

**REQUEST FOR PROPOSALS (RFP)
TO DEVELOP THE IMPLEMENTATION PLAN
FOR A
YORK COUNTY STORMWATER AUTHORITY**

TABLE OF CONTENTS

Section 1	BACKGROUND
Section 2	SCOPE OF WORK
Section 3	CONSULTANT QUALIFICATIONS
Section 4	CONSULTANT SELECTION
Section 5	SUBMISSION REQUIREMENTS
Section 6	TERMS & CONDITIONS
Figure 1	COMMITTEE STRUCTURE

RESOURCES: Interested consultants are encouraged to review the following documents:

- A. Pennsylvania Watershed Implementation Plan
(http://www.depweb.state.pa.us/portal/server.pt/community/chesapeake_bay_program/10513); under “TOP PAGES” select Pennsylvania’s Chesapeake Bay Plan
- B. [York County Watershed Implementation Plan: Working Together for Clean Water](#)
- C. [York County Comprehensive Plan, Integrated Water Resources Plan \(IWRP\)](#)
- D. [York County Regional Chesapeake Bay Pollutant Reduction Plan, 2014](#)
- E. [York County Stormwater Authority Feasibility Study](#)

The York County Planning Commission is seeking proposals from qualified consultants or consultant teams to develop an implementation plan for the creation of a York County Stormwater Authority. The implementation plan will be presented to the York County Board of Commissioners for their consideration. The information in this RFP is intended to provide interested parties with the necessary information to develop a proposal for submission. This project is funded by a grant from the National Fish and Wildlife Foundation (NFWF). The NFWF has certain requirements and standards that must be met by the York County Planning Commission and its contracted consultant. This Request for Proposals (RFP) has been prepared to meet these requirements and standards. The deadline for submission of proposals is 4:00PM, EST on November 15, 2017. Five copies of the proposal shall be submitted by the deadline to:

*York County Planning Commission
28 East Market Street, Third Floor
York, PA 17401
ATTN: Felicia Dell, Director
RE: York County Stormwater Authority Proposal*

SECTION I. BACKGROUND

York County is located on the west side of the Susquehanna River, which supplies roughly 50% of the fresh water to the Chesapeake Bay. The Chesapeake Bay water quality has degraded to a poor condition, and despite extensive restoration efforts, the poor water quality has continued. This necessitated the U.S. Environmental Protection Agency (US EPA) to establish a "pollution diet" for the Bay, called a Total Maximum Daily Load (TMDL). The TMDL identifies pollutant reductions from major sources of nitrogen, phosphorus and sediment that are needed to restore the Bay and sets pollutant limits to meet water quality standards established for the Bay and its tidal rivers. These pollutant limits are now mandates for the states within the Chesapeake Bay Watershed to achieve.

Pennsylvania has developed a Chesapeake Bay Watershed Implementation Plan (PA WIP), which sets forth a strategy for the Commonwealth to achieve the required pollutant reductions mandated by the TMDL. This involves finite reductions in nutrients (nitrogen and phosphorus), as well as sediment. The PA WIP is significant in two (2) aspects as far as York County is concerned. First, it describes the process by which the required pollutant reductions will be achieved through compliance with existing regulations, new technology, nutrient trading, and monitoring/tracking pollutant reduction measures that have been implemented. Secondly, the State openly acknowledges that success of the PA WIP implementation depends largely upon local municipalities being actively engaged with their citizenry.

The Chesapeake Bay TMDL is unique for Pennsylvania in the sense that the legal requirement for pollutant reductions falls upon the State, while land use authority, which enables the practices and the construction of structures required to reduce pollutants, is delegated to local municipalities. The State WIP acknowledges that voluntary actions, along with permit requirements of municipal/county governments, will be required to achieve the mandated pollutant reductions.

Pennsylvania has taken its total pollutant reduction requirement and divided it among the counties in the Chesapeake Bay watershed to identify draft county targets. These draft targets are intended to be a guide for local water quality improvement efforts, with the goal being that if each county reaches its draft targets, the State will achieve its TMDL allocation requirements. In other words, these draft targets give counties an idea of their piece of the State's pollutant reduction.

In order to provide a framework on how York County will achieve its target reductions, the York County Coalition for Clean Waters (formerly the TMDL workgroup) drafted the York County Watershed Implementation Plan: Working Together for Clean Water (York County WIP). The purpose of the York County WIP is to provide a strategy by which York County can best meet its pollutant reduction targets and likewise cleanup impaired streams in the County. It provides a logical process for reducing pollutants by asking and responding to the following questions:

- What needs to be cleaned up?
- Where are the clean-up areas located?
- How can the most reduction for the least amount of cost be achieved?
- How and when should the clean-up begin?
- How should accomplishments be recorded?

An array of viable solutions is provided in the Plan. However, the solutions are only effective if and when implemented by local governments. The Plan provides specific strategies for local governments to consider.

Two key strategies are identified in the York County WIP that relate to this RFP: the preparation of a York County Regional Chesapeake Bay Pollutant Reduction Plan (CBPRP) and the creation of a county stormwater authority. Throughout the development of the 2014 Regional CBPRP, there was growing interest in the County playing a lead role in coordinating the efforts, fostering the cooperation, and unifying the communication of the needs and the successes.

Interest in having the County play a more specific role in addressing stormwater issues was further supported through the development of the York County Stormwater Authority Feasibility Study. The Feasibility Study was presented to the York County Board of Commissioners in January 2016. In response to the Study presentation, the Board of Commissioners directed the York County Planning Commission to seek funding to undertake the development of a plan to create a county stormwater authority.

The 2018 MS4 permit requirements included that a Chesapeake Bay Pollutant Reduction Plan be submitted with the Notice of Intent (NOI), which was earlier than anticipated. In addition, the requirements are more detailed for pollutant reduction plans in comparison to those for the 2014 permit requirements. The regional approach to developing and implementing the Pollutant Reduction Plan was able to be continued, but the expectation for project implementation was more definitive and the project costs were much higher. The 2018 Regional Chesapeake Bay Pollutant Reduction Plan was submitted by the deadline and we are waiting for review and or approval of the Plan. Throughout the development of the 2018 Plan, interest in having the County play a lead role in stormwater project implementation was reiterated by several municipalities again.

SECTION II. SCOPE OF WORK

A. Purpose

Develop an implementation plan to create a county stormwater authority whose purpose may include, but not be limited to:

- assist municipalities in meeting the Chesapeake Bay Watershed Program requirements,
- complete specific MS4 permit requirements on behalf of the regulated municipalities,
- implement the Regional CBPRP,
- coordinate staffing needs with the York County Conservation District to provide technical assistance to farm owners on the conservation plan waiting list, and
- generate revenue from an equitable funding source to accomplish the above listed tasks.

B. Key Components in York County Stormwater Authority Implementation Plan (AIP)

The information contained in this section is essential in preparing a proposal.

1. **RESOURCES**

a. ***National Fish and Wildlife Foundation (\$203,419.05)***

The York County Planning Commission has been awarded a grant from the National Fish and Wildlife Foundation (NFWF) in the amount of \$203,419.05 to undertake the development of a plan to create a stormwater authority in York County. These funds will be allocated, on a reimbursement basis, to the successful consulting team to develop the plan. These funds must be matched in an equivalent amount of in-kind services from the York County Planning Commission.

b. ***YCPC in-kind (\$225,000)***

In order to match the grant funds from the NFWF, the York County Planning Commission will provide a minimum of \$225,000 in staff resources to work with the successful consultant team to develop the AIP.

c. ***United States Army Corps of Engineers (USACE), Section 22 Planning Assistance to States Program (\$150,000)***

York County was accepted into the USACE, Section 22 Planning Assistance to States Program in 2017. For the 2018 federal fiscal year, York County has been awarded \$75,000 of federal funds. These funds have been matched with \$75,000 of York County funds. These funds will be utilized by the pre-selected firm of Herbert, Rowland, and Grubic, Inc. (HRG). The successful consultant team will coordinate with HRG on tasks related to the development of a fee structure and any necessary components to support the fee structure, such as mapping of pervious and impervious land cover.

2. **SCHEDULE**

a. ***Consultant Selection***

The following are key dates in the consultant selection process:

- Advertisement of RFP:

Website Posting	10/5/17
Newspaper Advertisement	10/7/17
- Submission deadline for RFP: 11/15/17
- Review of RFP submissions: 11/16-30/17
- Presentations/Interviews: 12/8/17
- Contract approval by YCPC: 12/19/17
- Project Kickoff: January, 2018

b. ***Project Development***

The period to complete the AIP is estimated at 12 months. In order for YCPC to comply with the grant requirements, the plan **must** be completed no later than

February 28, 2019. The successful consultant team will develop a schedule that can meet this time frame.

3. **YCPC IN-KIND SERVICES**

The YCPC is the lead agency for this project. In that role, the YCPC is responsible for administering the grant funds, reviewing and processing invoice payments, and reporting to the funders.

In addition, the YCPC approach to working with consultants is to review the scope of work and develop a tentative work plan that identifies tasks that could be more cost effectively accomplished with YCPC staff resources. That work plan will be finalized with the selected consultant.

On this particular project, the YCPC staff will:

- review consultant work and provide feedback
- develop the Committee and Work Group rosters in advance of the project kickoff
- after developing agendas with the consultant team, provide meeting notices to work groups and committees
- participate in all committee, work group and public meetings
- provide input on development of informational or marketing materials
- provide printing and copying of materials
- provide an array of data and mapping such as municipal boundaries, the number of urbanized municipalities according to the 2010 Census, list of municipalities participating in the *2018 Regional CBPRP*, map of watersheds, miles of streams, miles of impaired streams and source of impairment, number of parcels in York County, breakdown by assessment category, map of farms with manure management plans and conservation plans in place, map of farm parcels on waiting list, etc.
- other items may be identified during the development of the work plan

4. **COMMITTEE and WORK GROUP STRUCTURE**

In order to tap into local expertise and generate understanding of, and support for, the effort, the AIP will be developed through a committee structure that is populated with local government officials, local technical experts, and other stakeholders from the community. The committee structure is illustrated in Figure 1 and includes:

a. ***Project Manager***

The Project will be managed by staff of the York County Planning Commission . The Project Manager will provide general oversight and coordination of tasks. The Project Manager will oversee the work plan, the schedule, the billing and overall progress of the project.

b. *Steering Committee*

The purpose of the Steering Committee is to work closely with YCPC staff and the consultant to review and vet the plan development process and work flow. The Steering Committee members will be relied upon to stay abreast of community feedback, be aware of potential political issues and provide suggestions about how to work through them. It is a small committee (6-8 members) and key participants include management staff from the YCPC and the York County Administrator.

c. *Work Groups*

Four Work Groups will be created to focus on the details of specific issue areas and report to the Steering Committee, as well as present to the Local Government Committee. The Work Groups will include major stakeholders and subject matter experts, such as municipal solicitors, municipal engineers, and representatives from the agricultural community, conservation groups, municipal authority members, etc.

i. *Communications Work Group*

The primary goal of the Communications Work Group is to develop and implement a plan to communicate with municipalities, the business community, the agricultural community and the public, and to gauge the level of support of the municipalities and the public.

The successful consultant team will have a team member that is experienced in developing messaging and strategically getting the message out through the local and social media, as well as through a variety of education and outreach methodologies. The communication team member will also help to facilitate Local Government Committee meetings and public meetings. The Communications Work Group will be active throughout the entire effort and will help to validate key decision points within the development of the plan. A key work group member will be the York County Public Information Officer.

Some key issues to be addressed include, but are not limited to: the state of water quality in York County, increased flooding in the County, new Municipal Separate Storm Sewer System (MS4) permit requirements, the “reboot” strategy for the agriculture sector, cost of compliance vs non-compliance, possible backstop measures, etc.

ii. *Legal Work Group*

The primary goal of the Legal Work Group is to develop a step-by-step process to legally create a County stormwater authority that meets the requirements of the Pa Municipal Authorities Act, the County Code and the Chesapeake Bay Watershed requirements within Pennsylvania.

The successful consultant team will have a team member that understands local and county government in Pennsylvania and is experienced in creating authorities at the County level. A key work group member will be the York County solicitor.

Some key issues to be addressed include, but are not limited to: defining the purpose and powers of the proposed authority, outlining the geographic scope, determining the governing body, legally establishing the revenue fee, determining regulatory responsibilities between the proposed authority and the municipalities, and other material steps.

iii. Technical Services Work Group

The primary goal of the Technical Services Work Group is to identify the scope of services to be provided through a county stormwater authority.

The successful consultant team will have a team member that understands municipal stormwater management, the Chesapeake Bay Watershed Program with specific understanding of urban and agricultural stormwater management requirements, and a working relationship with relevant members of the staff at Pennsylvania Department of Environmental Protection (PA DEP). A key work group agency member will be the York County Conservation District.

Some key issues to be addressed include, but are not limited to: identifying minimum services such as coordination of public education and engagement, erosion control inspections, implementation of the Regional Chesapeake Bay Pollutant Reduction Plan and MS4 reporting; identifying future services such as comprehensive MS4 mapping, illicit discharge detection and elimination, Best Management Practices (BMP) project inspection and reporting, and storm sewer replacement funding; working with the York County Conservation District (YCCD) to identify agricultural stormwater assistance, such as funding for staff to complete conservation and manure management plans; determining whether the services will be provided as “all in” or “a la carte”, etc.

iv. Business Plan Work Group

The primary goal of the Business Plan Work Group is to develop a business plan to fund and operate a County Stormwater Authority.

The successful consultant team will have a team member that understands municipal finance and accounting, startup costs and staffing needs. A key work group member will be the County Administrator.

Some key issues to be addressed include, but are not limited to: determining how services will be delivered (permanent staff vs contractors), identifying staff positions, developing a fee structure, identifying revenue collection options, developing a proposed operating budget, and identifying options for the location of the Authority, etc.

d. Local Government Committee

A Local Government Committee will be created in order to communicate with all of the municipalities within York County. Each municipality will be requested to appoint a representative to attend regular meetings scheduled throughout the process and to update municipal officials on progress, key decision points, and other steps. Representatives should have an opportunity to identify critical questions upfront so that there are no

surprises later. Given the size, this group would react to the work of the Work Groups and either validate or provide further instructions/feedback.

Governance of the Local Government Committee will include issues, such as determining a quorum, what carries a vote, conflict resolution process, and consensus issues vs voting issues. Each meeting should close by introducing the upcoming topic/issue for the next meeting so committee members will have time to prepare questions or thoughts for the next meeting.

5. FINAL PRODUCT

The final product of this project will be an implementation plan that addresses key components of creating a County stormwater authority to more cost effectively and efficiently address stormwater requirements and to meet the Chesapeake Bay Watershed Program requirements. The Stormwater Authority Implementation Plan will be presented to the York County Board of Commissioners for their consideration and action. The Implementation Plan should include:

1. A brief executive summary outlining key milestones throughout the development of the Authority
2. Plan document that outlines the necessary steps to create an authority
3. Summary of the public participation process
4. Roster of Committee members
5. Committee meeting summaries
6. Documentation of legal process, including public advertisements, notices, minutes from public meetings at which formal action was taken, etc.
7. Correspondence
8. Summary of press or media coverage

One electronic copy of all materials is required to be provided in an appropriate WORD or PDF format.

SECTION III. CONSULTANT QUALIFICATIONS

A successful consultant team for this project involves professionals with an understanding of various interrelated disciplines, such as planning, public administration particular to Pennsylvania, environmental regulations related to the Chesapeake Bay Watershed Program, public engagement and government finance and accounting. A qualified consultant or consulting team must meet the following requirements:

1. Have documented experience in developing and implementing public participation techniques, such as holding public and study committee meetings, conducting key person interviews, developing effective survey instruments, etc.
2. At least one member of the consulting team must have documented, prior experience conducting planning studies. This person should be the project leader and assume the overall project coordination responsibilities between the grantee and the consulting team.
3. Have documented experience in municipal planning and an understanding of Pennsylvania local and county government structure.

4. Have relevant experience in stormwater management and financing and providing recommendations and guidance to local government officials on infrastructure management, particularly stormwater infrastructure, as well as the management and operation of these facilities.
5. Have a solid understanding of the Chesapeake Bay Watershed Program and how it is implemented within PA.
6. Have documented experience in setting goals, analyzing problems, generating alternative solutions and providing recommendations, obtaining consensus and implementation strategies.

SECTION IV. CONSULTANT SELECTION

The following factors will be considered in selecting a consultant:

A. Technical Expertise and Experience

- The firm's experience in performing similar work, i.e., creation of stormwater utilities and/or authorities
- The expertise and professional level of the individuals assigned to conduct the work
- The clarity and completeness of the proposal and the firm's demonstrated understanding of the work to be performed

B. Procedures and Methods

- The techniques for collecting and analyzing data
- The techniques for gathering public and municipal input
- The sequence and relationships of major steps
- The methods for managing the work to ensure timely and orderly completion

C. Cost

- The number of hours of work to be performed
- The level of expertise of the individuals proposed to do the work and associated fees

D. Oral presentation

- Firms submitting proposals may be invited to give an oral presentation of their proposal on December 8, 2017.

SECTION V. SUBMISSION REQUIREMENTS

The deadline for submission of proposals is 4:00PM, EST on November 15, 2017. Five copies of the proposal shall be submitted by the deadline to:

York County Planning Commission
28 East Market Street, Third Floor
York, PA 17401

ATTN: Felicia Dell, Director

RE: York County Stormwater Authority Proposal

Any questions about the RFP or its requirements should be posted in the “comment version” of the RFP found on the York County website at: www.ycpc.org. All questions will be responded to

in the “comment version” of the RFP so all interested respondents can view the same information.

A. Letter of Transmittal

This letter must include the following:

- A statement demonstrating your understanding of the work to be performed
- A statement confirming that the firm meets the Consultant Qualifications (see Section III above)
- The contact person for the proposal including telephone number and email address

B. Profiles of All Firms

This consists of the following:

- A statement indicating name and address of all firms involved in the project and their experience in conducting works of the nature sought by this RFP; advertising brochures may be included in support of this statement
- The location of the firm's office that will perform the work
- Resumes of individuals (consultants, employees, sub-contractors) proposed to conduct the work and the specific duties of each individual in relation to the work. Organization charts are encouraged
- A reference list of other clients of the firm, including contact information, that have had similar projects completed for stormwater utility or authority implementation studies
- Any other information relating to the capabilities and expertise of the firm in doing comparable work

C. Methods and Procedures

The proposal must include a detailed description of the methods and procedures the firm will use to address the scope of work in Section II. B. Inclusion of examples of similar successful efforts to create stormwater utilities or authorities is encouraged.

D. Work Schedule

The schedule must include, at a minimum, time frames for each major work element, start date, target dates for key milestones in the study, and dates for completion of draft and final documents. The proposal should include proposed meetings for the committees and work groups within the work schedule. The expected completion date is December 30, 2018.

E. Cost

The costs must be itemized showing:

- For each element or task, the person assigned, the title/rank (organizational level) of the person in the organization, the hourly rate, and the number of hours to be worked and the total cost per element or task
- The reimbursable expenses to be claimed
- The itemized costs must be totaled in the proposal to produce a contract price. If awarded a contract, a proposer is bound by this price in performing the work. The contract price may not be exceeded unless the contract is amended to allow for additional costs.
- If awarded a contract, the firm may not change the staffing assigned to the project without approval by the York County Planning Commission. However, approval will not

be denied if the staff replacement is determined by the York County Planning Commission to be of equal ability or experience to the predecessor.

- The method of billing must be stated. The preferred practice of the York County Planning Commission is to pay within thirty (30) days of completion of work and receipt of any required report. The York County Planning Commission will consider paying on a periodic basis as substantial portions of the work are completed. Regardless of the billing method used, 10% of the funds available under the contract will be withheld until the final product is approved by YCPC.

F. Contract

A proposed or sample contract to undertake this project must be provided as part of the proposal.

SECTION VI. TERMS & CONDITIONS

A. General Terms

1. The York County Planning Commission reserves the right to reject any or all proposals and to select the proposal that it determines to be in the best interest of the County of York.
2. Proposers are bound by the deadline and location requirements for submittals in response to this RFP as stated above.
3. Proposals will remain effective for review and approval by the York County Planning Commission for 90 days from the deadline for submitting proposals.
4. The proposer is encouraged to add to, modify or to clarify any scope of work items it deems appropriate to develop a high quality product at the lowest possible cost. All changes should be listed and explained. However, the scope of work proposed must accomplish the purpose and work stated above.

Figure 1

