Match federal CELCP funds with non-federal funds at a ratio of 1:1.
- After purchase, be held in public ownership (fee simple or conservation easements) and provide conservation in perpetuity.
- After purchase, provide for access to the general public or other public benefit, as appropriate and consistent with resource protection.
- Protect important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses.
- Include a management plan for the proposed project or demonstrate the ability to develop a full and effective management plan for the proposed conservation project.
- Have submitted a complete project application package to CZM prior to the submittal deadline.
- Advance the goals or objectives or implements the Commonwealth’s Coastal Zone Management Program (Attachment B—Massachusetts Coastal Zone Management Program Policies), Waquoit Bay National Estuarine Research Reserve Management Plan, national objectives of CZMA, or National Estuary Program Comprehensive Conservation and Management Plans.
- Be consistent with the Massachusetts Coastal Zone Management Program (Attachment B—Massachusetts Coastal Zone Management Program Policies).

In general, funds will be for acquisition of properties or interests in properties from willing sellers. Certain initial costs for land stewardship, such as signage, public safety, or other selected stewardship

activities may be eligible.

A condition of any grant award will be the development of a long-term stewardship plan for the property acceptable to CZM and NOAA. Additional conditions as stated in NOAA's CELCP Guidelines, or as conditions to specific grant awards may be required. (NOAA Guidelines are available at: <http://www.ocrm.nos.noaa.gov/landconservation.html>.)

**SUBMISSION REQUIREMENTS:** Respondents must submit a project application package that includes the following:

- A completed and signed Project Application Checklist (see Attachment C). Please answer each question thoroughly, attach additional information if necessary.
- A project description including:
  - the nature of the project, including acreages, habitats or land values to be protected, legal rights to be acquired, how federal and non-federal funds will be used, conversion threats to the property;
  - the same information as above for any property that will be used as match;
  - how the project meets state and national criteria and expected benefits of the project;
  - how the project meets each of the selection criteria of this RFR;
  - any pre-existing uses of the property;
  - benchmarks for completing the project within a specified time period;
  - a general strategy for long-term stewardship and management including what activities will be allowed to continue or occur on the property, and how they are consistent with the long-term protection of the site;
  - whether the project has been submitted for other sources of federal funding;
  - a timeline including benchmarks for completion.
- A project location including a county-scale map showing the project's general location and a project site map showing the location and extent of the proposed acquisition and its relationship to significant natural features and adjacent land uses.
- A project budget and appraisal (if available), including a clear representation of all sources and amounts of nonfederal match.

Respondents must submit one original (clearly marked as such) and five copies of their response. Each response must clearly identify the RFR number on the title page of the response and on the shipping container used to deliver the response. Responses must be submitted on or before 13 October 2006 at 12:30 PM. A postmark will not be accepted for verification of submission date, however, responses will be accepted prior to the submission date and time by regular mail or courier. Responses will not be accepted by fax machine or electronic mail. The application package should be mailed or hand-delivered to:

Attn. CELCP Application  
Massachusetts Office of Coastal Zone Management  
251 Causeway Street, Suite 800  
Boston, MA 02114

**EVALUATION CRITERIA:** Potential projects will be reviewed and ranked by CZM and the CELCP Selection Committee based upon the Eligibility Requirements discussed earlier in this RFR and the following Selection Criteria. CZM, with assistance from its CELCP Selection Committee, will review the applications for completeness and quality. Site visits and/or meetings with project proponents may occur for some or all of the projects, as necessary. The CELCP Selection Committee will make recommendations to the Secretary of EOE. The Secretary of EOE will make the final decision on what projects are nominated to NOAA as the State's Priority Projects. The Secretary may or may not give overriding preference to projects with special circumstances, such as projects that have previously received CELCP funds and are in need of additional CELCP funding to complete the project. Project applicants may be required to supply additional information, and will need to work with CZM to ensure all application packages selected for submittal to NOAA meet federal submittal standards and deadlines.

<b>Selection Criteria</b>	<b>Points awarded on a relative scale specific to the application pool<sup>1</sup></b>	<b>Maximum Potential Score</b>
Ecological Value	Endangered or threatened species, coastal species or habitats, BioCore, diversity, etc.	20
Historical Value		4
Aesthetic Value	Ability of public to appreciate it and its coastal theme.	4
Recreational Value	Beach use, hiking, biking, picnicking, birding, educational, etc.	10
Conservation Value	A conglomerate of all resource values <sup>2</sup>	8
Present and Future Conversion Threats	Based on imminence of development <sup>3</sup>	4
Proximity to coastline	Project includes shoreline, adjacent to shoreline, within 2,000-foot buffer, etc.	17
Project builds upon existing federal, state, or local conservation holding, or has the ability through the proposed or future acquisitions to become significant conservation holding		9
Project of a size to have significant regional profile or impact		9
Project within 1,000-foot tributary buffer	Degree to which protection is likely to positively impact water quality of the receiving coastal waters	3
Project is cooperative effort between two or more municipalities, state or federal agencies, non-profit organization	Cooperative defined as substantively contributing to application development or the provision of financial or management resources	1
Project match exceeds minimum non-federal match requirement	1 point awarded for each 0.15 above the 1:1 required match	2
Project included in local regional Open Space Plan		1
Project has potential to provide easy access to significant urban populations	Distance from urban populations, presence of public transportation, etc.	6
Project builds local and regional trail-ways connections		2
<b>Total Points</b>		<b>100<sup>4</sup></b>

<sup>1</sup> This is to make prioritization within a grant round easier, and also to ensure that the state's highest ranked projects have a corresponding high score. It will not however allow ranking or comparing proposals between grant rounds, only within that specific grant round.

<sup>2</sup> The Advisory Group debated the intended meaning of conservation, and decided that this would represent all possible conservation values and would therefore reward projects that had a wider range of conservation values.

<sup>3</sup> The Advisory Group debated the benefits and detriments of pursuing projects on the verge of development and whether or not those should be the highest priority. It was decided that all undeveloped lands within this CELC Plan area are threatened by development in the relatively near future, and that limited benefit should be given to those facing imminent threat.

<sup>4</sup> Since many of the Selection Criteria are mutually exclusive, it is not possible for a project to receive a perfect score of 100.

**REQUEST FOR RESPONSES (RFR)**  
**EOEA SUPPLEMENTAL TERMS AND CONDITIONS**

1. For the purposes of these *Supplemental Terms and Conditions*, Department shall mean the Executive Office of Environmental Affairs (EOEA) and the office requesting Responses as identified within this RFR.
2. These *Supplemental Terms and Conditions* are incorporated by reference into this RFR. If any amendment, attachment [not including the Commonwealth's *Standard Terms and Conditions*, *Standard Form Contract*, or any other form jointly published by the Executive Office for Administration and Finance (EOAF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD), or any provision or form required by State or Federal law] or other part of this RFR deletes, modifies, replaces or otherwise contains language that conflicts with these *Supplemental Terms and Conditions*, these *Supplemental Terms and Conditions* shall supersede and control to the extent necessary to accomplish these conditions. The remaining provisions of this RFR shall remain in effect and enforced to the fullest extent permitted.
3. The Commonwealth's *Standard Terms and Conditions* [as currently and jointly issued by EOAF, CTR, and OSD] are incorporated by reference into this RFR. To the extent that any amendment, attachment, condition or other part of this RFR deletes, modifies, replaces or otherwise contains language that conflicts with the Commonwealth's *Standard Terms and Conditions*, the official printed language of the Commonwealth's *Standard Terms and Conditions* shall supersede and control to the extent necessary to accomplish its conditions. The remaining provisions of this RFR shall remain in effect and enforced to the fullest extent permitted.
4. The terms of 801 CMR 21.00: Procurement of Commodities and Services (and 808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this RFR. Unless otherwise specified in this RFR, all communications, Responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All Responses must be submitted in accordance with the specific terms of this RFR. No electronic Responses may be submitted in Response to this RFR.
5. Bidder Communication. Bidders are prohibited from communicating directly with any employee of EOEA except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the Bidder is having trouble obtaining any required attachments electronically through Comm-PASS.
6. Reasonable Accommodation. Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of this RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case-by-case basis. A Bidder requesting accommodation must submit a written statement, which describes the Bidder's disability and the requested accommodation to the contact person for the RFR. The Department reserves the right to reject

unreasonable requests.

The Department may require the Contractor to provide all materials, software, maps, studies, reports, and other products or data in alternative formats upon request.

7. Public Records. All Responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L. Chapter 66, section 10 and Chapter 4, section 7(26). Any statements in submitted Responses that are inconsistent with the Public Records Law shall be void and disregarded.
8. All materials, software, maps, studies, reports, and other products or data, regardless of physical form or characteristics, produced in furtherance of the Contract and funded, in whole or in part, under the Contract shall be considered in the public domain and available to EOEa or its agencies at the reasonable cost of reproduction in any of the formats in which it is stored or maintained. The Contractor shall not obtain, attempt to obtain or file for a patent, copyright, trademark or any other interest in any such materials, software, maps, reports, and other products or data without the express, written consent of the Department and subject to any other approvals required by state or federal law.
9. Best Value Selection and Negotiation. The Department may select the Response(s), which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the Department. The Department and a Selected Bidder, or a Contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the Selected Bidder's or Contractor's Response which results in lower costs or a more cost effective or better value than was presented in the Selected Bidder's or Contractor's original Response.
10. The Department reserves the right to fund a portion, change the scope, and/or delete tasks of any Response to more closely meet the purposes of the program or to obtain the best procurement value for the Department. Selected Bidders may decide not to enter into a contract if the revised scope does not meet its approval. The Department does not guarantee that any Contract will be awarded under the RFR. Any potential Contract with a Selected Bidder shall be subject to the appropriation and availability of funds.
11. Costs. Costs which are not specifically identified in the Bidder's Response, and accepted by a Department as part of a Contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by Bidders responding to this RFR.
12. Comm-PASS. This RFR has been distributed electronically using the Comm-PASS system, RFR attachments that are referenced will be found either as a separate .pdf file along with the RFR, or are found in the "Forms and Information" section at: (<http://www.comm-pass.com/comm-pass/forms.html>). Bidders are solely responsible for obtaining and completing required attachments that are identified in this RFR and for checking Comm-PASS for any addenda or modifications that are subsequently made to this RFR or attachments. The Commonwealth and its subdivisions accept no liability and will provide no accommodation to Bidders who fail to check for amended RFRs and submit inadequate or incorrect Responses. Bidders are advised to check the "last change" field on the summary page of RFRs for which they intend to submit a Response to ensure that they have the most recent RFR files. Bidders

may not alter (manually or electronically) the RFR language or any RFR component files.

**Modifications to the body of the RFR, specifications, terms and conditions are prohibited and may disqualify a Response.** Bidders having difficulty obtaining any required attachments electronically through Comm-PASS should seek assistance from the Comm-PASS “Help Desk” by calling 1-800-MA-STATE.

If the Department is also distributing this RFR directly to Bidders, those Bidders, that requested and received a copy of this RFR directly from the Department, will be sent a copy of any modifications or amendments to the RFR by the Department.

13. Northern Ireland Notice and Certification. All Bidders must complete the “Northern Ireland Notice and Certification” form to satisfy M.G.L. Chapter 7, section 22C.
14. Subcontracting. Prior written approval of the Department is required for any subcontracted service (which includes consultants) of the contract. Contractors are responsible for the performance and oversight of its subcontractors. Subcontractors are required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.
15. Affirmative Market Program. Massachusetts Executive Order 390 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs). As a result, M/WBEs are strongly encouraged to submit Responses to this RFR, either as prime vendors, as joint venture partners, or as subcontractors.

Non-M/WBE Bidders are strongly encouraged to develop creative initiatives to help foster *new business relationships* with M/WBEs within the primary industries affected by this RFR. The highest number of points will be awarded for Responses that clearly illustrate how the proposed business relationship(s) will result in the development and growth of M/WBEs within these primary industries. A lesser number of points will be awarded for traditional subcontracting relationships. The least number of points will be awarded for ancillary uses of M/WBEs.

In order to satisfy this section, the Bidder must submit: the names, addresses, phone numbers and contact persons of each M/WBE firm; a description of each business relationship to be established; and the actual dollar amounts, or percentages, to be awarded to each M/WBE firm. MBE and WBE firms must submit a copy of their SOMWBA certification letter for the current period. A directory of SOMWBA certified firms is available via the internet at <http://www.magnet.state.ma.us/somwba>.

A Minority Business Enterprise (MBE) or a Woman Business Enterprises (WBE) is defined as a business that has been certified as such by the State Office of Minority and Women Business Assistance (SOMWBA). Minority and women-owned firms that are not currently SOMWBA-certified but would like to be considered as an M/WBE for this RFR should apply for certification. A fast track application is available, and will be considered for the purposes of this RFR. For further information on SOMWBA certification contact the State Office of Minority and Women Business Assistance at (617) 727-8692 or via the internet at <http://www.magnet.state.ma.us/somwba>.

All Bidders must complete and sign the “Affirmative Action Plan Form” for any RFR from which a Contract may result that has a potential financial benefit of \$50,000 or more.

16. The Commonwealth makes no guarantee that any commodities or services will be purchased from any contract resulting from this RFR. Any estimates or past procurement volumes referenced in this RFR are included only for the convenience of Bidders, and are not to be relied upon as any indication of future purchase levels.
17. Unless otherwise specified in this RFR, any reference to a particular trademark, trade name, patent, design, type, specification, producer or supplier is not intended to restrict this RFR to any manufacturer or proprietor or to constitute an endorsement of any commodity or service, and the Department may consider clearly identified offers of substantially equivalent commodities and services submitted in response to such reference.
18. Alternatives. A Response which fails to meet any material term or condition of the RFR, including the submission of required attachments, may lose points or be deemed unresponsive and disqualified. Unless otherwise specified, Bidders may submit Responses proposing alternatives which provide equivalent, better or more cost effective performance than achievable under the stated RFR specifications. These alternatives may include related commodities or services that may be available to enhance performance during the period of the contract. The Response should describe how any alternative achieves substantially equivalent or better performance to that of the RFR specifications. The Department will determine if a proposed alternative method of performance achieves substantially equivalent or better performance. The goal of this RFR is to provide the best value of commodities and services to achieve the procurement goals of the Department. Bidders that propose discounts, uncharged commodities and services or other benefits in addition to the RFR specifications may receive a preference or additional points under this RFR as specified.
19. Contract Expansion. If additional funds become available during the contract duration period, the Department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this RFR or to execute contracts with contractors not funded in the initial selection process, subject to available funding, satisfactory contract performance and service or commodity need.
20. Year 2000 Compliance. The contractor warrants that all systems, interfaces to such systems, or information technology produced in furtherance of this Contract and funded, in whole or in part, under this Contract must be year 2000 compliant. Year 2000 compliant means information technology that accurately processes date/time data (including but not limited to calculating, comparing and sequencing) from, to and between the twentieth and twenty-first centuries and the years 1999 and 2000 including leap year calculations. Furthermore, year 2000 compliant information technology, when used in combination with other information technology, shall accurately process date/time data if the other informational technology properly exchanges date/time data with it. This warranty shall survive the expiration or termination of this contract.
21. Environmentally Preferable Products and Services. At the Department's sole discretion, the Department and contractor may negotiate during the contract term to permit the substitution or addition of Environmentally Preferable Products (EPPs) when such products become available at a competitive cost and satisfy the Department's performance needs. Unless otherwise specified in the RFR, during evaluation of Responses, an EPP may be considered best value even when the price is greater than (but does not exceed 10% in price) that of a non-

EPP. Bidders are encouraged to submit appropriate information to identify important environmental attributes of items being procured, even when such attributes are not being required. Information or technical assistance regarding EPPs may be obtained from OSD at 617-727 7500 ext. 351 or via the internet at

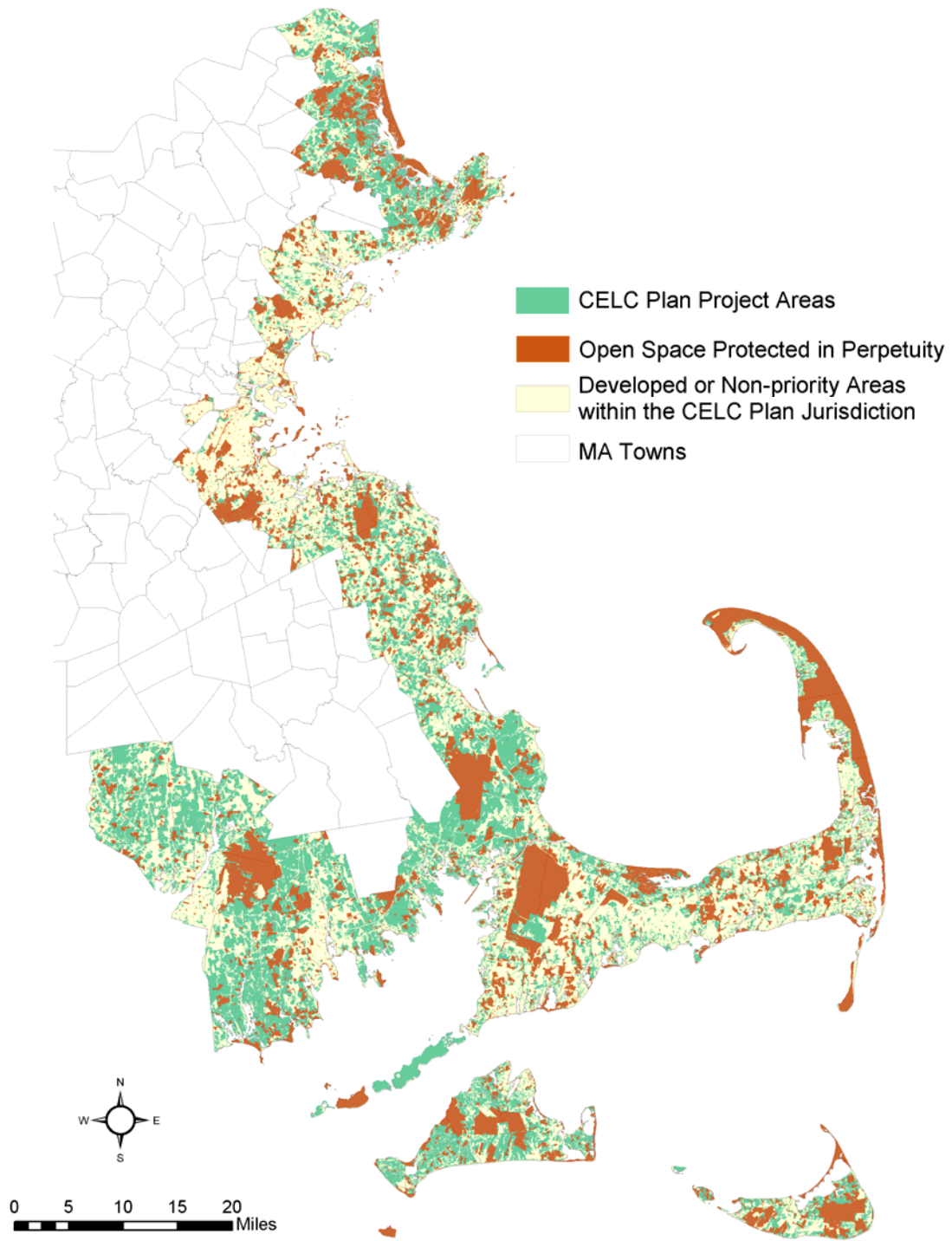
**<http://www.magnet.state.ma.us/osd/enviro/enviro.htm>**.

22. Selected respondents will be required to execute the Commonwealth's *Standard Terms and Conditions, Standard Contract, W-9 form, Signature Verification*, and any other forms specified in this RFR.
23. **GIS Standards.** All GIS (Geographic Information System) data collected, compiled or created under this RFR shall conform to standards developed or established by the Office of Geographic and Environmental Information (a/k/a MassGIS) within EOE. Such GIS data shall be made available to MassGIS upon request and at the reasonable cost of reproduction (cost to copy and/or transmit the data to MassGIS).
24. Nothing in this RFR authorizes or purports to grant the right to any Bidder, governmental entity or other person to enter or remain on any public or private property. If access to any property is necessary in any way for any purpose, such as responding to this RFR (e.g. surveying), that Bidder, governmental entity or other person must obtain appropriate permission authorizing such access from the person or governmental agency that has lawful control of the property.
25. **Anti-Collusion.** In reviewing responses to the RFR and awarding a contract, the Department will strictly interpret all provisions of the RFR, response and contract and other state regulations to ensure that collusion or the appearance of collusion has not occurred at any stage of the contracting process. Any attempt to secure information about this procurement through procedures other than those outlined in this RFR will be considered in violation of this provision and will result in disqualification of the Bidder.

Bidders must provide a statement with their responses certifying that all parties to this response, including members of teaming arrangements agree that:

- A contract has not been solicited or secured, directly or indirectly, in a manner contrary to the laws of the Commonwealth of Massachusetts and that said laws have not been violated as they related to the procurement or the performance of the contract by any conduct, including the paying or giving of any fees, commission, compensation, gift, gratuity, or consideration of any kind, directly or indirectly, to any State employee, agent, officer or official; and
- Unless otherwise required by law, any information quoted in this response, including prices, has not knowingly been disclosed by the respondent directly or indirectly to any other respondent or to any competitor and will not knowingly be disclosed by the respondent prior to award of a contract. Respondents are further advised that the contractor, including any of its employees, agents or representatives, is prohibited from paying or giving any fee, commission, compensation, gift, gratuity or consideration of any kind or amount, directly or indirectly, to any person connected with this procurement.

ATTACHMENT A-----MA CELC PLAN MAP



Source: MassGIS, CZM, MA Executive Office of Environmental Affairs

## **ATTACHMENT B**

### **Coastal Zone Management Program Policies**

**Effective Date: March 11, 1997**

The CZM Program Plan establishes the following program policies which embody coastal policy for the Commonwealth of Massachusetts. Recognition of these statements as Massachusetts coastal policy is formalized in Memoranda of Understanding between CZM and state environmental agencies. Projects subject to federal consistency review must be consistent with CZM program policies. CZM enforces its program policies through existing Massachusetts statutes and their implementing regulations.

In addition, the federally-approved CZM Program Plan lists management principles. These policy statements are not currently enforceable through existing state statutes and regulations. They are published as guidance to proponents of activities in the Coastal Zone and represent the preferred policy direction of CZM. CZM reviews all projects, whether for federal consistency or MEPA review, for consistency with management principles and may recommend alternatives or changes to projects in order to achieve consistency with the management principles.

#### **WATER QUALITY**

- WATER QUALITY POLICY #1** - Ensure that point-source discharges in or affecting the coastal zone are consistent with federally approved state effluent limitations and water quality standards.
- WATER QUALITY POLICY #2** - Ensure that nonpoint pollution controls promote the attainment of state surface water quality standards in the coastal zone.
- WATER QUALITY POLICY #3** - Ensure that activities in or affecting the coastal zone conform to applicable state and federal requirements governing subsurface waste discharges.

#### **HABITAT**

- HABITAT POLICY #1** - Protect coastal resource areas including salt marshes, shellfish beds, dunes, beaches, barrier beaches, salt ponds, eelgrass beds, and fresh water wetlands for their important role as natural habitats.
- HABITAT POLICY #2** - Restore degraded or former wetland resources in coastal areas and ensure that activities in coastal areas do not further wetland degradation but instead take advantage of opportunities to engage in wetland restoration.

#### **PROTECTED AREAS**

- PROTECTED AREAS POLICY #1** - Preserve, restore, and enhance complexes of coastal resources of regional or statewide significance through the Areas of Critical Environmental Concern program.
- PROTECTED AREAS POLICY #2** - Protect state and locally designated scenic rivers and state classified scenic rivers in the coastal zone.

•**PROTECTED AREAS POLICY #3** - Ensure that proposed developments in or near designated or registered historic districts or sites respect the preservation intent of the designation and that potential adverse effects are minimized.

## COASTAL HAZARDS

•**COASTAL HAZARD POLICY #1** - Preserve, protect, restore, and enhance the beneficial functions of storm damage prevention and flood control provided by natural coastal landforms, such as dunes, beaches, barrier beaches, coastal banks, land subject to coastal storm flowage, salt marshes, and land under the ocean.

•**COASTAL HAZARD POLICY #2** - Ensure construction in water bodies and contiguous land areas will minimize interference with water circulation and sediment transport. Approve permits for flood or erosion control projects only when it has been determined that there will be no significant adverse effects on the project site or adjacent or downcoast areas.

•**COASTAL HAZARD POLICY #3** - Ensure that state and federally funded public works projects proposed for location within the coastal zone will:

- not exacerbate existing hazards or damage natural buffers or other natural resources,
- be reasonably safe from flood and erosion related damage, and
- not promote growth and development in hazard-prone or buffer areas, especially in Velocity zones and ACECs, and
- not be used on Coastal Barrier Resource Units for new or substantial reconstruction of structures in a manner inconsistent with the Coastal Barrier Resource/Improvement Acts.

•**COASTAL HAZARD POLICY #4** - Prioritize public funds for acquisition of hazardous coastal areas for conservation or recreation use, and relocation of structures out of coastal high hazard areas, giving due consideration to the effects of coastal hazards at the location to the use and manageability of the area.

## PORT AND HARBOR INFRASTRUCTURE

•**PORTS POLICY #1** - Ensure that dredging and disposal of dredged material minimize adverse effects on water quality, physical processes, marine productivity and public health.

•**PORTS POLICY #2** - Obtain the widest possible public benefit from channel dredging, ensuring that designated ports and developed harbors are given highest priority in the allocation of federal and state dredging funds. Ensure that this dredging is consistent with marine environment policies.

•**PORTS POLICY #3** - Preserve and enhance the capacity of Designated Port Areas (DPAs) to accommodate water-dependent industrial uses, and prevent the exclusion of such uses from tidelands and any other DPA lands over which a state agency exerts control by virtue of ownership, regulatory authority, or other legal jurisdiction.

•**PORTS MANAGEMENT PRINCIPLE #1** - Encourage, through technical and financial assistance, expansion of water dependent uses in designated ports and developed harbors, re-development of urban waterfronts, and expansion of visual access.

## **PUBLIC ACCESS**

- PUBLIC ACCESS POLICY #1** - Ensure that developments proposed near existing public recreation sites minimize their adverse effects.
- PUBLIC ACCESS MANAGEMENT PRINCIPLE #1** - Improve public access to coastal recreation facilities and alleviate auto traffic and parking problems through improvements in public transportation. Link existing coastal recreation sites to each other or to nearby coastal inland facilities via trails for bicyclists, hikers, and equestrians, and via rivers for boaters.
- PUBLIC ACCESS MANAGEMENT PRINCIPLE #2** - Increase capacity of existing recreation areas by facilitating multiple use and by improving management, maintenance and public support facilities. Resolve conflicting uses whenever possible through improved management rather than through exclusion of uses.
- PUBLIC ACCESS MANAGEMENT PRINCIPLE #3** - Provide technical assistance to developers of private recreational facilities and sites that increase public access to the shoreline.
- PUBLIC ACCESS MANAGEMENT PRINCIPLE #4** - Expand existing recreation facilities and acquire and develop new public areas for coastal recreational activities. Give highest priority to expansions or new acquisitions in regions of high need or limited site availability. Assure that both transportation access and the recreational facilities are compatible with social and environmental characteristics of surrounding communities.

## **ENERGY**

- ENERGY POLICY #1** - For coastally dependent energy facilities, consider siting in alternative coastal locations. For non-coastally dependent energy facilities, consider siting in areas outside of the coastal zone. Weigh the environmental and safety impacts of locating proposed energy facilities at alternative sites.
- ENERGY MANAGEMENT PRINCIPLE #1** - Encourage energy conservation and the use of alternative sources such as solar and wind power in order to assist in meeting the energy needs of the Commonwealth.

## **OCEAN RESOURCES**

- OCEAN RESOURCES POLICY #1** - Support the development of environmentally sustainable aquaculture, both for commercial and enhancement (public shellfish stocking) purposes. Ensure that the review process regulating aquaculture facility sites (and access routes to those areas) protects ecologically significant resources (salt marshes, dunes, beaches, barrier beaches, and salt ponds) and minimizes adverse impacts upon the coastal and marine environment.
- OCEAN RESOURCES POLICY #2** - Extraction of marine minerals will be considered in areas of state jurisdiction, except where prohibited by the MA Ocean Sanctuaries Act, where and when the protection of fisheries, air and marine water quality, marine resources, navigation and recreation can be assured.
- OCEAN RESOURCES POLICY #3** - Accommodate offshore sand and gravel mining needs in areas and in ways that will not adversely affect shorelines areas due to alteration of

wave direction and dynamics, marine resources and navigation. Mining of sand and gravel, when and where permitted, will be primarily for the purpose of beach nourishment.

## **GROWTH MANAGEMENT**

•**GROWTH MANAGEMENT PRINCIPLE #1** - Encourage, through technical assistance and review of publicly funded development, compatibility of proposed development with local community character and scenic resources.

•**GROWTH MANAGEMENT PRINCIPLE #2** - Ensure that state and federally funded transportation and wastewater projects primarily serve existing developed areas, assigning highest priority to projects that meet the needs of urban and community development centers.

•**GROWTH MANAGEMENT PRINCIPLE #3** - Encourage the revitalization and enhancement of existing development centers in the coastal zone through technical assistance and federal and state financial support for residential, commercial and industrial development.

**ATTACHMENT C  
PROJECT APPLICATION CHECKLIST**

---

## Project Application Checklist

(Note: This Project Application Checklist is modeled closely on the one NOAA has included in its Federal Funding Notice. If the project is selected as one of the Massachusetts Priority Projects, parts, or all, of this checklist may need to be resubmitted to the Massachusetts Office of Coastal Zone Management.)

### *Applicant and Project Information*

**1. State:** Massachusetts **Award Number:** (leave blank) \_\_\_\_\_

**2. Project Title:**

**3. Project Location (Approximate):** (Municipality, Major Intersections, Congressional District)

**4. Project Proponent/Applicant (Must be a public entity at the state or local level responsible for executing the project):**

**5. Total Cost:** \$ \_\_\_\_\_ **CELCP Federal share (requested amt):** \$ \_\_\_\_\_  
**CELCP State/Local Match Contributions:** \$ \_\_\_\_\_  
**Other Federal** \$ \_\_\_\_\_  
**Other Non-Federal** \$ \_\_\_\_\_

I ATTEST TO THE FOLLOWING: (1) THE STATEMENTS MADE AND OTHER INFORMATION PROVIDED IN THIS CHECKLIST ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE; (2) THE RECIPIENT HAS ON FILE THE DOCUMENTS IDENTIFIED IN THIS CHECKLIST; AND (3) I UNDERSTAND THE CONSEQUENCES OF NON-COMPLIANCE WITH THE SPECIAL AWARD CONDITIONS THAT WILL BE PLACED ON THIS GRANT.

\_\_\_\_\_  
Signature of Applicant Date

Name of Signatory (please print or type): \_\_\_\_\_

Title:

Address:

Phone Number: \_\_\_\_\_ E-mail \_\_\_\_\_

**ELIGIBILITY OF PROJECT**

**6. Project Eligibility:** (Check all that apply)

The proposed project:

\_\_\_ is located in a coastal or estuarine area (that has been designated as part of a state’s approved coastal and estuarine land conservation (CELC) plan or within a state’s coastal watershed boundary);

\_\_\_ matches federal funds with non-federal funds at a ratio of at least 1:1;

\_\_\_ will be held in public ownership and provide conservation in perpetuity;

\_\_\_ will provide for access to the general public, or other public benefit, as appropriate and consistent with resource protection.

\_\_\_ protects important coastal and estuarine areas that have significant conservation, ecological, historical, aesthetic, or recreation values, or that are threatened by conversion from their natural or recreational state to other uses;

\_\_\_ can be effectively managed and protected;

\_\_\_ directly advances the goals, objectives or implementation of state coastal management plan or program or NERR management plan approved under the Coastal Zone Management Act (CZMA), national objectives of the CZMA, or a local, regional or state watershed protection plan involving coastal states with approved coastal management programs

\_\_\_ is consistent with the state’s approved coastal management program.

**Land Acquisition:**

**7. Location and Site Maps:** Site location maps are attached. \_\_\_ Yes \_\_\_ No

The applicant should attach a map of the state or coastal county showing the general location of the project, and a map of the project site, which shows the location and extent of the proposed acquisition, as well as relationship to significant natural features (slope, wetlands, dunes, floodplains, access, etc.).

**8. Title Opinion and Appraisal:**

**a.** Documentation of the current owner’s intent or willingness to sell at a mutually agreeable price is attached. (This documentation may be in the form of a letter of intent, option letter, contract, or similar form.) \_\_\_ Yes \_\_\_ No

**b.** The applicant has obtained and attached an independent appraisal performed by a state certified appraiser. \_\_\_ Yes \_\_\_ No

**c.** A title opinion or title insurance report is attached. \_\_\_ Yes \_\_\_ No

**9. Public Benefit:**

a. The acquisition will be publicly held or under publicly-controlled easement and is for public benefit. The project does not improve private property for private or commercial gain.

Yes  No

b. The property will be accessible to the general public.  Yes  No

c. If the answer to the question above (10.b) is No, check any of the following reasons that apply and explain why access to the property will be limited.

Public Safety  Resource Protection  Geographically Isolated/Inaccessible

School Outings Only  Scientific Research  Other (please explain): \_\_\_\_\_

d. The property will be leased or rented.  Yes  No If yes, please explain.

e. The public will be charged a user fee for access to or activities on the proposed property.

Yes  No

If Yes, provide a description of the user fee which includes: how much, differential fees (if any), the need for the fees, and proposed use of the revenue.

***Compliance with Other Federal Authorities***

**10. State Historic Preservation Officer's (SHPO's) Clearance and National Historic Preservation Act:**

a. The project will affect properties listed on the National Register of Historic Places ([www.cr.nps.gov/nr/](http://www.cr.nps.gov/nr/)), eligible to be listed, or otherwise protected by section 106 of the National Historic Preservation Act ([www2.cr.nps.gov/laws/NHPA1966.htm](http://www2.cr.nps.gov/laws/NHPA1966.htm)) or a similar State Preservation Act.

Yes  No

b. The Recipient has on file the SHPO's clearance.  Yes  No (If No, the Recipient certifies, by signing this checklist, that the SHPO clearance is being sought and that work will not begin and land will not be purchased until SHPO clearance is received by the Recipient.)

**11. National Flood Insurance Program:**

a. Is the project located in a designated special flood hazard area, floodway or “V” zone on a National Flood Insurance Program Floodway Map ([www.fema.gov/maps](http://www.fema.gov/maps))?  Yes  No  
(If No, go to 11)

b. Is the community in which the project is located in special flood hazard areas shown on an FIA map is participating in the Flood Insurance Program ([www.fema.gov/nfip](http://www.fema.gov/nfip)).  Yes  No

**12. Coastal Barriers Resource Act:** The project is located on an undeveloped coastal barrier designated by the Coastal Barriers Resources Act ([www.fws.gov/cep/cbrunits.html](http://www.fws.gov/cep/cbrunits.html)).  
 Yes  No

If the answer is Yes, provide a brief statement below or attach to this checklist a brief analysis as to how the proposed project is consistent with the three CBRA purposes: to minimize (1) the loss of human life, (2) wasteful federal expenditures, and (3) damage to fish, wildlife and other natural resources.

**13. Endangered Species Act:** May the proposed project adversely affect threatened or endangered species or critical habitat under the jurisdiction of the National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS) as defined by the Endangered Species Act? ([www.fws.gov/endangered](http://www.fws.gov/endangered)) or ([www.nmfs.noaa.gov/pr/species](http://www.nmfs.noaa.gov/pr/species)).  
 Yes  No

If the answer is No, provide a brief statement below explaining the basis for the conclusion. If the answer to 12 is Yes, provide a description of the adverse effects (minor and significant effects), the species or habitat affected, and any coordination between the state and the USFWS or NMFS. OCRM will not approve a project that USFWS or NMFS has determined will significantly adversely affect threatened or endangered species or critical habitat.

**14. Magnuson-Stevens Fishery Conservation and Management Act.**

Does the proposed project include essential fish habitat for federally managed fish?  
 Yes  No  Not yet determined (please explain).

Could the proposed project have significant adverse impacts on essential fish habitat for federally managed fish?  Yes  No

**15. National Environmental Policy Act:**

- a. The proposed project may significantly affect the human environment.  
\_\_\_\_\_ Yes \_\_\_\_\_ No
- b. The proposed project involves unresolved conflicts concerning alternative uses of available resources.  
\_\_\_\_\_ Yes \_\_\_\_\_ No
- c. This action would have significant adverse effects on public health and safety.  
\_\_\_\_\_ Yes \_\_\_\_\_ No
- d. This action will have highly controversial environmental effects. \_\_\_\_ Yes \_\_\_\_ No
- e. This action will have highly uncertain environmental effects or involve unique or unknown environmental impacts. \_\_\_\_\_ Yes \_\_\_\_\_ No
- f. The project will have significant adverse impacts on other natural resources not covered elsewhere in this checklist, e.g., beaches and dunes, wetlands, estuarine areas, wildlife habitat, wild or scenic rivers, reefs, or other coastal resources. \_\_\_\_\_ Yes \_\_\_\_\_ No
- g. The project will have insignificant effects when performed separately, but will have significant cumulative effects. \_\_\_\_\_ Yes \_\_\_\_\_ No

If the answer to any one subpart of 13. is Yes, then an Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. For items answered Yes, please attach a description of the resource(s) affected and the nature and scope of the effects.

**16. Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970.** If the proposed project involves the acquisition and/or modernization of real property, will the proposed project cause the displacement of:

- Persons, \_\_\_\_\_ Yes \_\_\_\_\_ No
- Businesses, or \_\_\_\_\_ Yes \_\_\_\_\_ No
- Farm Operations? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes to any of the above, please explain: the number of displaced persons, including businesses and farm operations; what fair and reasonable relocation payments and advisory services will be provided to any displaced persons; and what provisions will be made to ensure that safe, decent, and sanitary replacement dwellings will be available to such persons within a reasonable period of time prior to displacement.

**17. Handicapped accessibility:** Will the proposed project be handicapped accessible?  
\_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ N/A

If No or N/A, provide a brief explanation below (or attach separately) as to why the project does is not required to meet ADA handicapped accessibility requirements.

**18. Environmental Justice.** Will the project have disproportionately high and adverse human health or environmental effects on minority or low-income populations?  Yes  No

**19. State, Local and Tribal Laws.** The project is consistent with state, local and tribal laws to protect the environment.  Yes  No

**20. Contamination/Environmental Hazards (CERCLA/RCRA)**

**a.** Are there any known or suspected contaminants on the project site?  Yes  No

If yes, please discuss what type of contamination is on the site, or suspected to be on the site, and the status of clean-up activities.

**b.** Has the site been investigated, identified and/or designated as having hazardous waste contamination issues by a federal, state, or local agency (for example superfund site)?

If yes, please explain the basis for the designation, the status of clean-up activities, and whether there are any legal liens or judgments affecting the property.

**21. Public Coordination**

Has the project for which you propose to use CELCP funds been subject to public scrutiny and coordination through a public notice or other public review process?  Yes  No

If "yes", please describe the results of that process and note when the coordination occurred.

**If "no", please explain.**

---

NOAA is requesting this information in order to adequately assess the eligibility of proposed projects. Public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Elaine Vaudreuil, OCRM, 1305 East-West Hwy (N/ORM7), Silver Spring, Maryland 20910. This reporting is authorized under P.L. 107-77 and has been approved under OMB #0000-0000. Information submitted will be treated as public record. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number.