

State of North Carolina
NC Department of Environmental Quality
Division of Water Resources
Nonpoint Source Planning Unit
Request for Proposal #: NPS 2022.01.12

Jordan and High Rock Lakes Nutrient Rules Public Process

Date of Issue: January 12, 2022

Proposal Due Date: February 3, 2022, 5 pm

Submit to: Rishi Bastakoti at Rishi.Bastakoti@ncdenr.gov

Direct all inquiries concerning this RFP to:

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The North Carolina Division of Water Resources (DWR) is seeking proposals for part of the federal fiscal year 2021 319(h) grant funds to facilitate the Jordan and High Rock Lakes Nutrient Rules development public process. Using a competitive process, DWR will award grant funds to an eligible entity.

Scope of Work: Jordan and High Rock Lakes Nutrient Rules Public Process

The NC Division of Water Resources (DWR) is beginning nutrient strategy rules adoption for High Rock Lake Watershed and rules readoption for Jordan Lake Watershed. Nutrient strategies are needed to counter the water quality degradation in the lakes caused by an excess of nutrients flowing into receiving streams which feed the lakes.

To develop fair, reasonable, and proportionate strategies to improve water quality, DWR needs to involve affected stakeholders to learn of their concerns, assist with the development of rule concepts, and weigh in on draft rules to present to the NC Environmental Management Commission.

The watersheds are adjacent and will share some stakeholders but will be two distinct processes.

Jordan Lake has a current set of rules since 2009, some of which have been delayed and were never initiated. Most Jordan Lake watershed stakeholders are aware of the current rules and the readoption process.

High Rock Lake does not have rules nor a nutrient strategy in place. Beyond the wastewater treatment plants and their associated local governments, with which DWR has ongoing engagement, stakeholders may not be as aware of nutrient rulemaking plans.

The Division seeks a facilitated process to involve stakeholders in each watershed using consensus-based decision making, which has been the norm for most previous nutrient rulemakings and many DWR public decision-making processes. Using the International Association of Public Participation's Spectrum of Public Participation, we expect this work to be in the realm of a collaborative process:

"To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution with a promise to seek advice and innovation in formulating solutions and incorporating advice and recommendations into the decisions to the maximum extent possible."

The Division seeks an innovative process that strives to involve all parties, respect all involved, and to the greatest extent possible, support multi-benefit implementation solutions that satisfy water quality objectives in Jordan and High Rock Lakes.

Eligible Applicants

- State and local governments (including Councils of Government)
- Interstate and intrastate agencies
- Public and private nonprofit organizations and institutions (including academic institutions)

Disqualification

A proposal will be automatically excluded from consideration if:

1. The potential project sponsor's name appears on the recent "Suspension of Funding" list (SOFL) of the Office of State Budget and Management (OSBM). State agencies are prohibited from entering into new financial assistance agreements with these entities and should withhold funds not yet disbursed until the recipient has been removed from the SOFL.
2. The potential project sponsor has unresolved issues related to previous or ongoing 319 projects.
3. The potential project sponsor does not submit the project proposal by the specified deadline for submission.

Project Administration

As part of developing and finalizing a grant agreement for a selected project, DWR may request the applicant to modify the project scope of work based on comments received during project evaluations and the selection process. The grant recipient must enter into an agreement with the NC Department of Environmental Quality (NCDEQ) to establish mutually agreeable terms for completing the project. Payment will be made on a reimbursement basis in accordance with the payment schedule and terms contained in the project agreement. Reimbursement is tied to performance targets. Grant recipients will be required to provide quarterly progress reports to DWR. Projects are expected to be completed in the timeframe of the grant agreement. Time extension will not be granted without specific and appropriate justification, approved in advance. The 319 grant cannot reimburse for project work done outside the term or scope of the grant agreement, including prior to full approval of a grant agreement.

Unanticipated Program Changes

Information in this Call may be subject to change based on unforeseen changes to NC DEQ and U.S. Environmental Protection Agency (EPA) priorities. If changes become necessary, DEQ will post the changes on the 319 Projects Program website.

The process is expected to run for 18 months, beginning early 2022 and includes the following deliverables.

Deliverables for both watersheds:

1. Initial planning meetings with DWR staff (3 minimum)
2. Issues assessment developed from early stakeholder communication
3. Eleven (11) Facilitated Public meetings (1/2 day ~ 3-4 hours), including
 - a. Three (3) ALL stakeholder meetings in first 6-9 months
 - b. Six (6) technical discussion meetings in first 6-9 months
 - c. Two (2) ALL stakeholder meetings in months 12-15
 - d. Of the 11, plan for 3 in person meetings and the rest remote.
4. Eight (8) special interest stakeholder meetings
5. Meeting notes of all meetings
6. Debrief and planning meetings with DWR staff between public meetings
7. Final report of the watershed process including a list of rule recommendations, stakeholder agreements, and stakeholder concerns.

Additional Deliverables for overall project:

8. Four (4) facilitated public meetings for Jordan Buffer rules (1/2 day ~ 3-4 hours)
9. Quarterly update reports
10. Final budget and deliverables report

A public involvement process changes with need, however the above deliverables will help guide development of a best estimate budget. As the project progresses, engagement needs may shift, and the contractor and DWR may revise the scope by mutual agreement.

Evaluation Criteria

All qualified proposals will be evaluated, and award made based on considering the following criteria, to result in an award most advantageous to the State.

Evaluation Criteria			Max Points
Step – 1 Technical Approach – 90 points			
	Application section	Content	
1	25	Experience and expertise related to public involvement for policy development. Ability to effectively communicate and collaborate with a variety of stakeholders within and outside of the Department of Environmental Quality.	35
2	17, 18, 19, 20, 21	The general approach suggested in the response to the RFP. Project Purpose / Project Scope / Project Plans / Project Outcomes / Bigger Picture Benefits (Cobenefits)	35
3	25	Staff with appropriate experience and expertise available (including needed travel) and committed to the project.	10
4	25	Record of successfully completed projects.	10
Step 2: Cost Proposal – 10 points			
5	28, 29, 31	Budget is clearly stated and reasonable for proposed activities.	10
		Total Points: (100)	100