

**REQUEST FOR  
STATEMENTS OF QUALIFICATIONS  
FALMOUTH, MA AQUACULTURE SERVICES**

The Town Manager seeks Statements of Qualifications (SOQ's) from an Aquaculture Contractor (AC), to grow oysters as part of the Town of Falmouth's (the Town) Non-Traditional approach to removing nitrogen in order to restore impaired estuaries in the Town of Falmouth. The intent of this project is for each AC to grow oysters in one of three half-acre license sites in the Eel River, which have been selected by the Town, and remove them on an annual basis in order to remove nitrogen from the estuary. The individuals selected will be eligible to obtain an aquaculture license for one selected site from the Board of Selectmen.

***All SOQs must be received by the Town Manager's Office, 59 Town Hall Square, Falmouth, MA 02540 by 12:00 pm on Friday, July 26, 2019.*** Any SOQ's received after this time and date will be returned to the applicant unopened. No exceptions will be allowed. Facsimile or electronic SOQ's will not be accepted and postmarks will not be considered. One (1) original copy, three (3) photocopies and one (1) copy in electronic format of the SOQ must be submitted in a sealed envelope indicating the applicant's name and address and clearly marked in the lower left hand corner, "**FALMOUTH AQUACULTURE SERVICES**".

Interviews with selected applicants, if determined necessary by the Town, will be scheduled between August 5<sup>th</sup> – August 9<sup>th</sup>, 2019. Selection of the successful respondents by the Town Manager is anticipated on or about August 23<sup>rd</sup>, 2019. License terms will be negotiated subsequent to selection. The Town Manager reserves the right to accept and/or reject any and all proposals and waive any informality in procurement procedures to the extent allowed by law and make the award deemed to be in the best interest of the Town.

**BACKGROUND**

The Town of Falmouth has identified increased aquaculture as a means of bringing watersheds with impaired estuaries into compliance with state regulations regarding total maximum daily loads (TMDLs) established by the Massachusetts Estuaries Project (MEP) reports. A recent aquaculture plan commissioned by the Town of Falmouth identified the potential to remove over 3,400 kg of nitrogen each year by increasing aquaculture activities in the town that result in shellfish being harvested from impaired estuaries. As a next step in exploring the potential of this approach, the Town of Falmouth is identifying sites that can support commercial aquaculture in floating gear at three, 0.5 acre sites in Eel River.

The Town will manage these aquaculture licenses as a public private partnership with the intent to provide a situation that allows the AC to be successful while promoting the Town's policy objective to remove nitrogen from the estuary to the greatest extent practical and to minimize any impacts to other users of the public waterways. The Board of Selectmen reserves the right to terminate the shellfish license if the AC fails to meet the requirements identified in the Scope of Services below.

## SCOPE OF SERVICES

The AC will be responsible for purchasing, transporting, installing, maintaining and removing the shellfish. A floating bag setup similar to that used by Falmouth Marine and Environmental Services in 2017 and 2018 in Little Pond and Bournes Pond must be used. No oysters may be grown on the bottom, and no gear containing oysters may be placed on the bottom. The AC is responsible for providing any gear needed to implement the project and for maintenance of any Town-owned equipment. The AC's will also be responsible for determining the total weight of the oysters before they are placed in the site, when they are removed from the site, and providing 25 oysters selected by the Town of Falmouth per season for nitrogen analyses of the oyster shell and tissue.

Details of the Aquaculture Contractor's responsibilities are listed below:

1) The initial term of the license will end December 31, 2023. By mutual agreement of the Board of Selectmen and the AC, the license may be renewed for an additional term of 5 years.

2) The Town of Falmouth will choose, and license for commercial shellfish aquaculture three, 0.5 acre sites within the Eel River. As a condition of the license, the Board of Selectmen will require the AC to meet the following minimum usage requirements: In 2020, the grower will use a minimum of 25% of the licensed area useable for floating gear (620 bags), at a density of 5,445 bags per acre. In 2021 and subsequent years, the grower will use a minimum of 99% of the licensed area useable for floating gear (2,480 bags in 20,000 square feet). If the AC is able to deploy shellfish in 2019, there will be no minimum usage for that year.

The gear type to be used is exclusively floating gear, as allowed by local, state and Federal permits. No gear may be installed prior to March 1, and all gear must be removed no later than December 31 each year.

The contract with the AC will be in the form of a license agreement with a duration of approximately three years ending December 2023 subject to annual review of performance relative to the terms of the agreement. The contract may not be subleased or transferred without permission of the selectmen.

3) In 2020, the AC will be expected to produce a minimum of 4,600 kg of net increase in weight of oysters over the time that the oysters are grown in the Eel River site assigned to them. In 2021 and each subsequent year, the AC will be expected to produce a minimum of 18,600 kg of net increase in weight of oysters over the time that the oysters are grown in the Eel River site assigned to them. Total biomass increase for the field must be equivalent to 40,000 kg per acre of gear deployed, which is an average of 7.5 kg biomass increase per bag. Projects operated by Falmouth Marine and Environmental Services have demonstrated that this can be accomplished with first year oyster stocking density of 700-900 per bag and second year oyster stocking density of 150-250 per bag. Typically  $\frac{1}{4}$  of the area would be used for first year seed, and  $\frac{3}{4}$  of the area would be used for second year oysters.

The AC will be required to self-report the weighing in of all oysters placed into the gear and weighing out of all oysters removed from the site, as well as provide a Standard Atlantic Fisheries Information System (SAFIS) report for all landings at the end of the year for that growing area.

4) Documentation that an adequate supply of Year 1 seed oysters has been ordered with a planned delivery prior to the chosen scenario latest start date must be provided to the Town by December 31 of each project year, with the exception of 2019 in which documentation of the seed supply must be provided before a contract will be signed. The Contractor will share the information that oysters are certified disease-free and obtained from a certified facility before they are delivered.

5) Any gear necessary for oyster aquaculture must be procured or fabricated. Necessary trucks or alternatives for transport of shellfish must be available. Gear shall be black to minimize visual impacts. Gear equivalent to what was used by Falmouth Marine and Environmental Services in 2017 and 2018 in Little Pond and Bournes Pond will be required.

6) Boats and other equipment for installation, movement, maintenance, and collection of the bags are the responsibility of the Contractor. Note that the deployment areas are not accessible by foot and require kayaks or other small craft for access due to the limited space between lines of bags. Town of Falmouth will offer to the selected Aquaculture Contractor, for a fee, floating bags, floating working space (8' x 20'), upwellers, overwintering space, and gear storage space.

7) An acceptable plan must be developed for restoring shellfish if significant numbers of oysters die or are lost before August 1 in any given year, including the time needed for re-deployment. The Contractor should identify potential mid-season suppliers of oysters as part of the replacement plan. If shellfish or gear are lost, the Contractor must submit a brief memorandum documenting the reason for the loss, the timing of loss and reinstallation (including costs to contractor), and a plan to avoid a similar repeated loss in the future.

8) A response to any catastrophic events (e.g., significant shellfish die-off, anticipated weather event, or significant gear destruction) must be coordinated with the Town.

9) Gear must be installed in the spring and removed in late fall, with gear installed no earlier than March 1 and removed no later than December 31, except with permission of the Falmouth Department of Marine and Environmental Services.

10) The Contractor must notify the Town in a timely fashion about any survival or growth concerns, including signs of disease.

11) All incoming and outgoing weights as well as SAFIS landing data must be provided in a timely and clearly communicated manner to Falmouth Marine and Environmental Services for the completion of the Eel River Aquaculture/TMDL Annual Report.

12) Following the selection of the ACs, the Town will work with the selected contractor to secure a Board of Selectmen license from the Town, and a Division of Marine Fisheries certification of the Town license.

13) The AC is responsible for filing an Army Corps of Engineers Pre-Construction Notification Form. Guidance can be provided by Falmouth Marine and Environmental Services. Approval of these permits must be received before spring deployment. The Town is responsible for filing a Notice of Intent (NOI) or Request for Determination of Applicability (RDA) with the Town Conservation Commission. The Town will obtain Massachusetts Environmental Policy Act (MEPA) approval for the project. If any other regulatory approvals are required, the Town will assist the AC to obtain necessary approvals.

14) Reported data and any relevant information brought to the Town's attention associated with the AC's operation of the site assigned to them will be reviewed and may serve as a basis for making a recommendation to the Selectmen about whether the AC should be allowed to continue operating at the site assigned to them.

To receive consideration, all SOQ's must include the following information:

## **EVALUATION PROCESS**

All statements of qualifications that meet the minimum requirements will be evaluated based on two sets of criteria - **minimum** qualifications and **comparative** evaluation criteria. Submittals must address all of the points under both minimum qualifications and comparative evaluation. The qualifications of each applicant will be evaluated by a group of staff and representatives of the Water Quality Management and Shellfish Advisory Committees who shall make a recommendation to the Town Manager. Final award of a license is subject to a public hearing and vote of the Board of Selectmen. The Town reserves the right to recommend the acceptance and/or rejection of any and all proposals and to recommend the license applicant deemed to be in the best interest of the Town of Falmouth.

### **1. MINIMUM QUALIFICATIONS - Proposals which do not meet these will be judged unacceptable.**

- A. **Residency:** Applicant must have been a legally domiciled resident of Falmouth for the 12 consecutive months preceding application.
- B. **Required Submissions:** To receive further consideration, all proposals must include the following information:
  - 1) **Cover Letter:** Provide a brief cover letter stating the name, legal business status (e.g. individual, corporation, LLC), name and contact information for the applicant responsible for the project, office location, and general qualifications and experience of the applicant related specifically to the scope of services herein.
  - 2) **Experience:** Provide a brief summary of the applicant's relevant history including years of experience and specific expertise of the applicant, including experience with previous firms; areas of specialization of the applicant that apply to the scope of work; and other relevant information qualifying the applicant for this project.

- 3) **Representative Projects:** Provide summary information on similar projects which the applicant and/or his key staff have successfully completed. Projects should include any scientific studies and commercial aquaculture operations.
- 4) **Capacity and Project Experience:** Confirm that the applicant has the capacity, experience, and commitment of staff, if applicable, to complete the scope of services as described in the request. This section should include proposed arrangements to rent floating bags, floating working space (8' x 20'), upwellers, overwintering space, and gear storage space from Falmouth Marine and Environmental Services, if so desired.
- 5) **Project Organization Chart:** Provide a basic project organization chart identifying the names, project responsibilities and organization of the project group, if applicable, including specialty advisors and other elements of the group. Resumes of each of the key individuals who will be participants in the project shall be included as attachments to the submittal.
- 6) **Familiarity with Regulations:** Confirm that the applicant is familiar with all applicable federal, Massachusetts, and Falmouth regulations necessary to undertake the completion of the project.
- 7) **Required Forms:** Completed Certificate of State Tax Compliance, Certificate of Non-Collusion, and Acknowledgement of Principal Form.
- 8) **Insurance:** Confirm applicant possess or will be able to obtain insurances in accordance with attached requirements.
- 9) **Knowledge of Regulations:** Confirm familiarity with applicable federal, state and local codes and regulations relevant to project completion.
- 10) **Regulatory Approvals:** Confirm applicant possess or will be able to obtain the required regulatory approvals.
- 11) **Site Preference:** List first, second, and third choice sites (e.g. first choice: C, second choice A, third choice B). Site preferences will not be considered unless they are written in the SOQ.
- 12) **Age:** Confirm applicant is at least 18 years-of-age.

## 2. COMPARATIVE EVALUATION CRITERIA

The following criteria and rating system will be used to measure the relative merits of each submittal that has met the above minimum qualifications. Information on the criteria outlined below should be submitted.

The information submitted will be limited to the prescribed **maximum** number of pages indicated below for each section, excluding full resumes and other general information that should be included in appendices.

Criteria	Points
2.1 Applicant's Project Experience	5
2.2 Project Understanding and Responsiveness of Approach	5
2.3 Experience & Commitment of Key Staff	6
2.4 Oral Presentation & Interview	6
2.5 References	3
Total Points	25

**2.1 Applicant's Project Experience** (Five pages): Provide explicit summaries of relevant projects completed by the applicant (the individual licensee excluding staff) and experience related to the license agreement requirements outlined above:

- A) Experience in shellfish aquaculture, with preference given to local or regional experience.
- B) Experience with use and maintenance of aquaculture gear.
- C) Experience working with residential abutters.
- D) Regulatory understanding required for running an aquaculture operation.

In addition to a detailed summary of the services provided, the project experience cited shall include; location of services, dates of service, specific aspects of the project(s) that are especially relevant to this project, and the client name(s), if applicable.

Evaluation points will be awarded from 5 to 0 as follows:

- 5 - Substantial amount, balance, and relevancy of firm's project experience.
- 4 - Significant amount, balance, and relevancy of firm's project experience.
- 2 - Fair amount, balance, and relevancy of firm's project experience.
- 1 - Nominal amount, balance, and relevancy of firm's project experience.
- 0 - Zero amount, balance, and relevancy of firm's project experience.

**2.2 Project Understanding and Responsiveness of Approach** (Four pages): Provide a brief summary of the key considerations related to the major issues identified below. Outline the approach the applicant would take in completing the scope of services, describing the methods to be used for key tasks, and typical challenges in completing similar tasks on other projects. Of particular interest here is the applicant's proposed disposition of the Year-1 oysters in late fall of each season.

- A) Planned oyster deployment including timeline, shellfish care between installation and harvesting, maintenance, and any additional equipment that will be deployed. Innovative shellfish propagation strategies to maximize nitrogen removal will be considered here. Sites should target removal of 3 grams of nitrogen per square foot of area in which floating gear is deployed.
- B) Certification of access to approved upweller space and experience in growing seed in an upweller or ability to obtain the required amount of shellfish seed.
- C) Documentation of liability insurance and presentation of any necessary regulatory documents.
- D) Commitment to submit written records to Falmouth Marine and Environmental Services of landing weights and SAFIS data for all commercially reported oyster landings

E) Commitment to provide 25 representative shellfish from each size class being grown, to be submitted to Falmouth Marine and Environmental Services for nitrogen analysis. There will be no cost to the grower for the nitrogen analysis.

Evaluation points will be awarded from 5 to 0 as follows:

5 - Excellent demonstration of project understanding and responsive, innovative approach to successful project completion.

3 - Good demonstration of project understanding and responsive, innovative approach to successful project delivery

1 - Fair demonstration of project understanding and responsive, innovative approach to successful project delivery

0 - Minimal demonstration of project understanding and responsive, innovative approach to successful project delivery

All sites are intended to offer equivalent productivity. If more than one applicant requests the same site, the preference of the applicant with the highest score will be given priority.

**2.3 Experience of Key Project Staff:** (Three pages): State the name, office location, and qualifications of the key project staff, if applicable, to be assigned to this project. Describe the specific project experience and the number of years each individual has performing work with scopes of services similar to this project. Full resumes of the key staff for the project shall be included as attachments to the submittal.

Evaluation points will be awarded from 6 to 0 as follows:

6 - Substantial experience of key staff

4 - Significant experience of key staff

2 - Fair experience of key staff

0 - Nominal or no experience of key staff

**2.4 Oral Presentation/Interview:** Those individuals meeting the minimum qualifications and scoring well on items 2.1 through 2.3 of the comparative evaluation criteria will be asked to make an oral presentation to the selection committee and other town officials. In addition to presenting the qualifications of the individual, the presentation should include information of relevant past similar projects. If applicable, additional key personnel should participate in the presentation.

Evaluation points will be awarded on a point scale of 6 to 0 as follows:

6 - Excellently organized and goals and procedures very well presented.

4 - Well-organized presentation of goals and procedures.

2 - Adequate presentation of goals and procedures.

0 - Poorly organized and ineffectively presented; goals and/or procedures unclear.

**2.5 References:** Provide letters of support from a maximum of three (3) references with material relevant to similar projects. Include names of the appropriate project contacts, email addresses, and current telephone numbers. The reference material should focus on the applicant's:

- A) Quality and completeness of work
- B) Innovative and creative approaches to project challenges
- C) Responsiveness and overall quality of working relationship with client staff
- D) Adherence to project schedules and milestones

Evaluation points will be assigned from 3 to 0 as follows:

- 3 - All of the above criteria are very positive
- 2 - Most of the above criteria are very positive
- 1 - Some of the above criteria are positive
- 0 - None of the above criteria are positive

## **REQUIRED FORMS**

### **Certificate of Non-Collusion**

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

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Signature of individual submitting bid or proposal

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Name of business

### **Tax Compliance Certification**

Pursuant to M.G.L. c. 62C, §49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

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Signature of person submitting bid or proposal

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Name of business

**ACKNOWLEDGEMENT OF PRINCIPAL, IF A CORPORATION:**

State of

County of \_\_\_\_\_ SS:

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came and appeared \_\_\_\_\_ to me known, who, being by me duly sworn, did depose and say to me that he resides at \_\_\_\_\_, that he is of \_\_\_\_\_, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that one of the impressions affixed to said instrument is an impression of such seal; that it was so affixed by the order of the directors of said corporation, and that he signed his name thereto by like order.

\_\_\_\_\_  
Contractor's Signature

(Seal)

\_\_\_\_\_

\_\_\_\_\_

Notary Public Signature

My Commission expires on:

**ACKNOWLEDGEMENT OF PRINCIPAL, IF A PARTNERSHIP:**

State of

County of \_\_\_\_\_ SS:

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came and appeared to me known, and known to me to be one of the members of the firm of described in and which executed the foregoing instrument and he acknowledged to me that he executed the same as and for the act and deed of said firm.

\_\_\_\_\_  
Contractor's Signature

(Seal)

My Commission expires on:

## INSURANCE REQUIREMENTS

Project: Falmouth Aquaculture Services

**Insurance:** The AC shall carry and maintain in effect during the entire currency of the contract, at his own expense, the following kinds and minimum amounts of insurance in a company or companies approved by the Town of Falmouth. Such insurance shall cover claims and suits which arise out of or result from the Contractor's execution of the contract work whether such execution by the AC himself or by any Sub-Contractor.

1)  Worker's Compensation as required by the Worker's Compensation Laws of the Commonwealth of Massachusetts and, in conjunction therewith, Employer's Liability with a minimum limit as required by statute.

2)  Broad Form Comprehensive General Liability including, but not limited to, Bodily Injury, Personal Injury and Property damage Liability, Full Contractual Liability and liability arising from Explosion, Collapse and Underground Damage and all other applicable insurance necessary to carry out the contractual obligation to proceed under the contract. Minimum limit of liability: \$1,000,000.

3)  Automobile Bodily Injury and Property Damage Liability for all owned, non-owned and hired automobiles operated in connection with the performance of the contract. Minimum limits of liability: Single limits of Property Damage and Bodily Injury \$ \$1,000,000.

4) \_\_\_\_\_ Builder's Risk - Amount of the Contract.

5)  Professional Liability/ Errors and Omissions in the amount of \$1,000,000.

**Certificate of Insurance:** Prior to beginning work under the contract, the AC shall furnish the Town of Falmouth a Certificate of Insurance naming the Town as

6)  an additional insured

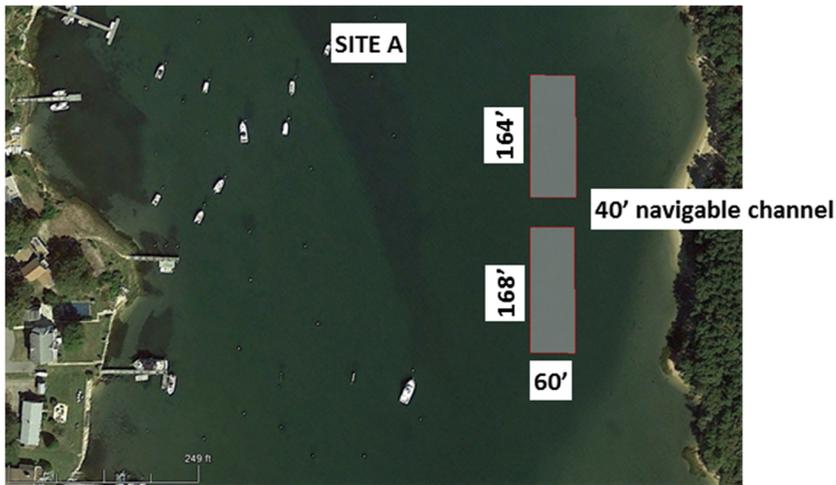
**AQUACULTURE RESOURCES AVAILABLE FOR RENTAL FROM  
THE TOWN OF FALMOUTH**

**Rental Fees  
As voted by Board of Selectmen June 28, 2019**

<b>Rented Equipment/Supplies:</b>	<b>Unit:</b>	<b>Fee per 1,000 Oysters Landed:</b>
Upweller	Upweller	\$14
Field Gear	Site	\$8
Overwintering Facility	Tote	\$8
Work Float	8'x20' Float	\$9
Gear Storage	2,000 Sq Ft Space	\$3
Floating Bags	Bag	\$28

Notes:

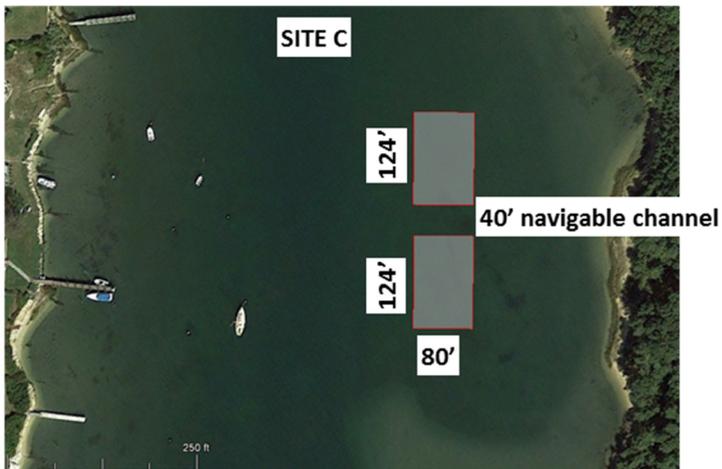
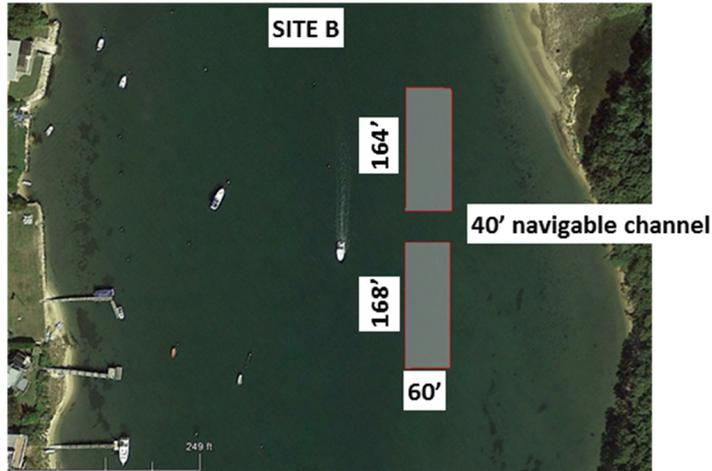
1. Rental fees are to be paid after oysters cultivated at the licensed premises are landed. After 280,000 oysters are landed from a site by a grower in one growing season, no additional fees will be assessed to that grower for additional oysters that are landed from that site in that year using rented equipment or supplies.
2. Upwellers are expected to be available from May 10 through August 25. Does not include any tending of shellfish or cleaning of silo filters.
3. Field gear includes placement of telescoping augers and edge booms for permitted floating bag gear deployments. A reduced cost option is offered for first year deployment if grower is not able to deploy intermediate seed during their first year working the site.
4. Floating bags available in 4mm, 6mm, 9mm, and 13mm formats. Note typical units are shown for first year only. All subsequent years would require 2,490 bags for Site A and B or 2,480 bags for Site C.
5. Totes will be provided for overwintering, each tote has an internal capacity of ~1.1 cu.ft. and holds an estimated 1,450 first year oysters. Space beyond 260 totes per grower may be available by special arrangement.
6. Work float is a 10A permitted 8'x20' platform adjacent to the site, limit one per site. Cost includes launching, hauling, winter storage.
7. Limit of one unit of gear storage per grower.
8. Assuming  $\frac{3}{4}$  of the field is devoted to oysters in their final year of growth and each such bag can yield 150 market size oysters per year, each site is expected to yield approximately 280,000 market size oysters per year.



Eel River East Sites  
For Nitrogen Removal Pilot

Site A: 0.5 Acre  
Site B: 0.5 Acre  
Site C: 0.5 Acre

Nearest Public Landings at  
Childs River, Seapit Road



Eel Pond Site AN  
41.563342689, -70.535599979  
41.563246206, -70.535419321  
41.562876611, -70.535757522  
41.562971815, -70.535940613  
Eel Pond Site AS  
41.562881824, -70.536023704  
41.562788378, -70.535847906  
41.562405688, -70.536195829  
41.562500852, -70.536376866

Eel Pond Site BN  
41.561370587, -70.537379686  
41.561285099, -70.537191478  
41.560901249, -70.537498611  
41.560987349, -70.537692726  
Eel Pond Site BS  
41.560892479, -70.537772438  
41.560807588, -70.537584746  
41.560415086, -70.537902122  
41.560497751, -70.538090501

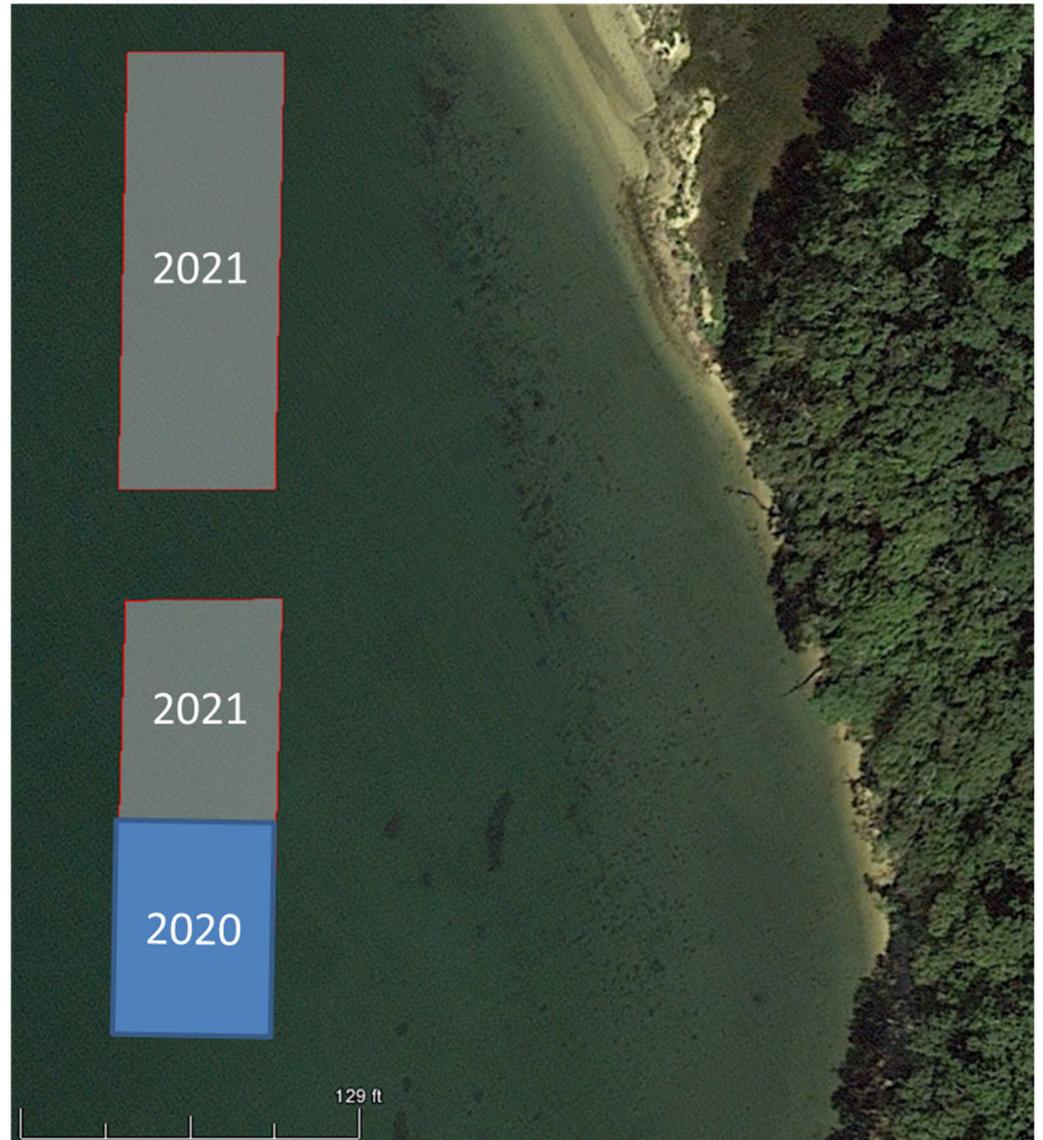
Eel Pond Site CN  
41.557786102, -70.540298107  
41.557669177, -70.540052238  
41.557384379, -70.540290624  
41.557500216, -70.540539108  
Eel Pond Site CS  
41.557404535, -70.540618942  
41.557288517, -70.540369736  
41.556999406, -70.540613561  
41.557114285, -70.540861207



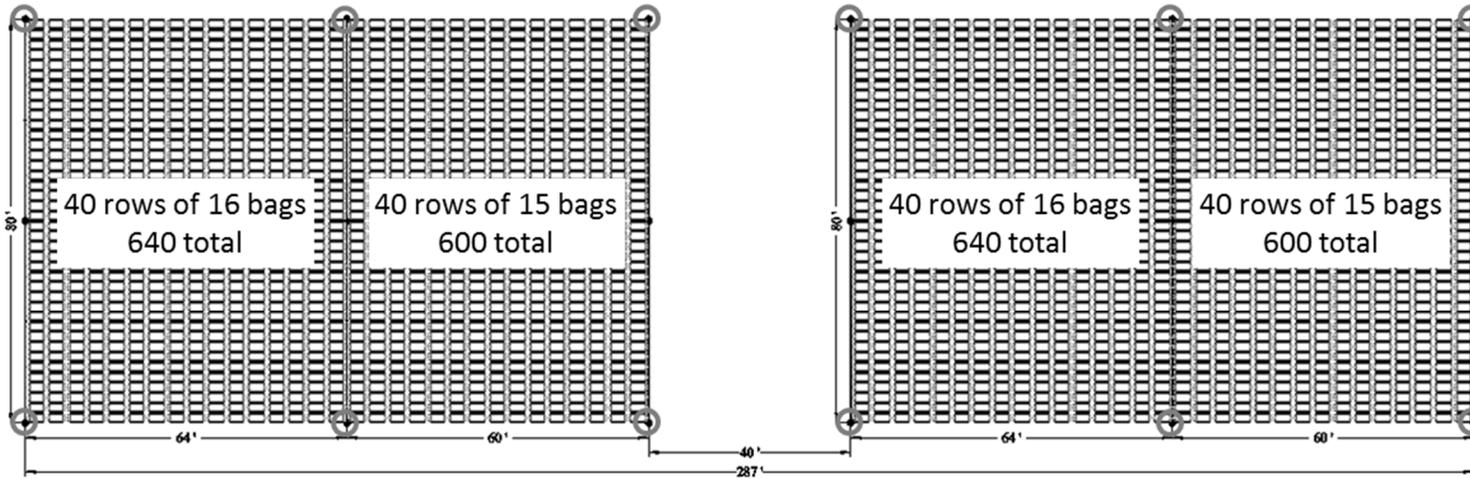
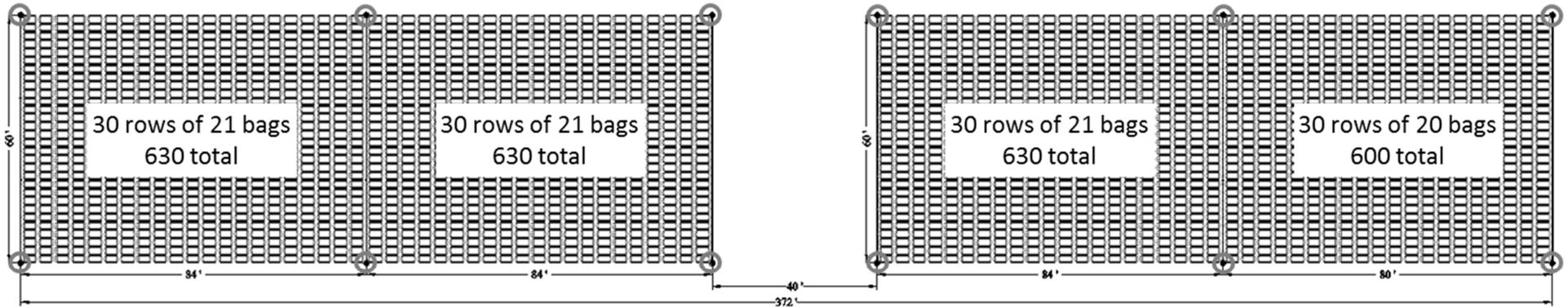
Little Pond 2016



Eel River East Site B



Eel River East Site A,B: 2,490 bags, 12 augers, 19,920 sq.ft. gear



Eel River East Site C  
2,480 bags, 12 augers  
19,840 sq.ft. gear

# Telescoping Augers for Eel River East Sites

