

# **REQUEST FOR PROPOSAL (RFP)**

Chesapeake Conservancy, in conjunction with Clearwater Conservancy, are soliciting proposals to develop a Comprehensive Nutrient Management Plan (CNMP) for a 120-cow beef operation in Port Matilda, PA. Plans must meet NRCS Standards for CNMP development.

## **RFP OVERVIEW AND DESCRIPTION OF WORK**

**RFP Release Date:** October 1<sup>st</sup>, 2024

**Landowner:** Chad and Kacee Burke

**Project Location:** 1901 Halfmoon Valley Road  
Port Matilda, PA 16870  
Centre County

**Issuing Office:** Chesapeake Conservancy

*Contact Email:* [paprograms@chesapeakeconservancy.org](mailto:paprograms@chesapeakeconservancy.org)

*Contact Phone:* 570-372-4086

*The issuing office is the sole point of contact for this proposal.*

**RFP Due Date:** **All proposals must be submitted by:**

October 31<sup>st</sup>, 2024, at 4:00PM EDT.

***Proposals will not be accepted after this date and time.***

**RFP Submission:** **All proposals must be submitted electronically, or hand-delivered in person**  
**DO NOT MAIL PROPOSALS – PROPOSALS WILL NOT BE ACCEPTED THROUGH U.S. MAIL.**

*Email:* [paprograms@chesapeakeconservancy.org](mailto:paprograms@chesapeakeconservancy.org)

*Include "Burke CNMP RFP Response" in the subject line.*

*In-Person:* Chesapeake Conservancy

Attention: Logan Stenger/Burke CNMP RFP Response  
Susquehanna University, Freshwater Research Institute Building  
1250 West Sassafras Street  
Selinsgrove, PA 17870

*A drop box is located inside the main entrance and is accessible at any time.*

**Bid Results:** Bid results and notification of award will be distributed no later than:  
November 7<sup>th</sup>, 2024

**Questions:** All questions regarding this RFP should be submitted to:

*Email:* [paprograms@chesapeakeconservancy.org](mailto:paprograms@chesapeakeconservancy.org)

*Phone:* Logan Stenger, 570-372-4086

### **Project Description:**

The selected consultant will be tasked with developing a Comprehensive Nutrient Management Plan (CNMP) for a 120-cow beef operation in Port Matilda, PA. The operation spans the home farm and 13 additional tenant farms. During the growing season, the herd is spread among pastures across 7 properties (home farm and 6 tenant farms). A detailed breakdown of pasture usage during the growing season is available in the table on Page 4. The remaining tenant farms are used for crop production and manure application. In the winter, all cows are housed at the home farm, where manure is stored on a concrete pad. This manure is later spread across the home and tenant farm crop fields. A detailed list of each property, including specific operational information, is provided on Page 4.

In addition to beef cows, the Burke family raises other livestock at the home farm throughout the year, including:

- 50-100 free-range laying hens
- Approximately 800 meat chickens – raise 200 chickens in moveable chicken tractors four times per year
- 40-50 meat goats, which are kept year-round. The goats are harvested twice a year, with a cycle of 6-12 months to reach maturity.
- Approximately 120 turkeys, raised seasonally around Thanksgiving
- 10-20 pigs, with 10 breeders kept year-round. The pigs are harvested twice annually.

The Burke's take pride in being local farmers committed to enhancing their operation. They currently practice rotational grazing, crop rotation, and produce feed for all their animals on the farm.

Plans must meet Natural Resource Conservation Service (NRCS) Standards for CNMP development. Please refer to the Field Office Technical Guide for the most recent requirements. The CNMP must include three key components: 1) a Conservation Plan for all crop acres, 2) a Nutrient Management Plan addressing all nutrient sources applied to cropland and pasture, and 3) an Engineer's Inventory and Evaluation (I&E), including cost estimate, for the home farm only.

Services to be provided include, but are not limited to:

- **Collaboration and Coordination:** Work closely with landowner to conduct thorough site visits, evaluating current management practices, land use, and existing infrastructure.
- **Data Collection:** Work with the landowner(s) to gather essential information, including livestock numbers, feed and forage practices, manure production, and current nutrient management strategies.
- **Environmental Assessment:** Identify and assess critical areas with potential environmental impacts, such as waterbodies, drainage patterns, and sensitive habitats.
- **Nutrient Recommendations:** Develop field-specific nutrient recommendations ground in crop needs, soil tests, and manure analysis to optimize nutrient application and soil health.
- **Best Management Practices (BMPs):** Identify and recommend BMPs aimed at protecting water quality, controlling erosion, and mitigating environmental impacts. Recommended BMPs, including stream buffers, shall be designed to meet NRCS specifications and to ensure that producer meets eligibility requirements for programs such as EQIP, RCPP, etc. In

addition, the contractor will consult with Chesapeake Conservancy and other partners to ensure that stream buffer design meets the minimum grant specifications.

- **Regulatory Compliance:** Ensure that the CNMP adheres to all applicable local, state, and federal regulations, particularly those established by NRCS.
- **Comprehensive Documentation:** Compile the CNMP into a detailed report that includes maps, calculations, and all necessary supporting documentation.
- **Final Submission:** Submit the completed CNMP to NRCS Centre County field office for review and approval.

Owner	Property Address	Purpose	Acreage	Livestock	Comments
Chad and Kacee Burke	1901 Halfmoon Valley Road, Port Matilda, PA 16870	<b>Home Farm</b> Pasture, Crops	49	YES	Total number of cows fluctuates depending on time of year, but is typically around 120. In the summer he doesn't count calves on their own, but as pairs with the mom. In the growing season, roughly 30 head and 7 pairs stay at home farm. In the winter season, he has about 80 head at the home farm.
Bradley Barter	<i>behind Burke's home farm</i>	Crops	~11		
Lloyd Ashcraft	180 Ashcraft Lane Bellefonte, PA 16823	Pasture, Crops	~22	YES	Keeps roughly 20 head in growing season. In the winter season, keeps about 20 brood cows here.
Beck		Hay, Crops			
Scott Burk	346 Marion Lane, Port Matilda, PA 16870	Hay	~40		
Gary Neal	49 Granny Lane, Port Matilda, PA 16870	Pasture	18	YES	Uses Neal and Vaux as "one" property. Keeps roughly 15 head here in growing season.
Ken and Donna Vaux	60 Indigo Lane, Port Matilda, PA 16870	Pasture	3.5	YES	Uses Neal and Vaux as "one" property. Keeps roughly 15 head here in growing season.
Taylor	1731 Halfmoon Valley Road, Port Matilda, PA 16870	Hay, Crops			
Donna Hughes	3050 Marengo Road, Warriors Mark, PA 16870	Pasture		YES	Keeps 12 pairs here in the growing season.
Karen Way	2881 Marengo Road, Port Matilda, PA 16870	Hay			
David and Barbara Walter	800 Loveville Road, Warriors Mark, PA 16877	Pasture		YES	Keeps 10 pairs here in the growing season.
Hugh Wilson	3911 Halfmoon Valley Road, Warriors Mark, PA 16877	Pasture		YES	Keeps 15 head plus 1 bull here in growing season.
Higgins		Crops			
Matt Barr		Hay, Crops			

## **RFP TERMS AND CONDITIONS**

Selected contractors will be working with Chesapeake Conservancy, Clearwater Conservancy, and NRCS field office on the implementation of this project.

### **PLAN DEVELOPMENT TIMELINE:**

CNMP shall be completed as soon as possible. Contractors shall include with their response when they can begin working on the CNMP and their projected completion date. Preference may be given to contractors who can complete the CNMP by Spring 2025.

*If the contracted services are not completed within the designated time period (as specified in the resulting contract from this RFP, the contract can be extended if agreed to in writing by Chesapeake Conservancy and the contractor.*

### **COMMUNICATION AND CRITICAL TASKS:**

Communication between the contractor, Clearwater Conservancy and Chesapeake Conservancy is crucial to a successful project. Each contractor shall notify the landowner, Clearwater Conservancy and Chesapeake Conservancy when they will be onsite.

Contractor shall verify with NRCS, producer, and partners that the CNMP and associated BMPs meet NRCS and partner specifications as well as meet the needs of the producer.

### **PAYMENT INFORMATION:**

This project is funded by a Pennsylvania Department of Environmental Protection (DEP) Growing Greener Watershed Renaissance Initiative Grant.

Invoices will be accepted when all components of the CNMP have been completed or following a predetermined payment schedule. Payment will be issued on a Net 30 schedule upon submission of an approved invoice and a completed Application for Payment form.

**ENHANCED MINIMUM WAGE PROVISIONS:** Enhanced minimum wage provisions apply to contractors and subcontractors who complete any services and tasks described in the Project Description. Enhanced minimum wage applies when a contractor's employee(s) spends at least twenty percent of their time performing work on the project in a given work week.

- Contractors shall follow and ensure that all subcontractors follow the required enhanced minimum wage provisions outlined below per Pennsylvania's Department of General Services\*.
- Effective July 1, 2024, the enhanced minimum wage rate is \$16.74 per hour ([54.Pa.B. 1524](#)).
- An annual cost of living adjustment is applied to the minimum wage rate each July. *All services completed after July 1<sup>st</sup> must be paid at the new rate.*
- Contractor and all subcontractors will be required to send timesheets/payroll documentation to Chesapeake Conservancy.

### **\*PA Department of General Services Enhanced Minimum Wage Provisions**

- a. **Enhanced Minimum Wage.** Contractor/Lessor agrees to pay no less than \$16.74 per hour to its employees for all hours worked directly performing the services called for in this Contract/Lease, and for an employee's hours performing ancillary services necessary for the performance of the contracted*

services or lease when such employee spends at least twenty percent (20%) of their time performing ancillary services in a given work week.

- b. **Adjustment.** Beginning July 1, 2023, and annually thereafter, the minimum wage shall be increased by an annual cost-of-living adjustment using the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for Pennsylvania, New Jersey, Delaware, and Maryland. The applicable adjusted amount shall be published in the Pennsylvania Bulletin by March 1 of each year to be effective the following July 1.
- c. **Exceptions.** These Enhanced Minimum Wage Provisions shall not apply to employees:
  - 1. Exempt from the minimum wage under the Minimum Wage Act of 1968;
  - 2. Covered by a collective bargaining agreement;
  - 3. Required to be paid a higher wage under another state or federal law governing the services, including the Prevailing Wage Act and Davis-Bacon Act; or
  - 4. Required to be paid a higher wage under any state or local policy or ordinance.
- d. **Notice.** Contractor/Lessor shall post these Enhanced Minimum Wage Provisions for the entire period of the contract conspicuously in easily-accessible and well-lighted places customarily frequented by employees at or near where the contracted services are performed.
- e. **Records.** Contractor/Lessor must maintain and, upon request and within the time periods requested by the Commonwealth, furnish all employment and wage records necessary to document compliance with these Enhanced Minimum Wage Provisions.
- f. **Sanctions.** Failure to comply with these Enhanced Minimum Wage Provisions may result in the imposition of sanctions, which may include, but shall not be limited to, termination of the contract or lease, nonpayment, debarment or referral to the Office of General Counsel for appropriate civil or criminal referral.
- g. **Subcontractors.** Contractor/Lessor shall include the provisions of these Enhanced Minimum Wage Provisions in every subcontract so that these provisions will be binding upon each subcontractor.

#### **EQUAL EMPLOYMENT OPPORTUNITY:**

Chesapeake Conservancy is an equal opportunity employer. The successful bidder shall comply with all federal, state, and local equal employment opportunity requirements. Additional information can be found at <https://www.ecfr.gov> and searching [41 CFR 60-1.4\(b\)](#).

#### **SMALL BUSINESS AND SMALL DIVERSE BUSINESS:**

Chesapeake Conservancy encourages the use of small and small diverse businesses when soliciting Requests for Proposals. Contractors are encouraged to register with the federal government at [www.sam.gov](http://www.sam.gov) and with the Pennsylvania Department of General Services at [www.dgs.pa.gov](http://www.dgs.pa.gov) (search [Small Diverse Business Verification](#)). Please note Pennsylvania Department of General Service registration is only valid for three years. Contractors are encouraged to verify that their registration is current.

Contractors and any subcontractors who register on Sam.gov and with the PA Dept of General Services and who qualify as a small and/or small diverse business should check the applicable boxes on the Contractor Response Form.

#### **WORKER PROTECTION INVESTMENT AND CERTIFICATION FORM:**

Commonwealth grants require contractors to sign the Commonwealth of Pennsylvania Worker Protection Investment and Certification Form acknowledging compliance with Executive Order 2021-06, Worker Protection and Investment (October 21, 2021). Contractors shall complete Attachment A and submit it with their RFP response.

#### **DEBARMENT AND TAX LIABILITY:**

Contractors are required to certify that they and any subcontractors are not listed on the Debarment and

Suspension List maintained by the Pennsylvania Department of General Services (<https://www.dgs.internet.state.pa.us/debarmentsearch/debarment/index>) and the General Services Administration’s List of Parties Excluded from Federal Procurement or Nonprocurement Programs (<https://www.sam.gov/search/>) in accordance with Executive Orders 12549 and 12689, “Debarment and Suspension” and have no outstanding tax liabilities. Contractor will also be required to certify that they and any subcontractors are not in default of a loan or funding agreement administered by any Commonwealth agency.

**INSURANCE REQUIREMENTS:**

Bidders shall include a copy of their current Certificate of Insurance (COI) that reflects their existing levels of liability insurance coverage. Chesapeake Conservancy will work with the successful bidder to ensure adequate levels of insurance are in place for the project prior to finalizing a contract.

Preferred levels of coverage include the following:

<b><i>Type of Insurance Coverage</i></b>	<b><i>Limit Required</i></b>
Workers Compensation and Employer’s Liability -	Statutory
Bodily Injury, Each Accident:	State Minimum
Bodily Injury By Disease, Each Employee:	State Minimum
Bodily Injury/Disease, Policy Limit:	State Minimum
General Liability -	
Each Occurrence (Bodily Injury and Property Damage):	\$1,000,000
General Aggregate:	\$1,000,000
Excess or Umbrella Liability -	
Per Occurrence:	\$1,000,000
General Aggregate:	\$2,000,000
Automobile Liability -	
Combined Single Limit (Bodily Injury and Property Damage):	\$1,000,000
Professional Liability – covering negligent acts, errors, and omissions in performance of professional services	
Each Claim Made:	\$5,000,000
Annual Aggregate:	\$5,000,000

It is preferred that **all policies and coverages** (except workers compensation) include a waiver of subrogation and list “**Chesapeake Conservancy**” as additional insured.

Once Chesapeake Conservancy and the successful bidder have reached an agreement pertaining to insurance coverage, the successful bidder shall provide Chesapeake Conservancy with a current COI certified by a licensed insurance broker. The approved COI needs to be provided to Chesapeake Conservancy prior to signing a contract.

*Note: Bidders do not need to add the additional insured and waiver of subrogation to their policy when responding to the RFP. Only the successful bidder will be required to name the additional insured and waiver of subrogation on their policy after the bid is awarded. The Certificate Holder should be as follows: Chesapeake Conservancy, 1212 West Street, Suite 42, Annapolis, MD 21401.*

**GRANTS:**

The terms and conditions of the Pennsylvania Department of Environmental Protection (DEP) Growing Greener Watershed Renaissance Initiative Grant (ID# C990003716) apply to the contracts that result from this RFP. Copies of the grant are available upon request.

## **SUBMISSION OF PROPOSALS AND SELECTION CRITERIA**

### **SUBMISSION OF PROPOSALS**

- A. Proposals are requested for the items described in the Project Description, in accordance with the Terms and Conditions included in this RFP. The estimated quantities included in this RFP are for information only. The contractor is responsible for determining the quantities needed to complete the project based on the provided bid documents.

At a minimum each bid response must include:

- Contractor Response Form
    - Price
    - Three References
    - List of subcontractors used (if applicable)
    - Proposed start date
    - Proposed completion date
    - Enhanced minimum wage certification
    - Debarment and Tax Liability Certification
    - Signed by Authorized Representative
  - Commonwealth of Pennsylvania Worker Protection Investment and Certification Form (signed)
  - Current Certificate of Liability Insurance
- B. All proposals must be submitted electronically, or hand-delivered to Chesapeake Conservancy by the RFP due date specified on page 1 of the RFP.

It is the responsibility of each Contractor to ensure that the bid is received prior to the due date and time for submission of proposals. No proposal shall be considered if it was sent or received after this date and time.

- C. Bids must be firm. If a bid is submitted with conditions or exceptions or not in conformance with these terms and conditions, it shall be rejected. The bid shall also be rejected if the items offered by the contractor are not in conformance with the specifications as determined by the Issuing Office.

### **CONTRACTOR SELECTION CRITERIA:**

Contractor will be evaluated on the following criteria:

- Price
- References - Demonstrates experience by providing examples of at least three (3) similar projects in Pennsylvania. More than 3 references are allowed.
- Proposed start date
- Proposed completion date
- Enhanced minimum wage compliance
- Debarment and tax liability status
- Submission of Commonwealth of PA Worker Protection Investment and Certification Form
- Provided Certificate of Insurance with current levels of coverage

Proposals will be awarded to the most qualified economic bidder, as determined by Chesapeake Conservancy. Chesapeake Conservancy reserves the right to reject any or all proposals and/or cancel the RFP for any reason.

The Issuing Office reserves the right to check with other conservation partners for feedback on working relationship and quality of work.



# **CONTRACTOR RESPONSE FORM**

## **Page 1 of 2**

**Contractor Name:** \_\_\_\_\_

**Project Name:** Burke CNMP

**Project Location:** 1901 Halfmoon Valley Road, Port Matilda, PA 16870 (Centre County)

The following bid is submitted in response to the RFP for the project identified above. The price is based on my knowledge of information contained within the RFP website and provided at the site showing/pre-bid meeting. This bid will remain valid for 90 days after submission. If awarded the RFP, I agree to sign a contract with the Chesapeake Conservancy.

1. Total price to supply materials, labor, and equipment for performing the work as outlined in the RFP Project Description - **Required:**

### ***Comprehensive Nutrient Management Plan***

Total Quote for All Services: \$ \_\_\_\_\_

2. The following three references are provided with telephone numbers of projects completed of similar scope and size - **Required:**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

3. Date on which CNMP can be started - **Required:** \_\_\_\_\_

4. Date on which CNMP can be completed - **Required:** \_\_\_\_\_

5. Enhancement Minimum Wage Rate Provisions (See Terms and Conditions for details) - **Required:**

I agree to comply with the enhanced minimum wage rate provisions.

6. Small Business and Small Diverse Business (See Terms and Conditions for details) - *Check if applicable*

I/We have registered with Sam.gov and my business (or any subcontractors listed above) qualifies as a

Small Business and/or  Small Diverse Business

I/We have registered with the PA Dept of General Services and my business (or any subcontractors listed above) has been certified as a  Small Business and/or  Small Diverse Business.

7. Debarment and Tax Liability Status (See Terms and Conditions for details) - **Required**

I certify that my business, and any subcontractors, are not debarred by the State of Pennsylvania or the federal government.

I certify that my business, and any subcontractors, have no tax liabilities and are not in default of a loan or funding agreement administered by the state of Pennsylvania.

8. Commonwealth of Pennsylvania Worker Protection Investment and Certification Form (See Terms and Conditions for details) - **Required:**

I have included with my response the completed Worker Protection Investment and Certification Form (Attachment A).

**CONTRACTOR RESPONSE FORM**  
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9. Certificate of Insurance (See Terms and Conditions for details) - **Required**

I have included a copy of my current Certificate of Insurance with my response.

Company Name: \_\_\_\_\_ Company Tax ID # (EIN): \_\_\_\_\_

Company Address: \_\_\_\_\_

Representative's Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

**ATTACHMENTS:**

The following attachments are included with the RFP for your reference:

- Attachment A – Worker Protection Form

# ATTACHMENT A



## WORKER PROTECTION AND INVESTMENT CERTIFICATION FORM

- A. Pursuant to Executive Order 2021-06, *Worker Protection and Investment* (October 21, 2021), the Commonwealth is responsible for ensuring that every worker in Pennsylvania has a safe and healthy work environment and the protections afforded them through labor laws. To that end, contractors and grantees of the Commonwealth must certify that they are in compliance with Pennsylvania's Unemployment Compensation Law, Workers' Compensation Law, and all applicable Pennsylvania state labor and workforce safety laws including, but not limited to:
1. Construction Workplace Misclassification Act
  2. Employment of Minors Child Labor Act
  3. Minimum Wage Act
  4. Prevailing Wage Act
  5. Equal Pay Law
  6. Employer to Pay Employment Medical Examination Fee Act
  7. Seasonal Farm Labor Act
  8. Wage Payment and Collection Law
  9. Industrial Homework Law
  10. Construction Industry Employee Verification Act
  11. Act 102: Prohibition on Excessive Overtime in Healthcare
  12. Apprenticeship and Training Act
  13. Inspection of Employment Records Law
- B. Pennsylvania law establishes penalties for providing false certifications, including contract termination; and three-year ineligibility to bid on contracts under 62 Pa. C.S. § 531 (Debarment or suspension).

### CERTIFICATION

I, the official named below, certify I am duly authorized to execute this certification on behalf of the contractor/grantee identified below, and certify that the contractor/grantee identified below is compliant with applicable Pennsylvania state labor and workplace safety laws, including, but not limited to, those listed in Paragraph A, above. I understand that I must report any change in the contractor/grantee's compliance status to the Purchasing Agency immediately. I further confirm and understand that this Certification is subject to the provisions and penalties of 18 Pa. C.S. § 4904 (Unsworn falsification to authorities).

<i>Signature</i>	<i>Date</i>
<i>Name (Printed)</i>	
<i>Title of Certifying Official (Printed)</i>	
<i>Contractor/Grantee Name (Printed)</i>	