

THE COMMONWEALTH OF MASSACHUSETTS

**EXECUTIVE OFFICE OF ENERGY &  
ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

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ONE WINTER STREET, BOSTON, MA 02108



**Request for Response (RFR)**

**Document Title: Water Management Act Grant**

**Agency Document Number: BWR 2022-01-WMA**

**August 30, 2021**

<b>1. <u>RFR INTRODUCTION AND GENERAL DESCRIPTION</u></b> .....	<b>1</b>
1.1. Grant Summary/Procurement Scope and Description .....	1
1.2. Background information .....	1
1.3. Applicable Procurement Law .....	1
1.4. Number of awards .....	1
1.5. Eligible Entities .....	1
1.6. Contract Requirements for Grant Awards .....	Error! Bookmark not defined.
1.7. Contract Duration.....	2
1.8. Estimated Value of the Contract .....	2
<b>2. <u>ESTIMATED PROCUREMENT CALENDAR</u></b> .....	<b>3</b>
2.1. Written questions via the Bid Q&A .....	3
2.2. Locating Bid Q&A .....	4
2.3. Amendment Deadline .....	4
<b>3. <u>ELIGIBLE WMA GRANT PROJECTS</u></b> .....	<b>5</b>
3.1. Compensation Structure/Pricing.....	8
<b>4. <u>OTHER TERMS:</u></b> .....	<b>9</b>
4.1. Failure to Perform Contractual Obligations.....	9
<b>5. <u>EVALUATION CRITERIA:</u></b> .....	<b>9</b>
5.1. Mandatory requirements .....	9
5.2. Evaluation Components .....	11
5.3. Proposal Format.....	Error! Bookmark not defined.
<b>6. <u>HOW TO SUBMIT AN ELECTRONIC RESPONSE</u></b> .....	<b>13</b>

## **1. RFR INTRODUCTION AND GENERAL DESCRIPTION**

### **1.1. Grant Summary/Procurement Scope and Description**

The Commonwealth of Massachusetts Department of Environmental Protection (MassDEP or the Department) is soliciting grant proposals from Applicants who are Eligible Entities in response to this Request for Responses (RFR) for projects providing planning assistance, (including Drought Plans and select Firm Yield studies), rate studies, and implementation assistance, such as demand management, minimization, and mitigation activities for new withdrawal impacts in local communities.

### **1.2. Background information**

In November 2014, after five years of comprehensive stakeholder review and input from public water suppliers, business interests, and environmental organizations, MassDEP published revised Water Management Act (WMA) regulations. These regulations establish enforceable standards, criteria, and procedures (including permit procedures) to implement the WMA (M.G.L. c. 21G). The regulations are intended to comprehensively manage water withdrawals throughout the Commonwealth to ensure an appropriate balance among competing water needs and the preservation of water resources. This grant RFR provides a financial funding resource for eligible WMA public water suppliers and municipalities to develop minimization strategies to address existing impacts, including identification of existing capacities, and mitigation measures for increased withdrawal impacts, as required in the WMA Regulations.

### **1.3. Applicable Procurement Law**

This Grant RFR is issued under the following law(s):

- MGL c. 7A, § 7; St. 1986 c. 206, § 17; 815 CMR 2.00 (Grants)

### **1.4. Number of Grant Awards**

The targeted maximum number of awards is 10. This is an estimate only; MassDEP may award more or fewer grant contracts if it is in the best interests of the Commonwealth to do so.

### **1.5. Eligible Entities**

The Water Management Act Grant is designed to assist eligible public water suppliers and municipalities with meeting the requirements of the Water Management Act regulations by providing funds for planning and implementation assistance, demand management, minimization, and mitigation projects to address proposed withdrawal impacts in local communities. Only public water suppliers with a WMA permit or permit application under review, or public water suppliers with a WMA registration (including eligible municipalities) are eligible to submit proposals in response to this RFR for this grant program.

### **1.6. Contract Requirements for Grant Awards**

If selected for a grant award, the grant recipient will be required to submit the following forms to complete the contracting process. All Grant applicants are encouraged to review these forms prior to submitting a proposal in response to this RFR. Forms with an asterisk (\*) need not be submitted, if they have been completed previously and are already on file with the Commonwealth:

- Commonwealth Standard Contract Form, filled out and signed by the applicant  
[www.macomptroller.org/forms](http://www.macomptroller.org/forms)
- Commonwealth Terms and Conditions  
<http://www.macomptroller.info/comptroller/docs/forms/contracts/CommonwealthTermsAndConditions.pdf>. These Terms and Conditions are incorporated by reference into the Standard Contract Form, and do not need to be executed separately.
- Commonwealth W-9 tax information form filled out and signed by the applicant with DUNS number and Federal Tax ID(\*)  
<http://www.macomptroller.info/comptroller/docs/forms/vendorcustomer/newmass-w9.pdf>
- Completed Contractor Authorized Signatory Listing Form  
<https://www.macomptroller.org/forms>
- Electronic Funds Transfer (EFT) form(\*)  
<https://www.mass.gov/how-to/tips-for-completing-the-electronic-funds-transfer-eft-form>

**1.7. Contract Duration For Grant Award**

The expected duration of this grant contract is from the execution date of all required contract forms through 06/30/2022. There are no renewal options associated with this grant award.

**1.8. Estimated Value of the Grant Program**

The current estimated value of the grants awarded through the WMA program is \$1,000,000. Any additional grant funding is contingent upon appropriation by the Massachusetts legislature.

**2. ESTIMATED GRANT PROCUREMENT CALENDAR**

EVENT	DATE
NOTICE OF GRANT OPPORTUNITY (Posted on COMMBUYS and MassDEP Website)	August 30, 2021
RFR Bid Release Date (posted on MassDEP website)	August 30, 2021
Deadline for Submission of Questions to <a href="mailto:jen.durso@mass.gov">jen.durso@mass.gov</a>	September 13, 2021
Official Answers for RFR Bid Q&A published on MassDEP website (Estimated)	September 20, 2021
RFR Bid Amendment Deadline. Bid documents will not be amended after this date.	September 20, 2021
Deadline for online submission of Responses to Grant RFR to <a href="mailto:jen.durso@mass.gov">jen.durso@mass.gov</a>	October 11, 2021
Announcement of Grant selection/award results (Posted on COMMBUYS and MassDEP Website) (Estimated)	November 29, 2021
Estimated Contract Start Date	December 20, 2021

**2.1. Written questions via the Grant Q&A process**

Grant applicants are able to submit written questions and MassDEP will post official responses to questions regarding this grant RFR. All questions must be emailed to WMA Point-Of-Contact for this Grant Program, Jen D’Urso, at MassDEP ([jen.durso@mass.gov](mailto:jen.durso@mass.gov)). Questions may be asked only prior to the Deadline for Submission of Questions stated in the Estimated Grant Procurement Calendar. It is the Applicant’s responsibility to verify receipt of questions.

Please note that any questions submitted using any other medium (including those that are sent by mail, fax, or voicemail, etc.) will not be answered. To reduce the number of redundant or duplicate questions, applicants are asked to review all questions previously submitted to determine whether the question has already been posted.

Applicants are responsible for entering content suitable for public viewing, since all of the questions are accessible to the public. Applicants must not include any information that could be considered personal, security sensitive, inflammatory, incorrect, collusory, or otherwise objectionable.

**All answers are final when posted. Any subsequent revisions to previously provided answers will be dated.**

It is the responsibility of the grant applicant and awarded grant recipient to maintain a current email address of the applicant’s contact person and prospective grant project

manager, if awarded a contract, and to monitor that email inbox for communications from MassDEP, including requests for clarification.

**2.2. Locating Q&A**

The Q&A for this Grant RFR will be available at: <https://www.mass.gov/service-details/water-management-act-grant-programs-for-public-water-suppliers>.

**2.3. Amendment Deadline**

The MassDEP reserves the right to make amendments to the Grant RFR after initial publication. It is each Applicant's responsibility to check for any amendments, addenda or modifications to this Grant RFR, and any Q&A related to this RFR. The Commonwealth accepts no responsibility and will provide no accommodation to Applicants who submit a Response to this RFR that is based upon out-of-date information.

### 3. ELIGIBLE WMA GRANT PROJECTS

Introduction and Goals of the WMA Program: The Water Management Act Grant Program is designed to assist eligible public water suppliers and municipalities in meeting the requirements in the Water Management Act regulations by providing funds for planning and implementation assistance, drought resiliency planning, firm yield development, rate studies, demand management, and mitigation projects in local communities. The Department has determined that the focus of these grants will be for:

- 1) planning projects for specific watersheds or sub-watersheds to identify implementation projects to improve ecological conditions, or to identify the capacity of the water system to meet its demands and provide alternative source options;
- 2) demand management projects aimed to improve the efficiency of water use within a municipality or a watershed; these projects may include studies to develop and implement Drought and Rate studies that help control demand; and
- 3) minimization and mitigation projects in one or more of the following categories: improving or increasing instream flow, wastewater projects that keep water local including reductions in inflow and infiltration, stormwater management projects that improve recharge, reduce impervious cover and/or improve water quality, water supply operational improvements, habitat improvement, and other projects that can be demonstrated to minimize existing withdrawals and mitigate the impacts of new withdrawals.

The Department encourages all types of eligible, competitive projects in all watersheds. Particular consideration will be given to proposed projects in highly impacted basins or subbasins, and to water suppliers with a demonstrated demand for more water. Please see the WMA Interactive Map at: <https://www.mass.gov/guides/sustainable-water-management-initiative-swmi-technical-resources>. In areas unassessed by the WMA framework, the Department will give particular consideration to projects designed to address demonstrated impacts to flow or habitat.

Competitive projects are typically comprised of one or more eligible activities. Project proposals should fall under one or more of two categories: Planning projects and Implementation projects. Implementation projects will be further divided into two types—demand management and mitigation projects.

#### **Eligible Planning Projects**

Planning projects should identify applicable available studies, collect available data, and provide an analysis of the costs and benefits of minimization, mitigation and offset options for water withdrawal increases in a particular basin/subbasin. Drought management planning is also an eligible planning project. The WMA Permit Guidance, found at: <https://www.mass.gov/lists/water-management-act-wma-permitting#permitting-guidance> should serve as a guide to grant applicants with respect to minimization and mitigation requirements.

The WMA team will also accept proposals for Firm Yield studies from permittees only with a permitted volume greater than zero. Successful applicants will have a documented need for a Firm Yield study.

- Firm Yield applicants will be expected to use the Firm Yield Estimator model developed by the U.S. Geologic Survey available on MassDEP's website for conducting their study unless site-specific reasons support an alternative approach that is approved by MassDEP. Applicants will also be required to consult with MassDEP for assistance in collecting and inputting the necessary data to conduct their firm yield study.

The study is summarized in the USGS report "Refinement and Evaluation of the Massachusetts Firm-Yield Estimator Version 2.0." The report, downloadable software and user manual are available at:

<https://pubs.er.usgs.gov/publication/sir20115125>

In 2020, MassDEP promulgated new regulations to establish a per- and polyfluoroalkyl substances (PFAS) drinking water Maximum Contaminant Level (MCL) of 20 ng/L, or parts per trillion (ppt), for a sum of six common PFAS contaminants (referred to as the "PFAS6"). Planning projects for public water suppliers and municipalities due to restrictions that have been placed on their system from per- and polyfluoroalkyl substances (PFAS) contamination will also be accepted. The goal of these projects would be to identify the capacity of the water system to meet its demands from non-PFAS contaminant sources and provide alternative source options. However, Applicants should note that proposed projects focusing on treatment design or construction to address PFAS contamination are not eligible for the WMA grant program.

Available studies and data that can be used may include, but are not limited to: reservoir Firm Yield studies; Rate Studies; Pumping Test/Zone II reports; U.S. Geological Survey (USGS) reports; Drought Plans; stormwater management plans; dam removal feasibility studies; WMA Pilot Project Reports; fisheries restoration studies; water use forecasts; existing indoor and outdoor water conservation programs; water and sewer billing rates; wastewater collection and disposal systems; sewer system inflow/infiltration data; existing reports or data describing instream aquatic habitat characteristics; inventory of dams; stormwater system data, or an inventory of road crossings over streams and culvert types. Data could also include existing programs such as: local bylaws regulating land development; indoor and/or outdoor water use; water supply protection; and stormwater management.

**Evaluating the minimization of impacts should** characterize the community public water supply system sources and capacities and evaluate measures for minimizing impacts in subbasins. Water suppliers will be required to evaluate the following options, and develop an implementation plan based on feasibility and Flow Level improvement: 1) optimization of existing resources; 2) use of alternative sources, including sources available to meet seasonal needs; 3) interconnections with other communities or suppliers; 4) releases from surface water impoundments; 5) outdoor water use restrictions tied to streamflow triggers and the messaging of such restrictions; 6) implementation of reasonable conservation measures consistent with health and safety, like rate increases and higher billing frequency; 7) New England Water Works Association and Massachusetts Water Works Association's Toolbox of BMPs for Water Resource Management; see: (<http://www.newwa.org/MembershipResources/UtilityResources.aspx#96523-bmps-and-advisories>); and 8) other measures that return water to the sub-basin or basin intended to improve flow. Please provide options for assessment and implementation of the minimization requirements and cost estimates for each potential minimization action.



## **Evaluating the options for mitigating and offsetting proposed water withdrawal increases.**

A discussion of mitigation options begins on page 29 of the WMA Permit Guidance <https://www.mass.gov/lists/water-management-act-wma-permitting#permitting-guidance-> .

Categories for mitigation projects are demand management, other activities that will improve instream flow, wastewater, stormwater, water supply, and habitat. Other options that might be applicable to the applicant's specific circumstances should also be evaluated. Projects should evaluate the applicability, feasibility, and cost of each of the offset/mitigation actions. Other options that might be applicable to the applicant's specific circumstances should also be evaluated.

## **Eligible Implementation Projects**

Implementation projects can consist of two types of work –demand management projects and mitigation projects to reduce the impacts of water withdrawals or development on streamflow or aquatic habitat in a basin or subbasin. Mitigation projects will be prioritized as follows: direct mitigation over indirect mitigation; and projects closer to the same subbasin as the withdrawal over projects in a different subbasin.

### *Demand Management Projects*

Demand management projects eligible for funding are listed below; however, all proposed projects that focus on water conservation, loss identification, improved accounting, drought resiliency, rate structure studies and/or billing practices will be considered. Projects must provide an appropriate method for quantifying environmental results such as the water and cost savings from retrofits, etc. Projects that demonstrate cooperation and partnership between two or more communities or water suppliers, or a community or a public water supplier and a non-government organization with the public water supplier as the contract lead are preferred. **Water Audits, meter repair and replacement, and leak detection projects are no longer eligible for compensation under the WMA Grant Program. Please email Jen D'Urso at [jen.durso@mass.gov](mailto:jen.durso@mass.gov) for information on a separate program that funds American Water Works M36 Audits for WMA permittees and registrants.**

Examples of eligible projects include:

- Rebates for low-flow WaterSense labeled plumbing fixtures and Consortium for Energy Efficiency (CEE)-qualified appliances.
- Water Rate Surveys for the purposes of establishing water rates to assure appropriate revenues to support maintenance needs, that help reduce non-essential outdoor water use, promote a conservation rate structure, and capital projects for improvements to the water works system that will reduce demands. Grantees should have conducted a water audit and leak detection survey within the previous two years prior to the implementation of a rate study.
- Demand management projects for public water suppliers and municipalities due to restrictions that have been placed on their system from per- and polyfluoroalkyl substances (PFAS) contamination. The goal of these projects would be to improve the efficiency of non PFAS contaminated water use within a municipality or a watershed. However, proposed projects focusing on treatment

design or construction to address PFAS contamination are not eligible for the WMA grant program.

### *Mitigation Projects*

Mitigation project proposals should be shovel-ready projects that have previously been identified during a systematic planning or restoration process, meet the criteria as a mitigation project for a new water demand, and are able to achieve cost-effective environmental improvements. Categories for mitigation projects include: demand management, wastewater and stormwater management, water supply, habitat protection and improvement, and any other project that contributes to improvements in instream flow. Other options that might be applicable to the applicant's specific circumstances should also be evaluated. Mitigation projects should demonstrate the applicability of the offset/mitigation action(s) to the impact being offset.

Required elements for mitigation projects:

- At a minimum, a **project design(s), specific site location(s), and estimated cost of the project** are required as part of the response. Designs must be of sufficient detail, and include sufficient site work, to allow the proposal review committee to evaluate the viability of the proposal. Final designs need to be prepared by a Professional Engineer (PE). A reliable budget for the project and a definitive description of project strategy and viability, as well as the environmental improvements that will result, should also be provided. Sustainability, operation and maintenance, and cost-effectiveness are important aspects of proposal competitiveness.
- **Maps** of the site and locus must show site characteristics, location of each specific work location in sufficient detail to defend the project, and watershed location(s) of the proposed work.

### **3.1 Compensation Structure/Match Requirements for Grant awards**

Compensation will be on a reimbursement basis, and will be based solely on the proposed budget (budget) supplied by the applicant and accepted by MassDEP as the eligible costs of the proposal. The budget for the project must contain all goods and services to be provided for this Grant Contract. Compensation will be based on the proposed budget, including any cost tables. The Cost Table must include a listing of project employees, wage rates, supplies, printing costs, postage and mileage. Reimbursements will be disbursed upon receipt of appropriate invoicing, with supporting documentation, of expenditures made in accordance with the approved grant award.

There is a 20% match requirement for all eligible proposals. In-kind matches are calculated as a percent of the total budget, not additional funds to be added to the total budget. For example, with a total budget of \$100,000, \$20,000 is the match, so the financial request from the state would be \$80,000.

**4. OTHER TERMS:**

**4.1. Failure to Perform Contractual Obligations after Grant Award**

Failure to perform contractual obligations as outlined in the Standard Contract Form, the Commonwealth Terms and Conditions, and this RFR may result in the Termination or Suspension of the Grant Contract.

In addition, any Applicant receiving a Grant Award must adhere to all requirements of the grant application, and all documentation submitted in support of that application. If, after award of a Grant to a recipient, the Grant review team receives information that there has been a material omission or misrepresentation by the Applicant regarding any aspect of the proposed project, this may constitute grounds for invalidating the Grant award.

## 5. EVALUATION CRITERIA

The Grant review team will review grant proposals from Eligible Applicants in order to rank the proposals and determine which Applicants will be selected for a Contract Grant award.

### 5.1. Mandatory requirements in Grant evaluation review

Eligible Grant Applicants: Eligible grant applicants are Massachusetts public water suppliers or municipalities with a valid Water Management Act permit or registration, unless otherwise noted. Cooperative proposals between a public water supplier and a municipality, watershed association, regional planning agency etc. are encouraged. Applicants do not need to be asking to withdraw more water, unless otherwise noted, to be eligible for a WMA Grant, but those with a demonstrated demand increase will be given priority. Particular consideration will also be given to proposed projects in highly impacted basins or subbasins.

The following requirements are also mandatory:

1. Both planning projects and implementation projects will each have a 20% match requirement. Therefore, 20% of the total budget must be cash or in-kind match.
2. Mitigation projects must meet the following requirements:
  - Best Management Practices (BMPs) must be constructed on public lands.
  - Plans for the operation and maintenance of structural and nonstructural BMPs must be provided before reimbursement for BMP installation can occur. A signed agreement that the municipality will maintain the project for the estimated life of the BMP must be included.
  - Upon project completion, municipalities must submit a Construction Certification and an original copy of a full-sized set of drawings/plans (e.g., 24" x 36"), which reflect the "as-built" conditions, developed and stamped by a Professional Engineer. All changes should be recorded in red ink on plans to define changes made. All work deleted, corrections in elevations, and changes in materials, should be shown on the as-built drawings.
  - The applicant must provide public access to view the project or provide an organized program to educate potential users of the practice.
  - In December 2015, Coastal Zone Management (CZM) completed a report that evaluated the siting, design, and maintenance of coastal stormwater BMPs. Applicants from coastal communities applying for funding for stormwater management projects are strongly encouraged to review this report and demonstrate that the recommendations developed have been considered when developing a potential project. The review team will

evaluate the project approach and viability with these recommendations in mind. Copies of the report are available at:

<https://www.mass.gov/service-details/recommendations-for-addressing-climate-change-impacts-to-stormwater-best-management> .

- MassDEP has also developed a stormwater handbook. Applicants applying for funding for stormwater management projects should review this report and construct any BMPs following the guidance provided. Copies of the report are available at:  
<https://www.mass.gov/guide/massachusetts-stormwater-handbook-and-stormwater-standards>.
- Mitigation projects shall follow the appropriate sampling protocol required by the respective town/agencies permitting the project.

3. Projects must address activities that are consistent with the most current WMA Permit Guidance: <https://www.mass.gov/lists/water-management-act-wma-permitting>

4. **NOTE REGARDING INELIGIBLE PROJECTS:** Projects undertaken to comply with local or governmental enforcement actions such as State or Federal Administrative Orders or Consent Orders cannot be funded. Projects that are required as mitigation for federal permits are not eligible.

5. Results of planning projects and/or mitigation projects must be submitted in a final technical report. These results may be a combination of tables, graphs and written descriptions of the evaluated minimization, conservation, and mitigation options, or a technical evaluation of the effectiveness of the mitigation/conservation option implemented.

## 5.2. Grant Criteria Evaluation Components

An interagency selection committee will review proposals from Eligible Applicants. Projects will be selected based upon the following criteria, at a minimum:

- Extent to which the project and targeted watersheds and/or subbasins would further priorities of the WMA Sustainable Water Management Initiative (SWMI), or other suitable water management goals. Particular consideration may be given to proposed projects in highly impacted basins or subbasins and those with a demonstrated demand increase. Please see the SWMI Interactive Map at: <https://www.mass.gov/guides/sustainable-water-management-initiative-swmi-technical-resources>.
- Quality and responsiveness of the proposal including; completeness, organization, and conciseness.

- Technical approach, including the logic of the plan, clarity of the proposal in problem identification and relevant objectives, discrete project deliverables and results identified, and realistic implementation schedule showing June 30, 2022 project completion.
- Adequacy of the project to successfully address the problems identified in terms of the proposed tasks. Applicant's commitment and qualifications to solving the problems to be addressed by the grant. Applicant's past performance in conducting projects funded under this or other grant programs administered by MassDEP. Likelihood of success of the project, including usefulness of resulting products, and proposed implementation strategies.
- Cost effectiveness of the proposal, as demonstrated in the proposed budget.
- Ability of the applicant to quantify the project success.
- Ability of the applicant to provide a 20% match (required).
- Partnering with another municipality or environmental group.
- Prior success of applicant's projects.

### 5.3 Proposal Format

Proposal sections 1-4, below, shall be limited to 6 one-sided pages (single-spaced, 8-1/2" by 11" sheet with 0.5" margins) and shall include the following sections:

- Proposals must include a **concise problem statement** and brief **narrative**, to explain the objective(s) of the project and describe the activities.
- Proposals must also include a **scope of services** with tasks/activities, discrete deliverables, a **milestone schedule**.
- The **proposed project team with the proposed project manager** and key project staff.
- A detailed budget, including any cost **tables of estimated effort** in hours, rates, and **line item budget** for the various phases of the scope of work. The budget should also provide the 20% cash or in-kind services match information.
- Attachments: maps, reports or links to reports, drawings, designs, photographs, resumes of key staff, examples of similar projects, support letters and other supporting material. These attachments are not included in the 6 page limit for the narrative proposal. When supporting documents are lengthy or oversized, Applicants can include the information in a zip file with a table of supporting materials, with summary description of the contents.
- A contact list, including municipal and consultant contacts email and telephone numbers.

6. **HOW TO SUBMIT AN ELECTRONIC RESPONSE**  
**INSTRUCTIONS—SUBMIT YOUR ELECTRONIC RESPONSE TO THE EMAIL LISTED**  
**BELOW BY THE RESPONSE DEADLINE, TO THE FOLLOWING EMAIL ADDRESS:**

Massachusetts Department of Environmental Protection  
One Winter Street  
Boston, MA 02108  
ATTN: Jennifer D'Urso  
Telephone: 617-654-6591  
Fax: 617-292-5696  
E-Mail: [jen.durso@mass.gov](mailto:jen.durso@mass.gov)

**Response Deadline**— Responses are due no later than **October 11, 2021 at 5 p.m.** and MUST be emailed to the email address listed above.

**LATE RESPONSES WILL NOT BE CONSIDERED.**