
Central Coast Regional Water Quality Control Board

REQUEST FOR PROPOSALS (RFP)

Third-Party Programs Central Coast Regional Water Quality Control Board General Waste Discharge Requirements for Irrigated Lands

Order No. R3-2021-0040

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Request for Proposals – Overview

This Request for Proposals (RFP) is for review of potential third-party program administrators (Third-Party Programs) wanting to assist Dischargers enrolled in the Central Coast Water Board's Agricultural Order 4.0 (**Order**) in complying with the Order and Monitoring and Reporting Program (**MRP**) requirements. This RFP is to evaluate the administrative and technical capacity of potential Third-Party Program administrators relative to the compliance assistance scope and scale they wish to implement to assist Dischargers to comply with various Order requirements.

The submittal and review of third-party compliance assistance program work plans will be subject to a subsequent process after the selection of suitable Third-Party Program administrators via this RFP process. Additional guidance will be provided in support of the third-party program work plan submittal process.

Application Procedure and Deadline

Proposals for this RFP are accepted exclusively in PDF format and must be submitted by e-mail to AgNOI@waterboards.ca.gov with "Request for Proposal Submission_Name of Submitting Entity" in the subject line **before 5:00PM Pacific Standard Time on June 22, 2021**.

RFP Contacts

Questions to clarify the intent of this RFP may be addressed to the Central Coast Water Board project contacts listed below.

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Proposal Preparation Instructions

Proposals submitted in response to this RFP must be prepared in accordance with the following guidelines.

- Proposals and all attachments must be submitted in PDF format by the deadline.
- Proposals and all attachments must be accessible to anyone with a disability pursuant to section 508 of the Rehabilitation Act and meet **WCAG 2.1 success criteria** accompanied by a validation report that certifies accessibility standards are met.
- Proposals including all attachments must not exceed 50 pages in length.

Eligibility to Submit Proposals

Proposals for this RFP will be accepted from nonprofits, consultants, or other for-profit entities.

Project Objectives

The intent of the Order is to regulate discharges from irrigated lands to ensure that such discharges are not causing or contributing to exceedances of targets and limits for surface water and groundwater protection. Dischargers are required to comply with applicable water quality control plans and water quality objectives.

Dischargers may choose to comply with the Order and MRP requirements either individually or through a Third-Party Program. There are four main types of Third-Party Programs that could assist Dischargers.

- **Groundwater Monitoring, Reporting, and Implementation Programs**
- **Third-Party Alternative Compliance Pathway Program for Groundwater Protection**
- **Surface Water Monitoring, Reporting, and Implementation Programs**
- **Sustainability Certification Programs**

Third-Party Programs can be formed at a regional or watershed level (i.e., groundwater basins/subbasins, groundwater protection areas per the third-party alternative compliance pathway program, or HUC-8, HUC-10, or HUC-12 watersheds) or the entire central coast region. Third-Party Programs can be formed to conduct activities related to one or more of the four major categories outlined above in accordance with the criteria described in **Attachment 1**.

Third-Party Program proposals, subject to Executive Officer review and approval, will be evaluated on a case-by-case basis relative to the responding parties' (i.e., administrators') ability to provide adequate services to facilitate and document compliance with the Order and MRP. The Executive Officer's review of Third-Party Program proposals will consider the criteria outlined below and within Attachment 1 relative to overall program effectiveness, with an emphasis on approving program administrators that can effectively assist their members in complying with the requirements of the Order and MRP.

Program Duration

Once approved, Third-Party Programs operate on an ongoing basis throughout the life of the Order and MRP but are subject to an annual reevaluation process by the Executive Officer and during public workshops to review performance metrics, funding, membership, work plan implementation, and annual reporting.

Proposal Evaluation and Approval Criteria

The criteria used to evaluate proposals is outlined in Attachment 1 (Third-Party Program Expectations). Third-Party Program proposals will be evaluated on a case-by-case basis relative to the administrators' ability to meet the minimum criteria and general expectations and are subject to Executive Officer review and approval.

Organization and Content of Proposal

This section describes the minimum elements that must be included to be responsive to the proposal request. The proposal should not exceed 50 pages in length (including the cover page, table of contents, proposal, and all attachments).

Program Overview and Approach

Provide a brief narrative description of the Third-Party Program scope and scale. For example, the Third-Party Program could propose to conduct groundwater quality trend monitoring at a regionwide scale (or for a specific basin or subbasin in the central coast region) and include an option to conduct domestic and "pre-trend" irrigation well monitoring and reporting on behalf of its members. Provide a brief narrative description of the Third-Party Program.

Minimum Criteria

Provide a brief narrative description that addresses each of the minimum criteria cited in **Attachment 1**.

Related Experience and References

Submit information on the Third-Party Program management and administration team as it relates to the proposed scope of the Third-Party Program and minimum criteria outlined in Attachment 1 (i.e., the program administrator, key staff, and clearly identified roles of each in the Third-Party Program). Include a detailed organization chart and a resume/statement of qualifications for each key team member. The same information must be included for any proposed contractors, subcontractors, consultants, or subconsultants and their key personnel. Identify relevant credentials and qualifications (e.g., education, technical and administrative experience, knowledge, and skills) necessary to administer the program. Proposers may provide examples of past successes for the proposed Third-Party Program team in completing similar tasks associated with their roles in the Third-Party Program. This section should include, or reference, resumes and statements of qualifications provided as attachments.

If consultants or contractors have not yet been identified, describe what qualifications and expertise are necessary to implement their role in the Third-Party Program. See [List of Business and Persons Disqualified](#) and otherwise ineligible to work as prime contractors, subcontractors, consultants, or subconsultants.

Describe any partnership agreements and institutional structures that will be necessary to support successful administration of the Third-Party Program, such as a memorandum of understanding between entities.

Schedule

Provide a GANTT chart or GANTT chart-like table of the Third-Party Program implementation schedule by month that aligns with the development of work plans, along with milestones and due dates in the Order and MRP and shows the sequence and timing for implementation of each task. Show deliverables (work plans and reporting) and other milestones identified in the Order and MRP to demonstrate an understanding of the critical path elements for moving forward with the Third-Party Program development and subsequent implementation phases. If critical due dates are not yet known, identify at what point they will be available (e.g., monitoring, watershed prioritization, deliverables).

Readiness to Proceed

Describe any Third-Party Program specific planning that has been completed and any that remains to be done before or as part of the Third-Party Program administration. Identify and describe any assessments or data gaps and how they will be addressed.

Evaluation and Rating

Each submitted proposal will be evaluated and rated against each other based on the following criteria and weighting.

Criteria	Relative Weight
Responsiveness to RFP – organization and content of proposal.	0.5
Meets Minimum Criteria – outlined in Attachment 1.	3.0
Program Overview and Approach – sufficient scope and scale	3.0
Experience, Organization, and Qualifications of Proposed Team – sufficient experience, qualifications, and organizational structure.	3.0
Schedule and Readiness to Proceed – sufficient sequence and timing for implementation and specific planning.	0.5

Attachment 1

Request for Proposals

Attachment 1 – Overview

This document describes the criteria that will be used to evaluate third-party program administrators (Third-Party Programs). The activities and components of Third-Party Programs under the Agricultural Order 4.0 (**Order**) and the Monitoring and Reporting Plan (**MRP**) will vary depending on the Third-Party Program’s goals, which can generally be broken down into four major categories.

- **Groundwater Monitoring, Reporting, and Implementation Programs**
- **Third-Party Alternative Compliance Pathway Program for Groundwater Protection**
- **Surface Water Monitoring, Reporting, and Implementation Programs**
- **Certification Programs**

Third-Party Programs can be formed at a regional or watershed level (i.e., groundwater basins/subbasins, groundwater protection areas per the third-party alternative compliance pathway program, or HUC-8, HUC-10, or HUC-12 watersheds) or the entire central coast region. Third-Party Programs can be formed to conduct activities related to one or more of the four major categories outlined above in accordance with the criteria described below.

Third-Party Program proposals, subject to Executive Officer (EO) review and approval, will be evaluated on a case-by-case basis relative to the responding parties’ ability to provide adequate services to facilitate and document compliance with the Order and MRP. The EO’s review of Third-Party Program proposals will consider the criteria outlined below relative to overall program effectiveness, with an emphasis on approving program administrators that can effectively assist their members in complying with the requirements of the Order and MRP.

This document outlines Third-Party Program criteria to qualify for reduced State Board permit fees, the **minimum** criteria for all Third-Party Programs, followed by sections with general expectations related to each of the four major Third-Party Program categories outlined above.

Reduced State Board Permit Fees

To qualify to collect State Water Resources Control Board (SWRCB) permit fees¹ and offer the associated reduction in permit fees to their members, a Third-Party Program must qualify as a “group” as defined by the Central Coast Water Board.

To qualify as a “group,” a Third-Party Program must be approved by the Executive Officer. This approval is based on evaluation of several factors, including the number of participating members, geographical extent of the Third-Party Program, and proposed actions/scope to assist individual Dischargers in achieving compliance with the Order (e.g., monitoring, data management and reporting, education and outreach,

¹ [SWRCB fee schedule](#).

management practice implementation, management practice effectiveness determination). A “group” must include an implementation and effectiveness assessment component.

Minimum Criteria

Third-Party Programs **must** meet the following minimum criteria as outlined in the **Order, Part 2, Section A**.

Capacity and Expertise

Demonstrate sufficient technical, managerial, and financial capacity to successfully achieve its goals and objectives.

Clearly Stated Goals and Objectives

Have meaningful and clearly stated goals, objectives, and associated performance metrics relevant to the Order and MRP requirements as the focus.

Continuing Education

Include continuing education opportunities as appropriate either directly through the program or through coordination with other third-party programs/groups or local entities to ensure its members obtain technical skills and assistance necessary to achieve compliance with the limits established in the Order. In the instance of third-party monitoring programs, membership outreach and education should be implemented to inform members about the monitoring results relative to meeting specific water quality objectives, numeric targets, numeric interim quantifiable milestones, or numeric limits.

Coordination

Consider and coordinate with other third-party programs/groups or local entities as may be appropriate to create consistency; leverage the efforts, infrastructure and expertise of others; and streamline the program to maximize effectiveness (e.g., coordination with Groundwater Sustainability Agencies [GSAs], flood control management agencies, watershed restoration and management entities, etc.).

Data Management

Upload data as required by the Order to the Water Boards’ various data management systems (e.g., CEDEN, GeoTracker, etc.).

Effectiveness of Scale and Scope

Be of sufficient scale and scope relative to its intended purpose to maximize Discharger participation, implementation effectiveness and Order and MRP compliance. Although regionally scaled programs are preferred, watershed- or basin-scale programs will be considered as needed to address localized water quality issues.

Management and Administration

Have a well-defined and robust governance and administrative structure with clearly defined roles and responsibilities.

Membership and Fee Accounting

Track and provide ongoing accounting of its Discharger membership and fees to document Discharger compliance.

Member Requirements

Have clearly stated and enforced Discharger membership eligibility requirements and report out on them as needed to document compliance.

Physical Presence

Have a physical presence in the central coast region, including staff and a headquarters, that can assist its members on a continual and as-needed basis. If the third-party program administrator does not have or plan to have a physical presence in the region, they must demonstrate they can effectively establish, maintain, and engage with core membership without a headquarters in the central coast region.

Specific Project Plan Documents

Demonstrate the ability to develop and implement a detailed work plan including a Quality Assurance Project Plan (QAPP) and Sampling and Analysis Plan (SAP) as may be appropriate based on the program goals and objectives and associated Order requirements (see **Order** and **Attachment B** for details on specific work plan requirements).

Transparency and Accountability

Provide regular assessments of its performance relative to its stated goals and objective based on meaningful performance metrics. This includes reporting of water quality data and farm-level data as needed to document compliance with the Order.

Groundwater Third-Party Programs

A Groundwater Third-Party Program should demonstrate their capacity and expertise to assist Dischargers in complying with groundwater protection requirements in the **Order, Part 2, Section C.1, Groundwater Protection** and the **MRP, Section C, Groundwater Monitoring and Reporting**, in one or more of the following areas.

- Groundwater quality trend monitoring, reporting, and analyses.
- Monitoring and reporting of on-farm domestic and agricultural irrigations wells, and other wells that may be included in a groundwater quality trend monitoring network (i.e., purpose-built monitoring wells, private domestic wells, etc.).
- Management practice implementation and effectiveness assessment.
- Monitoring and reporting according to requirements outlined in the Order and MRP.
- Ranch-level individual discharge monitoring and reporting (when required by the Executive Officer).

The purpose of groundwater monitoring and reporting is to assess the following, which would be reflected in a subsequent work plan.

- Assess on-farm domestic drinking water wells for pollutants .
- Identify water quality patterns and trends, by pollutant, for basin/sub-basin areas with improving water quality conditions and basin/sub-basin areas with declining water quality conditions.
- Determine compliance with achieving discharge targets and limits in the Order that are associated with groundwater protection.
- Determine effectiveness of implemented management practices to improve water quality and meet the discharge targets and limits and water quality standards for groundwater protection.

Third-Party Alternative Compliance Pathway Programs for Groundwater Protection

A Third-Party Alternative Compliance Pathway Program for Groundwater Protection (Third-Party ACP) should demonstrate the capacity and expertise to assist dischargers in complying with the third-party alternative compliance pathway requirements in the **Order, Part 2, Section C.2, Third-Party Alternative Compliance Pathway for Groundwater Protection** and the **MRP, Section D, Third-Party Alternative Compliance Pathway for Groundwater Protection**, in the following areas.

- Development of proposed groundwater protection (GWP) areas, formulas, values, and collective numeric interim and final targets. The proposed GWP areas, formula, values, and collective interim and final targets must be tied together and scaled in a way that will allow for the effective evaluation of water quality and beneficial use protection and compliance with GWP interim and final targets on both a collective and individual basis.
- Develop and submit incremental 35%, 70%, and 100% work plans for Executive Officer approval, as described in the Order and MRP.
- Development of a program to assess and evaluate the performance and effectiveness of the third-party alternative compliance pathway program's collective numeric interim and final targets in achieving tangible groundwater quality improvements over time at the GWP area scale.
- Development of criteria and associated follow-up actions or consequences that the third-party alternative compliance pathway program administrator will implement if participating Dischargers do not meet collective numeric interim and final targets and third-party program membership eligibility requirements including membership probation and revocation to address recalcitrant participating Dischargers.
- Monitoring and reporting according to requirements outlined in the Order and MRP.

The purpose of the Third-Party ACP is to assess the following, which would be reflected in a subsequent work plan.

- Compliance with the collective numeric interim and final targets for a GWP area by evaluating data from participating Dischargers within a GWP area to

determine if the combined nitrogen discharge is achieving collective compliance with the GWP Area numeric interim and final targets.

- Although compliance with GWP collective numeric interim and final targets is assessed using the combined nitrogen discharge of participating Dischargers in a GWP area, GWP collective numeric interim and final targets must be designed such that there is a clear and quantifiable means of assessing individual ranch level contribution to the success or failure of complying with the GWP area collective numeric interim and final targets.

Surface Water Third-Party Programs

A Surface Water Third-Party Program should demonstrate their capacity and expertise to assist Dischargers in complying with surface water protection requirements in the **Order, Part 2, Section C.3, Surface Water Protection** and the **MRP, Section E, Surface Water Monitoring and Reporting**, in one or more of the following areas.

- Surface receiving water quality trend monitoring and reporting.
- Follow-up surface receiving water implementation.
- Management practice implementation and effectiveness evaluation for irrigation and nutrient management, pesticide management, and sediment and erosion management.
- Ranch-level individual surface receiving water discharge monitoring and reporting (if required by the EO).

The purpose of surface receiving water monitoring and reporting is to assess the following, which should be reflected in a subsequent work plan.

- Identify water quality patterns and trends, by pollutant, for watershed areas with improving water quality conditions and watershed areas with declining water quality conditions.
- Determine watershed areas that need follow-up monitoring plans to identify pollutant sources and follow-up activities with dischargers to improve water quality conditions.
- Determine compliance with surface receiving water limits in the Order that are associated with surface water protection.
- Determine effectiveness of implemented water quality management practices to improve water quality and to meet surface receiving water limits for surface water protection.

Certification Third-Party Programs

The primary objective of Certification Programs should be to develop programs that ensure and document member Dischargers are complying with the Order and MRP, or, complying with specific requirements of the Order and MRP. A Certification Program could potentially provide some level of alternative compliance pathways to its members (e.g., modified monitoring and reporting). Certification Programs might be specific to a

crop (e.g., strawberries), specific to a crop type (e.g., row crops, orchards, vineyards), or specific to farming practice (e.g., organic, conventional). Certification Programs could cover one or more of these. Certification Programs should include the following components.

Quantifiable Water Quality Results

To qualify for alternative compliance pathways for its members, Certification Programs must be able to document quantifiable water quality results, not just management practices. Quantifiable water quality results should include alignment with the **Order** and **MRP** requirements, management practice implementation and effectiveness evaluations. Certification Programs that address most, if not all, of the following components will be more likely to receive EO approval.

Irrigation and Stormwater Runoff Management

Management practices and effectiveness assessments that assist their members in eliminating irrigation runoff and controlling stormwater to avoid off-farm discharges into surface water bodies.

Nutrient Management

Management practices and effectiveness assessments that assist their members in achieving fertilizer nitrogen application, nitrogen discharge targets and limits, and surface receiving water limits for nutrients.

Sediment Management

Management practices and effectiveness assessments that assist their members in achieving surface receiving water limits for sediment and turbidity.

Pesticide Management

Management practices and effectiveness assessments that assist their members in achieving surface receiving water limits for pesticides and toxicity.

Equipment and Chemical Storage

Management practices to ensure the proper handling and storage of equipment and chemicals.

Riparian Area Management

Management practices and effectiveness assessments that protect riparian areas as needed to comply with the Order and/or restore riparian areas to improve water quality and riparian habitat beneficial uses.

Certification Verification

A system to inform the Central Coast Water Board if a Discharger is no longer certified.

Full Acreage Enrollment

Partial acreage enrollment should not be allowed.

Inspection/Audit Regimes

Clear expectations for inspections and audits that include a review of water quality-related components (e.g., nutrient management plans, sediment and erosion plans, pesticide management plans) to determine whether Dischargers have successfully met the requirements to participate in the program, and clearly defined inspection and audit frequencies and reporting periods.

Point Systems

If a point system is used to evaluate membership certification, the specific criteria and associated points system needs to be identified that is directly related to protecting and restoring water quality. The total points required to qualify for certification should be high as they relate to water quality.