



COLORADO

**Department of Public
Health & Environment**

2016 Request for Applications (RFA)

***Water Quality Control Division
Grants and Loans Unit***

***Small Communities Water and Wastewater
Grant Fund***

RFA 2234

APPLICATIONS OPEN OCTOBER 1, 2015 - NOVEMBER 16, 2015

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I. BACKGROUND AND OVERVIEW

A. Background

Senate Bill 14-025 revised and consolidated the small communities water and wastewater grant fund to be codified in CRS, Section 25-1.5-208 - concerning the establishment of a grant program under the Colorado Water Quality Act to assist suppliers of water and domestic wastewater treatment works that serve a population of not more than 5,000 people with meeting their responsibilities for the protection of public health and water quality. For state fiscal year 2016, \$9,500,000 is available from the severance tax perpetual base fund and will be applied to both drinking water and wastewater projects.

Regulation No. 55, State Funded Water and Wastewater Infrastructure Programs, provides the authority and rules for executing funds under this program. Please refer to section 55.6 located on the Water Quality Control Commission website www.colorado.gov/pacific/cdphe/wqcc.

B. Definition of Terms

CDPHE - Colorado Department of Public Health and Environment
WQCD - Water Quality Control Division
DOLA - Department of Local Affairs

C. Eligibility

Governmental agencies, counties representing unincorporated areas, or not for profit public water systems that serve population of not more than 5,000 people are eligible to apply for assistance for planning, design or construction of public water systems, treatment works or of facilities for the discharge of wastewater or backwash water from public wastewater treatment plants.

During the grant application evaluation process, the WQCD shall seek a fiscal analysis of the applying entity to determine financial need from the Division of Local Government in DOLA. Based upon their fiscal analysis, the Division of Local Government shall issue or deny a certificate of financial need. **A certificate of financial need is required to be eligible for this grant.** Financial need will be determined based on the water or wastewater system's effective average household rate, system debt and reserve levels, median household income and house value, and other measures of water or wastewater affordability. Generally, communities with incomes and house values below the state median, with system user charges and debt per household above state averages and a low ratio of reserves to a required project's cost will be determined to have financial need.

Eligible projects are for:

- the planning, design and construction of public water systems or domestic wastewater treatment works;
- that serve a population of not more than 5,000 people *and*;
- are necessary for the protection of public health and water quality.

II. PROJECT BUDGET, TIMELINE AND LIFE OF PROJECT

A. Project Budget

For state fiscal year 2016, \$9,500,000 is available from the severance tax perpetual base fund and will be applied to both drinking water and wastewater projects. The allocation will be split into two tier levels. A total of \$1,000,000 will be allocated to Tier I projects and a total of \$8,500,000 will be allocated to Tier II projects. Tier I projects are \$100,000 or less. Tier II projects are \$100,000 and up to \$850,000. In both Tiers, the total allocation

of funds will be split 50/50 between water and wastewater projects. No one project can receive more than ten percent of the total available funds allocated to the respective Tier. Tier I and Tier II projects will be ranked separately; however, each Tier will use the same criteria as listed in the project prioritization criteria section below. Depending on the total funding requests, the division may move funds from Tier I to Tier II and vice versa to meet the demand. Similarly, the division may move funds between water and wastewater within the respective Tier to meet the demand. This will only occur if there are any remaining funds within the tier and category. Applicants may apply for either a Tier I or Tier II grant, but not for both. Applicants choosing to apply for a drinking water and wastewater grant must submit two separate application forms.

B. Award Period

The anticipated project start date is March 1, 2016 but may vary due to the time required to finalize the scope of work, obtain signatures and process the state contract and/or purchase order. **The awardee is not authorized to begin work until the purchase order or contract has been signed and dated by the appropriate state designee(s). Work conducted outside the effective start and end date of the contract will not be eligible for reimbursement under this grant.** All funds must be expended no later than March 31, 2019.

C. Questions on the RFA

Questions on the request for application must be submitted electronically to cdphe_grantsandloans@state.co.us. The deadline for submitting questions is 2:00 p.m. on October 12, 2015.

An informational pre-application webinar will be held on October 8, 2015, at 10:00 - 11:00 a.m. Applicants will receive an overview of the grant, scoring criteria, and submittal instructions with the opportunity to type questions via live chat. Answers to questions will be posted on our website by October 26, 2015. Visit this link to join the webinar <https://cdphe.adobeconnect.com/scq/>

Answers to questions will be posted on the small communities grant page (www.colorado.gov/pacific/cdphe/small-communities-water-and-wastewater-grants) by October 26, 2015. Applicants should not rely on any other statements that alter any specification or other term or condition of the RFA.

The preferred method of submission is e-mail. If you are unable to submit electronically, written inquiries may be sent by courier or certified mail by the deadline to the following address:

Colorado Department of Public Health and Environment
Water Quality Control Division/WQCD-B2-GLU
Grants and Loans Unit
Attention: Corrina Quintana
Small Communities RFA - Questions
4300 Cherry Creek Drive South
Denver, CO 80246-1530

For general inquiries or technical assistance, please email cdphe_grantsandloans@state.co.us (subject line: Small Communities RFA Questions).

III. GOALS and PURPOSE

The intent of the Small Communities Grant is to assist with the planning, design, and construction of public water systems or domestic wastewater treatment works that serve a population of not more than 5,000 people and which are necessary for the protection of public health and water quality.

IV. HOW TO APPLY

Responses must be submitted as specified in this announcement. **NOTE: Applications that fail to follow ALL of the requirements may not be considered.**

A. Required Documentation

Use this checklist as a tool to ensure all the required information is included.

Attachment I: Application Form

- Please complete information thoroughly to avoid disqualification due to lack of all required information.
- Cover sheet must be signed by the authorized official.
- Must include a completed W-9 form.

Attachment II: Work Plan Template

- This includes all activities and timelines necessary to complete the project identified in the application. Instructions are provided on page 6 to assist in the completion of the table along with **Attachment III: Work Plan Example**.

Attachment IV: Project Budget and Narrative

- Each major activity (not sub-activities) in the work plan should have a corresponding budget amount.
- Use the narrative to describe how you arrived at your budget. Describe any matching funds, explaining if the support has been sought, secured, or in-kind. Match funding can include expenses within the last 24 months (September 30, 2013 - October 1, 2015) directly related to the proposed project in this application (i.e. design, equipment, consultation). Please include matching fund invoices.

Supporting Documentation- Financial & Technical

- Any yes answers on the application must be supported with documentation and/or narrative as applicable (i.e. transmittals, order numbers/dates, test reports, etc.).
- Governmental agencies:
 - Copy of the most recent audit or exemption from audit of financial statements.
- Private not for profits:
 - Certificate of Good Standing with the Office of the Secretary of State.
 - Most recent annual financial statements. Financial statements should include revenues, expenditures, assets, and liabilities.
 - 2014 IRS Form 990 (or 990-EZ or 990-N) Return of Organization Exempt From Income Tax.

See page 12 section IX. Templates and Resources for helpful links.

B. Work Plan

Submit a work plan that describes how the applicant will carry out the scope of work. Responses must address and clearly identify each of the deliverables in the order presented. *SOW Work Plan Table* templates are included as **Attachment II: Work Plan Template**. See the guidelines below.

1. Define the work to be completed including a description of all elements of the project.
2. List all specific objectives in the table. Organize objectives by S.M.A.R.T (Specific, Measurable, Achievable, Realistic and Timely) outcome objectives. Each objective shall directly address a specific goal area and strategy; express the intended outcomes, results or accomplishments of individual project activities; describe the intended target populations, if appropriate.
3. List a minimum of one and a maximum of 10 activities employed in accomplishing the project goals/objectives; list major sub-activities as needed.
4. List the actual results you expect to achieve by meeting the goals/activities.
5. List standards and requirements that will be used to establish quality and ensure the activities will provide the expected results. Often multiple sources of requirements exist/apply including Colorado Statute, Board of Health rules, and State, Federal and industry requirements.
6. List what will be measured to ensure the expected results of the activities have been achieved.
7. Enter each expected deliverable related to the objective and include a description of the party responsible for completion (if applicable) and the completion date(s). Deliverables are typically tangible objects produced as a result of the activities performed. They are "delivered" to the State as evidence of compliance (or not) with standards and requirements for performance and can be an indication of the progress made. Examples of deliverables may be reports, tracking logs, meeting minutes, copies of professional licenses, data entered, or some other element of a project.

C. Budget

A budget template is provided and can be found as **Attachment IV: Project Budget and Narrative**. The budget form must explain all expenses included. Applicants are responsible for ensuring the calculations in the budget are accurate. **There will be no reimbursement of pre-award costs.** The Colorado Department of Public Health and Environment reserves the right to deny requests for any item listed in the budget that is deemed to be unnecessary for the implementation of the project.

1. **Funding Period:** Proposed budgets shall reflect the following funding period: March 1, 2016 - March 31, 2019.
2. **Unallowable Expenses:** Funds from this grant may not be used for expenses such as lobbying, incentive items, cell phones, indirect costs and operation and maintenance.
3. **Budget Categories:**
 - a. **Personnel** - list all personnel to perform work for the project. Include proposed salaries, time and effort percentage (full time equivalent or FTE), and fringe benefits. In the justification, include the role and expected contribution of budgeted personnel. A description of how fringe benefits are projected and what components are included in the calculation (insurance, paid time off, etc) must be included.
 - b. **Travel** - include all travel and indicate whether in-state or out-of-state.
 - c. **Contractual** - include all subcontracts planned to complete the proposed work. This includes, but is not limited to, consulting and personal services

subcontracts. Restrictions outlined in the budget guidelines, including cost reimbursement terms, shall also apply to subcontracts. No subcontractor may be pre-paid for services. Describe how the subcontractor will be selected, the work to be performed, how the costs were calculated and expected deliverables.

- d. Other - include items not included in the previous budget categories.
- e. Match - List the sources of matching funds. List related costs spent on project within the last 24 months (e.g. design, equipment, consultation). Invoices and narrative must be included in budget narrative as part of the supporting documents.

D. Page Formatting Instructions

Unnecessarily elaborate applications are not desired. Indexes, tables of contents, lists of figures/tables, and glossary of terms will not be counted toward the overall page count. Allowance will be made for tabular or graphical presentations and screen prints, whether incorporated in the text of the technical description or attached as separate exhibits. Textual explanations of screen prints or graphic materials, standard commercial brochures or descriptions, or other standard product documentation that are attached in appendices or exhibits will not be counted against page limitation. However, evaluators cannot be expected to comprehend all material in exhibits whose content and relevance to the application description are not clearly integrated into the technical discussion.

The RFA must be submitted using the following page formatting requirements:

- Application Font: Times New Roman
- Application Font Size: 12 point

V. SUBMISSION INSTRUCTIONS:

This RFA is issued by the CDPHE, also referred to as the "State", for the benefit of WQCD. The CDPHE contact listed in these instructions is the sole point of contact concerning this RFA.

During the solicitation process for this RFA, all official communication with applicants will be via notices on the CDPHE program web site at <https://www.colorado.gov/pacific/cdphe/small-communities-water-and-wastewater-grants>. Notices may include any modifications to administrative or performance requirements, answers to inquiries received, clarifications to requirements, and the announcement of the apparent winning applicant(s). Applicants are responsible for monitoring for publication of modifications to this solicitation. **It is incumbent upon applicants to carefully and regularly monitor for any such notices.** Applicants are not to contact any other state office or individual regarding this RFA or this project. Applicants are not to rely on any other statements that alter any specification or other term or condition of the solicitation.

Applications must be received on or before the due date and time as indicated in the Schedule of Activities. **Late applications will not be accepted.** It is the responsibility of the applicant to ensure that its' application is received by the CDPHE WQCD at the location listed in these instructions on or before the due date and time. Applicants mailing their applications must allow sufficient mail delivery time to ensure receipt of their applications by the time specified.

One completed copy of the Request for Application Cover Sheet & Signature Page MUST be signed in ink, preferably blue ink, by a person who is legally authorized to bind the applicant to the application. The signed Request for Application Cover Sheet & Signature Page and Overall Subrecipient-Recipient Risk Assessment Questionnaire shall be included with the application copy that is marked "ORIGINAL". Submissions that are determined to be at a variance with this requirement may be deemed non-responsive and may not be accepted.

Applicants are to segregate the portion of the application responding to the pricing and funding application so the technical application can be evaluated without consideration of the price or funding model.

All materials submitted shall become the property of CDPHE, and will not be returned unless the RFA solicitation is cancelled prior to the submittal due date, in which case applications will be returned unopened or opened only for identification purposes.

All materials submitted will become public record and open to inspection after the Award notice is issued. Any materials requested to be treated as Confidential and/or Proprietary information are to be packaged separately and clearly identified. Such request must include justification for the request. The request will be reviewed and either approved or denied in writing by the CDPHE Purchasing Director. If denied, the proposer will have the opportunity to withdraw its entire application, or to remove the restrictions. (Ref §24-72-201 et.seq, C.R.S., as amended, Public [open] Records). **Neither cost nor pricing information or a total application will be considered Confidential and/or Proprietary.**

A. Electronic Applications

Applications must be received electronically by no later than by the due date and time indicated on the cover page of this document. Faxed applications will not be accepted. Email your application and all attachments to the following individual:

Corrina Quintana
Project Manager
4300 Cherry Creek Drive South
Denver, CO 80246
303-691-4025

cdphe_grantsandloans@state.co.us

(subject line: Small Communities Grant Application Submittal)

Applications received via email will receive an email confirming the delivery.

Instructions for a mailed application

- a. A single CD with the application and all attachments in PDF format.
- b. Mail or hand-deliver your application, including all required documents, to the following contact and address, to be received no later than the due date and time indicated on the cover page of this RFA document:

Corrina Quintana
Project Manager
4300 Cherry Creek Drive South
Denver, CO 80246
303-691-4025

cdphe_grantsandloans@state.co.us

- c. Applications received in person must be submitted sealed in appropriate packaging and will receive certification of the delivery. Mailed applications must be submitted and sealed in an appropriate envelope, package or box.
- d. Applicants choosing to mail a CD of their application are required to notify the division by emailing cdphe_grantsandloans@state.co.us (subject line: Small Communities Grant Application Submittal).
- e. All submittals must be clearly marked on the outer envelope or packaging with the following information:
 - i. Applicant's Name
 - ii. RFA #2234
 - iii. RFA Submission due date and time

VI. APPLICATION TECHNICAL ASSISTANCE

A. Inquiries

1. Applicants may make written inquiries via email to obtain clarification of requirements concerning this RFA. No inquiries will be accepted after the date and time indicated in the Schedule of Activities listed under Section VI of this document. Send all inquiries to:

Corrina Quintana

Project Manager

cdphe_grantsandloans@state.co.us

2. Clearly identify your inquiries with:
 - a. RFA Number: 2234
 - b. RFA Title: 2016 Small Communities Water and Wastewater Grant
 - c. The section number and paragraph number the inquiry applies to.
3. Responses to applicant inquiries will be published as a modification on <https://www.colorado.gov/pacific/cdphe/small-communities-water-and-wastewater-grants> by the close of business on the date indicated in the Schedule of Activities listed under Section VII of this document. Applicants are not to rely on any other statements that alter any specification or other term or condition of the RFA.

B. Pre-application Webinar

An informational pre-application webinar will be held on October 8, 2015, at 10:00 - 11:00 a.m. Applicants will receive an overview of the grant, scoring criteria, and submittal instructions with the opportunity to type questions via live chat. Answers to questions will be posted on our website by October 26, 2015. Visit this link to join the webinar <https://cdphe.adobeconnect.com/scq/>.

VII. SCHEDULE OF ACTIVITIES:

Solicitation Activity Timeline		Date	Time
1.	RFA Published on https://www.colorado.gov/pacific/cdphe/small-communities-water-and-wastewater-grants	N/A	Oct. 1, 2015
2.	Pre-Application Webinar. Visit this link to join the webinar https://cdphe.adobeconnect.com/scq/	10:00 - 11:00 a.m.	Oct. 8, 2015
3.	Deadline for applicants to submit written Inquiries. Submit all inquiries by email to cdphe_grantsandloans@state.co.us by 2:00 p.m. Questions will not be accepted after this date and time.	2:00 p.m.	Oct. 12, 2015
4.	Answers to written inquiries published on https://www.colorado.gov/pacific/cdphe/small-communities-water-and-wastewater-grants	N/A	Oct. 26, 2015
5.	Application submission deadline	2:00 p.m.	Nov. 16, 2015
6.	Evaluation Period: Nov. 16, 2015 - Jan. 22, 2016	N/A	
7.	Estimated Notification of Award - week of Jan. 25, 2016	N/A	Jan. 25, 2016
8.	Estimated Contract Effective Date	N/A	Mar. 1, 2016

VIII. SELECTION AND EVALUATION:

The selection process is described below. The criteria for scoring are in direct correlation to the required application components. **Applications that fail to follow ALL of the requirements may not be considered.** Also see the administrative information concerning evaluation in Section X.FF.-Selection and Evaluation.

A. Evaluation:

1. Application Review Process/Scoring

The objective of the review and prioritization process is to rank all eligible projects using criteria outlined in **Appendix I: Drinking Water Project Point Ranking and Appendix II: Wastewater Project Point Ranking**, and award funding based on the prioritization ranking, highest score to lowest score until all funds have been awarded.

To ensure maximum point credit, attach supporting documentation to this application for each applicable criterion. The review will be conducted by WQCD project management and engineering staff. DOLA staff will verify median household income data and financial need. The review and ranking process will occur November 16, 2015 through January 22, 2016. Staff will contact applicants by email for further information requests as needed.

Drinking Water Tiebreakers: In the event that two or more projects are tied, the highest total Financial/Affordability score will be used to break the tie. Should a tie between projects remain after sorting by the Financial/Affordability scores, the total Drinking Water Quality & Public Health scores will be reviewed and the tied projects will be ranked from highest to lowest. If a tie still exists after evaluating these two categories, the other ranking elements will be used systematically until the tie can be broken. If the tie cannot be broken through the above process, the final tie breaker will be the highest percentage of match.

Wastewater Tiebreakers: In the event that two or more projects are tied, the highest total financial/affordability score will be used to break the tie. Should a tie between projects remain after sorting by the financial/affordability scores, the total water quality improvement scores will be reviewed and the tied projects will be ranked from highest to lowest. If a tie still exists after evaluating these two categories, the other ranking elements will be used systematically until the tie can be broken. If the tie cannot be broken through the above process, the final tie breaker will be the highest percentage of match.

2. Review Criteria

A technical review of each application will be performed. A work plan is required. Incomplete applications and applications received after the deadline will not be accepted. See **Section IV. How to Apply for required documentation.**

The division will prioritize projects based on financial/affordability, water quality, regulation compliance and readiness to proceed. The objective of the review and prioritization process is to rank all eligible projects using criteria outlined below and award funding based on the prioritization ranking, highest score to lowest score, until all funds have been awarded. **To ensure maximum point credit, attach supporting documentation to the application for each applicable criterion.**

3. Notification and Decision

Each applicant will be notified about the status of their application after the prioritization process is finalized. Applicants will receive rationale for projects that do not get awarded.

These reasons could include financial need, project eligibility or low prioritization. DOLA's analysis of financial need is part of the review process.

B. Post-Award Process:

1. Pre-Risk Assessment

Applicants that rank to the top will be required to complete a Pre-Risk Assessment Questionnaire prior to contract negotiations. It is recommended the questionnaire be completed by fiscal and/or accounting staff.

2. Contract Negotiation Process

A final agreed upon signed scope of work and budget must be submitted to WQCD following discussion with the grants and loans contract administrator and no later than two weeks after notice of the award. Failure to complete this requirement promptly may result in a reduced timeline for use of the grant award. Awardees must comply with the standard terms and conditions of the agreement.

Project expenses will only be reimbursed one time per month for expenses incurred in the previous month. Awardees will be required to submit a signed standardized invoice form to the grants and loans unit administrator along with any supporting documentation/invoices required to substantiate the request.

The awardees are not authorized to begin work until the purchase order or contract has been signed and dated by the appropriate state designee(s). Work conducted outside the effective start and end date of the grant will not be eligible for reimbursement under this grant. All funds must be expended no later than March 31, 2019.

3. Insurance Requirements/W-9

Successful applicants shall comply with the State's insurance requirements to protect the grantee and the state from any damages or loss. The grantee will need to submit certificates of insurance demonstrating coverage for Professional Liability and other coverage required by the State as outlined below. Do not submit your proof of insurance with the application. The State will request that you submit proof of insurance, usually when you submit signed copies of the contract, at a later date. Basic insurance requirements are addressed in the General Provisions of the Contract Template (Attachment V).

IX. TEMPLATES AND RESOURCES

A. Templates and Forms - Attachments are located at the following link:

<https://www.colorado.gov/pacific/cdphe/small-communities-water-and-wastewater-grants>

1. **Attachment I:** Application Form
2. **Attachment II:** Work Plan Template
3. **Attachment III:** Work Plan Example
4. **Attachment IV:** Project Budget and Narrative
5. **Attachment V:** Contract Template

B. Program Resources/Websites

Small Communities Grant

<https://www.colorado.gov/pacific/cdphe/small-communities-water-and-wastewater-grants>

DOLA - American Community Survey Data
<http://dola.colorado.gov/cms-base/sites/dola.colorado.gov.gis-cms/files/projects/acs0913/acs0913.html>

Certificate of Good Standing
<http://www.sos.state.co.us/biz/BusinessEntityCriteria.do>

IRS Form 990
<http://www.irs.gov/uac/Current-Form-990-Series-Forms-and-Instructions>

X. Administrative Information:

By submission of an application, the applicant agrees as follows:

A. Acceptance of RFA Terms

An application submitted in response to this RFA shall constitute a binding offer. The autographic signature of the applicant or of a designee legally authorized to execute contractual obligations shall indicate acknowledgment of this condition. A submission in response to this RFA acknowledges acceptance by the applicant of all terms and conditions, including compensation, as set forth herein.

B. Colorado Contract General Provisions and Special Provisions

The State of Colorado will incorporate standard General Provisions and Special Provisions into any contract resulting from this RFA. Minor elements of the General Provisions may be negotiable. The terms of the Special Provisions are non-negotiable.

A sample of the most recent version of the General Provisions and Special Provisions can be found in **Attachment V: Contract Template**. Provisions that actually appear in the final contract will reflect the approved State version at the time of contract execution.

C. Modification or Withdrawal of Applications

Applications may be modified or withdrawn by the applicant prior to the established submission due date and time.

D. Addendum or Supplement to Request for Applications

In the event that it becomes necessary to revise any part of this RFA, a modification will be posted at <https://www.colorado.gov/pacific/cdphe/small-communities-water-and-wastewater-grants>. It shall be the responsibility of the applicants to regularly monitor the web site for any such postings. Failure to retrieve such modifications, and include these provisions in your application, may result in your application being disqualified.

Should the applicant find any part of the solicitation to be discrepant, incomplete, or otherwise questionable in any respect, the applicant shall be responsible to call such matters to the attention of the purchasing agent immediately. Failure to do so shall be at the applicant's risk. Amendments to this solicitation will be official only if published on <https://www.colorado.gov/pacific/cdphe/small-communities-water-and-wastewater-grants>. Applicants should not rely on verbal statements that alter this solicitation.

E. Rejection of Applications

The State of Colorado reserves the right to reject any or all applications received in response to this RFA, to waive informalities and minor irregularities in applications

received, and to accept any portion of an application or all items proposed if deemed in the best interest of the State of Colorado to do so.

F. Confidential/Proprietary Information

Any restrictions of the use or inspection of material contained within the application shall be clearly stated in the application itself. Written requests for confidentiality shall be submitted by the applicant with the application. The applicant must state specifically what elements of the application are to be considered confidential/proprietary and must state the statutory basis for the request under the Public (open) Records Act. (§24-72-201 et seq., C.R.S.) Confidential or proprietary information must be readily identified, marked and separated from the rest of the application. Co-mingling of confidential and/or proprietary and other information is NOT acceptable. Neither an application in its entirety, nor application price information will be considered confidential and proprietary. Any information that will be included in any contract resulting from the RFA cannot be considered confidential.

The CDPHE will make a written determination as to the apparent validity of any written request for confidentiality. In the event CDPHE does not concur with the applicant's request for confidentiality, the written determination will be sent to the applicant. Ref §24-72-201 et seq., C.R.S., as amended, Public (open) Records Act.

Applicant(s) acknowledge that they may come into contact with confidential information contained in the records or files of the State in connection with any resulting contract or in connection with the performance of its obligations under any resulting contract. The awarded applicant(s) shall keep such records and information confidential and shall comply with all laws and regulations concerning the confidentiality of such records to the same extent as such laws and regulations apply to the State.

The awarded applicant(s) shall notify its employees that they are subject to the confidentiality requirements as set forth above, and shall provide each employee with a written explanation of the confidentiality requirement before the employee is permitted access to confidential data. Awarded applicant(s) shall provide and maintain a secure environment that ensures confidentiality. The confidentiality of all information will be respected and no confidential information shall be distributed or sold to any third party nor used by awarded applicant(s) or its assignees and/or subcontractors in any way except as authorized by this contract. Confidential information shall not be retained in any files or otherwise by awarded applicant(s). Disclosure of such information may be cause for legal action against the awarded applicant(s). Defense of any such action shall be the sole responsibility of the awarded applicant(s). Unless directed otherwise, awarded applicant(s) is required to keep all State information in a secure, confidential manner.

G. Response Material Ownership

The State of Colorado has the right to retain the original application and other RFA response materials for our files. As such, the State of Colorado may retain or dispose of all copies as is lawfully deemed appropriate. The State of Colorado has the right to use any or all information/material presented in reply to the RFA, subject to limitations outlined in the Proprietary/Confidential Information clause. Applicant expressly agrees that the State may use the materials for all lawful State purposes, including the right to reproduce copies of the material submitted for purposes of evaluation, and to make the information available to the public in accordance with the provisions of the Public Records Act.

H. RFA Cancellation

The State reserves the right to cancel this Request for Application in its entirety or individual phases at any time, without penalty.

I. Conflict of Interest/Organizational Conflict of Interest

By submission of a RFA response, the applicant agrees that at the time of contracting, the proposer has no interest, direct or indirect, that would conflict in any manner or degree with the performance of the required services and obligations. The applicant shall guarantee that in the performance of the contract they shall not employ any person having any such known interest. Applicants are required to disclose all current or pending projects with the State of Colorado, and/or political subdivisions. Applicants must include all potential conflicts related to this solicitation and any other services related to this project at the time of response submission and during contract performance. Applicants must explain any State employment affiliation.

Any business entity or person is prohibited from being awarded a contract if the business entity or person has an "Organizational Conflict of Interest" with regard to this solicitation and the resulting contract(s).

No person or business entity who was engaged by the State to prepare the original RFA shall be eligible to participate (directly or indirectly) in the submission of an application for this solicitation, IF:

1. Such person or entity had prior access to source selection information related to this procurement process, and
2. That prior access included, but was not limited to: requirements, statements of work, or evaluation criteria.

The State considers such engagement or access to be an Organizational Conflict of Interest, which would cause such business entity or person to have an unfair competitive advantage.

If the State determines that an Organizational Conflict of Interest exists, the State, at its discretion, may cancel the contract award. In the event the successful applicant was aware of an Organizational Conflict of Interest prior to the award of the contract and did not disclose the conflict to the procuring agency, the State may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed by subcontractors in connection with the performance of the contract, with the terms "contract," "contractor," and "contracting officer" modified appropriately to preserve the State's rights.

J. Present/Former Employee Standards of Conduct - Disclosures

Pursuant to sections 24-18-101 and 201, et. seq., C.R.S., and section 24-50-507, C.R.S., former and present public employees and officials may not "be interested" in some State Agency contracts and are prohibited from engaging in certain activities in relation to State contracts. The State reserves the right to void or terminate contracts entered into in contravention of those provisions, or contracts in which a current State employee performs any contract administration function involving the use of State time or resources or that is otherwise contrary to State law. Notwithstanding the disclosure provisions in section 24-18-201, C.R.S., the State reserves the right to disqualify any application, or void or terminate any contract involving the participation or use of a present or former employee within the meaning of that section where such disqualification or termination is deemed to be in the best interest of the State. At the time of the submission of any application, the contractor shall disclose to the Procuring Agency the identity, organization, and nature of participation of any present or former employee (who terminated State employment within six months prior to the date of receipt of applications) participating in development of the application. Further, the contractor shall disclose during contract performance the identity, organization, and nature of

participation of any present or former employee (who terminated State employment within six months prior to the date of any resulting contract or purchase order).

K. Alternative Bids or Offers/Affiliated Vendors

Unless otherwise permitted by the Procuring Agency, alternative applications by any vendor are not permitted. Unless otherwise permitted by the Procuring Agency, applications by affiliated vendors are not permitted except in accordance with this paragraph. An affiliated vendor is one who is controlled or owned by another vendor responding to this solicitation, or owned or controlled by a third person or other entity that controls or owns two vendors responding to this solicitation. "Affiliation" includes one person's having a substantial role in the preparation of offers by two vendors responding to this solicitation. A submission of an application in connection with any solicitation represents a certification that the applicant is not affiliated with any known vendor also submitting an application in response to the solicitation, except to the extent the nature of such affiliation is described with particularity. The State reserves the right to disqualify any application by, or void any resulting purchase order or contract with, any vendor responding to a solicitation in violation of this provision or the following certificate of independent price determination.

L. Certification of Independent Price Determination

1. By submission of this application, each applicant certifies, and in the case of a joint application, each party thereto certifies as to its own organization, that in connection with this procurement:
 - a. The prices in this application have been arrived at independently, without consultation, communication, or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other applicant or with any competitor;
 - b. Unless otherwise required by law, the prices which have been submitted in this application have not been knowingly disclosed by the applicant and will not knowingly be disclosed by the applicant prior to opening, directly or indirectly to any other applicant or to any competitor; and
 - c. No attempt has been made or will be made by the applicant to induce any other person or firm to submit or not submit a application for the purpose of restricting competition.
2. Each person signing the Request for Application Cover Sheet & Signature Page of this application certifies that:
 - a. The signing individual is the person in the applicant's organization responsible within that organization for the decision as to the prices being offered herein and that he/she has not participated, and will not participate, in any action contrary to K.(1)(a) through K.(1)(c) above; or
 - b. He/She is not the person in the applicant's organization responsible within that organization for the decision as to the prices being offered herein but that he/she has been authorized in writing to act as agent for the persons responsible for such decision, in certifying that such persons have not participated, and will not participate, in any action contrary to (1)(a) through (1)(c) above, and as their agent does hereby so certify; and he/she has not participated, and will not participate, in any action contrary to K.(1)(a) through K.(1)(c) above.
3. An application will not be considered for award where K.(1)(a), K.(1)(c), or K.(2) above have been deleted or modified. Where K.(1)(b) above has been deleted or modified, the application will not be considered for award unless the applicant furnishes with the application a signed statement which sets forth in detail the circumstances of the disclosure and the head of the agency (CDPHE) determines that such disclosure was not made for the purpose of restricting competition.

M. Selection of Successful Application and Notice of Intent to Award

The State reserves the right to make an award on receipt of initial applications, so applicants are encouraged to submit their most favorable application at the time established for receipt of applications. Applicants not meeting the requirements identified in the RFA shall be ineligible for further consideration. The State may conduct discussions with applicants in the competitive range (those most responsive to the requirements and reasonably susceptible of being selected for award) for the purpose of promoting understanding of the State's requirements and the applicant's application, to clarify requirements, make adjustments in services to be performed, and in prices. Changes to applications, if permitted, will be requested in writing from applicants. If application revisions are permitted after oral presentations and discussions, a date will be established in writing by the State for submission of best and final offers (BAFO). Applicants will not be provided an opportunity for comprehensive application revisions.

Upon review and approval of the evaluation committee's recommendation for award, the CDPHE will issue "Notice of Intent to Make an Award" letter(s) to all applicants.

N. Requirement for Valid Contract

The State Agency will not be responsible for any products delivered or services performed prior to issuance of a purchase order signed by an authorized representative of the State Agency's purchasing department, or a contract signed by a duly authorized representative of the State Agency and approved by the State Controller or designee.

O. Vendor Forms

In the event applicant's form(s) or part(s) of forms are included as an attachment(s) applicant agrees that, in the event of inconsistencies or contradictions, the terms and conditions of the solicitation document shall supersede and control over those contained in the applicant's form(s) regardless of any statement to the contrary in an applicant form(s). Unless the State specifically agrees in writing through overt reference or other express written indication of assent, terms and conditions on vendor forms regarding choice of law, venue, warranty disclaimer or exclusion, indemnification or limitation of liability shall be of no effect.

P. Award of Contract/Standard (Model) Contract/Legislative Changes

The award will be made to that applicant(s) whose application, conforming to the RFA, has been determined to be responsive and responsible and most advantageous to the State of Colorado, considering the evaluation factors set forth in this announcement. A contract must be completed and signed by all parties. In the event the parties are unable to enter into a contract in a reasonable timeframe, the State may elect to rescind the "Notice of Intent to Make an Award" communication and make the award to the next most responsive and responsible applicant. The successful applicant(s) is required to enter into a formal Contract with CDPHE. The State of Colorado reserves the right to amend the contract in response to future legislative changes that affect this project.

Q. Reciprocity

Reciprocity is mandated by statute. C.R.S. §8-18-101 states, "When a contract for commodities or services is to be awarded to a bidder, a resident bidder...shall be allowed a preference against a nonresident bidder equal to the preference given or required by the state in which the nonresident bidder is a resident".

R. Term of the Contract

This RFA may result in one or more multiple year contracts with renewal periods not to exceed three years. The Contract may be renewed for up to one additional year, at the sole discretion of the State, contingent upon contractual requirements being satisfied and funds being appropriated, budget, and otherwise made available.

- S. Acceptance of Application Content**
The contents of the application (including persons specified to implement the project) of the successful applicant will become contractual obligations if acquisition action ensues. Failure of the successful applicant to accept these obligations in a contract, purchase document, delivery order or similar acquisition instrument may result in cancellation of the award and such applicant may be removed from future solicitations.
- T. Order of Precedence**
In the event of any conflict or inconsistency between terms of this request for application and the offer, such conflict or inconsistency shall be resolved first, by giving effect to the terms and conditions of the contract, second to the request for application, and third, to the application.
- U. Venue**
The parties agree that the venue for any action related to performance of this application shall be in the City and County of Denver, Colorado.
- V. Withholding of Debts Owed to State Agencies**
Pursuant to C.R.S. §24-30-202.4 (as amended), the State Controller may withhold debts owed to State agencies under the vendor offset intercept system for: (a) unpaid child support debt or child support arrearages; (b) unpaid balance of tax, accrued interest, or other charges specified in Article 22, Title 39, C.R.S.; (c) unpaid loans due to the student loan division of the department of higher education; (d) owed amounts required to be paid to the unemployment compensation fund; and (e) other unpaid debts owing to the State or any agency thereof, the amount of which is found to be owing as a result of final agency determination or reduced to judgment as certified by the Controller.
- W. State Ownership of Contract Products / Services**
All products/services produced in response to the contract resulting from this RFA will be the sole property of the State of Colorado, unless otherwise noted in the RFA.
- X. Incurring Costs**
The State of Colorado is not liable for any cost incurred by applicants prior to issuance of a legally executed contract or procurement document. No property interest of any nature shall occur until a contract is awarded and signed by all concerned parties.
- Y. Non-Discrimination**
The applicant shall comply with all applicable state and federal laws, rules and regulations involving non-discrimination on the basis of race, color, religion, national origin, age or sex.
- Z. Parent Company**
If an applicant is owned or controlled by a parent company, the name, main office address, and parent company's tax identification number must be provided in the solicitation response. The tax identification number provided must be that of the applicant responding to the RFA. The applicant must be a legal entity with the legal right to contract and must be registered in the State of Colorado to conduct business.
- AA. News Releases**
No news releases pertaining to this RFA shall be made prior to execution of the contract without prior written approval of CDPHE.

BB. Contract Cancellation

CDPHE reserves the right to cancel, for cause, convenience, or lack of fiscal funding, any contract resulting from this RFA by providing timely notice to the contractor.

CC. Taxes

CDPHE, as purchaser, is exempt from all federal excise taxes under Chapter 32 of the Internal Revenue Code (Registration No. 84-730123K). CDPHE's Colorado State and Local Sales Tax Exemption Number is 98-02565. Applicant is hereby notified that when materials are purchased in certain political sub-divisions (for example in the City of Denver) the applicant may be required to pay sales tax even though the ultimate product or service is provided to the State of Colorado. This sales tax will not be reimbursed by the State.

DD. Assignment and Delegation

Except for assignment of antitrust claims, neither party to any resulting contract may assign or delegate any portion of the contract without the prior written consent of the other party.

Awarded contractor(s) will be allowed to subcontract portions of this RFA. Awarded contractor(s) shall be fully accountable to the CDPHE and shall ensure that all subcontractors agree to and comply with the terms and conditions of the contract. During contract performance, the CDPHE may request and an awarded vendor(s) shall provide proof of subcontractor compliance with CDPHE terms and conditions.

EE. Availability of Funds

Financial obligations of the State payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available. In the event funds are not appropriated, any resulting contract will become null and void, without penalty to the State of Colorado.

FF. Selection and Evaluation:

An Evaluation Committee will evaluate the merits of applications received in accordance with the evaluation factors stated in this RFA and identify the application that is most advantageous to the state. While numeric evaluations may be used in some aspects of the process to identify strengths and weaknesses of applications, and to establish a ranking, the final decision will be a business decision by the State and will not be based on a numerical score. A Decision Memorandum will document the basis for the award decision.

The technical aspects of applications will be assessed based on the soundness of the applicant's approach and the applicant's understanding of the requirement. Past experience/qualifications will be assessed by considering the extent to which the qualifications, experience, and past performance are likely to foster successful, on-time performance. Technical and past experience assessments may include a judgment concerning the potential risk of unsuccessful or untimely performance, and the anticipated amount of State resources necessary to insure timely, successful performance based on requirements of Procurement Code C.R.S. §24-103-401 et.seq and C.R.S. §24-103.5-101 et.seq. The State reserves the right to include the State of Colorado and other states as additional references and may use all information available regarding past performance as defined in C.R.S. §24-102-205 et.seq. The State also reserves the right to call references only on the selected applicant(s) as a method of determining responsibility.

Failure of the applicant to provide any information requested in this RFA may result in disqualification of the application. This responsibility belongs to the applicant.

Applicants should not assume that they will have an opportunity for oral presentations or revisions of applications, so they should submit their most favorable applications as their initial application. If award is not made on receipt of initial applications, applicants in the competitive range (those most responsive to the requirements and reasonably susceptible of being selected for award) may be provided an opportunity to make an oral presentation. The oral presentation may be held for the purpose of clarification and to ensure full understanding of and responsiveness to solicitation requirements.

If application revisions are permitted after oral presentations and discussions, a date will be established in writing by the State for submission of best and final offers. Applicants will not be provided an opportunity for comprehensive application revisions.

The apparently successful applicant may be required to submit for the most current reported period and a reasonable number of previous years (in order of preference) an audited financial statement, a financial statement reviewed by a certified public accountant, a third-party prepared financial statement if an audited or reviewed statement is not available, or another financial statement prepared in the routine course of the applicant's business, in order to assist the State in making its determination of applicant responsibility in accordance with C.R.S. §24-103-401.

XI. APPENDICES

Appendix I. DRINKING WATER PROJECT POINT RANKING

Financial/Affordability		
	Point Criteria Ranking	Points
1	Population served:	
	• < 200.	50
	• Between 200 and 500.	40
	• Between 500 and 1,000.	30
	• Between 1,000 and 2,000.	20
	• Between 2,000 and 5,000.	0
2	Median Household Income (MHI) of community:	
	• < 40% of state MHI.	40
	• Between 40% and 60% of state MHI.	30
	• Between 60% and 80% of state MHI.	20
	• Between 80% and 100% of state MHI.	10
	• ≥ 100% of state MHI.	0
	<i>MHI figures will be the most current MHI data that is available or income survey. For special districts, census block group or census tract MHI data will be used if available; otherwise county MHI data will be used.</i>	
3	Indebtedness = $\frac{\text{(existing debt}^{\text{a}}\text{)}}{\frac{\text{residential properties served}^{\text{b}}}{\text{MHI}}}$	
	• > 10% of area MHI.	40
	• Between 5% and 10% of area MHI.	30
	• Between 2% and 5% of area MHI.	20
	• Between 0% and 2% of area MHI.	10
	• No indebtedness.	0
	^a Existing debt for drinking water system ^b Number of residential properties with drinking water services	
4	Percent of Local Match Contribution	
	• > 30%.	30
	• Between 20% and 30%.	25
	• Between 10% and 20%.	20
	• Between 5% and 10%.	10
	• < 5%.	0
Drinking Water Quality & Public Health		
	Point Criteria Ranking	Points
5	Project addresses a documented waterborne disease outbreak associated with the system within the last 24 months.	30
6	Project addresses or prevents violations of MCLs (primary standards):	
	• Radionuclides.	20
	• Nitrate, nitrite, TCR.	20
	• Total trihalomethanes, total haloacetic acids.	15
	• Arsenic, selenium.	10
	• Other regulated contaminants.	5
	<i>points are additive in this section</i>	

Drinking Water Quality & Public Health continued		
	Point Criteria Ranking	Points
7	Project addresses inadequate treatment techniques that are unable to satisfy the requirements for:	
	• Surface water or GWUDI.	25
	• Groundwater.	20
	<i>*points are NOT additive in this section</i>	
8	Project will correct or prevent:	
	• Inadequate distribution due to system deterioration (e.g., experiencing multiple line breakages).	10
	• Inadequate distribution due to chronic low pressure.	10
	• Inadequate storage.	10
	• Demand exceeding design capacity.	5
	<i>*points are additive in this section</i>	
9	The project is a result of a natural disaster in a county where the Governor has declared a disaster emergency by Executive Order or proclamation under C.R.S. section 24-33.5-704 in the past 5 years.	10
Colorado Primary Drinking Water Regulation Compliance		
	Point Criteria Ranking	Points
	Levels of Compliance (Lowest applicable point total will be applied)	
10	System has no health-based violations in the past 24 months <i>and</i> this project enables the system to meet new requirements (change in status).	30
11	System is in compliance with division issued compliance schedule that is not a part of an enforcement order <i>and</i> this project addresses that schedule.	25
12	System has MCL violations <i>or</i> failure to filter violations <i>or</i> other <i>health</i> -based violations <i>or</i> unresolved significant deficiencies <i>and</i> this project will address those violations.	20
13	System is in compliance with enforcement order <i>and</i> this project will enable all or part of the order to be closed.	15
14	System is not in compliance with enforcement order or compliance advisory.	0
	Levels of Preventable Non-Compliance (Lowest applicable point total will be applied)	
15	System has no monitoring, reporting, public notice or operator certification violations in the past 24 months.	0
16	System has 1-3 monitoring, reporting, public notice or operator certification violations in the past 24 months.	-5
17	System has more than 3 monitoring, reporting, public notice or operator certification violations in the past 24 months.	-10
Readiness to Proceed		
18	Project has secured one or more of the following:	
	• Plans and specifications submitted.	10
	• Plans and specifications approved.	10
	<i>points are additive in this section</i>	
19	Project has received prior DWSRF loan and/or planning grant funding in the past 24 months.	5
20	Project has funding secured by multiple financial assistance provider(s).	5
21	Metering provided for conservation and water efficiency:	
	• 100% of service area is metered, or will be with project.	10
	• 50% + of service area is metered, or will be with project.	5

Appendix II. WASTEWATER PROJECT POINT RANKING

Financial/Affordability		
	Point Criteria Ranking	Points
1	Population served:	
	• < 200.	50
	• Between 200 and 500.	40
	• Between 500 and 1,000.	30
	• Between 1,000 and 2,000.	20
	• Between 2,000 and 5,000.	0
2	Median Household Income (MHI) of community:	
	• < 40% of state MHI.	40
	• Between 40% and 60% of state MHI.	30
	• Between 60% and 80% of state MHI.	20
	• Between 80% and 100% of state MHI.	10
	• ≥ 100% of state MHI.	0
<i>MHI figures will be the most current MHI data that is available or income survey. For special districts, census block group or census tract MHI data will be used if available; otherwise county MHI data will be used.</i>		
3	Indebtedness = $\frac{\text{(existing debt)}^a}{\frac{\text{residential properties served}^b}{\text{MHI}}}$	
	• > 10% of area MHI.	40
	• Between 5% and 10% of area MHI.	30
	• Between 2% and 5% of area MHI.	20
	• Between 0% and 2% of area MHI.	10
	• No indebtedness.	0
^a Existing debt for drinking water system ^b Number of residential properties with drinking water services		
4	Percent of Local Match Contribution	
	• > 30%.	30
	• Between 20% and 30%.	25
	• Between 10% and 20%.	20
	• Between 5% and 10%.	10
	• < 5%.	0
Water Quality Improvement		
	Point Criteria Ranking	Points
5	Project will address an identified water quality impairment of a water body that is included on the 303(d) list.	25
6	Project addresses an identified future effluent limit (i.e. addresses a future, new limit with a compliance schedule).	20
7	Project addresses individual onsite wastewater treatment systems shown to be polluting either surface or groundwater by consolidation with a centralized system.	15
8	The project is a result of a natural disaster in a county where the Governor has declared a disaster emergency by Executive Order or proclamation under C.R.S. section 24-33.5-704 in the last 5 years.	10
9	Point source or non-point source project which will apply permanent BMPs to mitigate against erosion, sedimentation and pollution runoff.	5

Environmental/water quality protection - collection system		
	Point Criteria Ranking	Points
10	Project will correct or prevent:	
	Inadequate collection system due to system deterioration - Compliance schedule for correcting I&I in permit - or documents excessive I&I	15
	Inadequate collection system due to documented sanitary sewer overflows (must provide backup information).	10
	Inadequate collection system due to inadequate or limiting capacity.	5
Environmental/water quality protection - biosolids		
11	Project improves biosolids quality to allow for a higher level of beneficial use (for example, improved treatment to achieve Class B biosolids or improved treatment to increase biosolids from Class B to Class A).	10
12	Project includes removing accumulated biosolids (for example within a lagoon) to recover wastewater treatment efficacy and/or capacity.	10
13	Project increases capacity of the solids handling processes allowing the solids handling processes to match the liquid treatment process.	5
Permit Compliance		
	Point Criteria Ranking	Points
14	Facility has had no effluent violations in the past 24 months and project enables the facility to maintain compliance or meet new requirements.	15
15	Facility has had 1-3 effluent violations in the past 24 months and project enables the facility to maintain compliance or meet new requirements.	10
16	Facility has had more than 3 effluent violations in the past 24 months and project enables the facility to maintain compliance or meet new requirements.	5
17	Facility experiences throughput exceeding the 80% of the permitted capacity of the plant and the project addresses the expansion planning requirements within the discharge permit.	10
18	Facility experiences throughput exceeding 95% of the permitted capacity of the plant and the project addresses the expansion construction requirements.	5
19	Facility is currently discharging without a permit and project will enable the facility to attain compliance either with a new discharge permit or no longer discharging.	5
Preventable non-compliance		
20	Facility has no monitoring, reporting, ORC violations in the past 24 months.	0
21	Facility has 1-3 monitoring, reporting or ORC certification violations in the past 24 months.	-5
22	Facility has more than 3 monitoring, reporting or ORC certification violations in the past 24 months.	-10
Readiness to Proceed		
23	Project has secured one or more of the following:	
	• Request for PELs submitted	5
	• Site Application submitted	5
	• Process Design Report submitted	5
	• Final CDPHE approval received	5
		<i>points are additive in this section</i>

Readiness to Proceed continued		
	Point Criteria Ranking	Points
24	Project implements one or more of the following planning instruments: <ul style="list-style-type: none"> • Watershed Management Plan • Source Water Protection Plan • Nonpoint Source Management Plan • Approved 305(b) Report Category 4b designation • Nutrient Management Plan • Comprehensive Land Use Planning • Water Conservation Plan 	5
25	Project has received prior WPCRF loan and/or P&D Grant Funding in the past 24 months.	5
26	Project has funding secured by multiple financial assistance provider(s).	5