

**NOTICE TO CONSULTANTS
Request for Proposals**

**Critical Area Ordinance Update
Worcester County, Maryland**

The Worcester County Commissioners are seeking proposals from qualified consultants for the purpose of updating the Worcester County Atlantic Coastal Bays Critical Area Law and the Worcester County Chesapeake Bay Critical Area Ordinance. These updates are necessary in order to comply with current Maryland Critical Area Law and Regulations, and as such, development of these updated Ordinances shall be consistent with the State Critical Area Law and Regulations.

Requests for Proposals (RFPs) are available from the Office of the County Commissioners, Room 1103 - Worcester County Government Center, One West Market Street, Snow Hill, Maryland 21863, obtained online under the "Bids" drop-down menu in the lower right hand side of the home page at www.co.worcester.md.us, or by calling the Commissioners' Office at 410-632-1194 to request a package by mail. Interested consultants are encouraged to attend a **pre-proposal meeting on Monday, September 10, 2018 at 10:00 AM** in Training Room B on the 3rd Floor of the Worcester County Government Center, 1 West Market Street, Snow Hill, Maryland 21863. For directions and details, contact Mr. David M. Bradford, Deputy Director of Environmental Programs, at 410-632-1220. **Sealed proposals will be accepted until 1:00 PM, Monday, October 1, 2018** in the Office of the County Commissioners at the above address, at which time they will be opened and publicly read aloud. Envelopes shall be marked "**Proposal for Worcester County Critical Area Ordinance Update**" in the lower left-hand corner. Email submissions will not be accepted

After opening, proposals will be forwarded to the Department of Environmental Programs for tabulation, review and recommendation to the County Commissioners for their consideration at a future meeting. In awarding the proposal, the Commissioners reserve the right to reject any and all proposals, waive formalities, informalities and technicalities therein, and to take whatever proposal they determine to be in the best interest of the County considering cost, proposal content, qualifications of the consultant, quality of project approach, time of delivery or completion, responsibility of consultants being considered, previous experience of consultants with County contracts, or any other factors they deem appropriate. All inquiries shall be directed to David M. Bradford, Deputy Director of Environmental Programs, at 410-632-1220 or by email at dbradford@co.worcester.md.us.

Section 1 Project

This project will result in the hiring of a consultant to update and consolidate both of Worcester County's Critical Area Ordinances. The Critical Area Ordinance updates must be consistent with current Critical Area law, criteria, and regulations.

The Critical Area Commission (CAC) staff has developed a "model ordinance" from which each individual jurisdiction's updated ordinance is to be derived. Although the "model ordinance" will be the framework for this project, it shall be tailored to address unique physical characteristics and conditions, as well as specific local processes and procedures.

Worcester County is also the only jurisdiction in Maryland that contains two Critical Area programs, the Atlantic Coastal Bays Critical Area and the Chesapeake Bay Critical Area. These two Ordinances have not been comprehensively updated since their original adoptions (Atlantic Coastal Bays 2002, Chesapeake Bay 1990). Therefore, neither of the County's two Critical Area Ordinances reflect the new statutory and regulatory changes that have been made to the State Critical Area law, and many of those changes are significant. This project will enable Worcester County to bring its Critical Area Ordinances into full compliance with current State law, criteria, and regulations to better protect the County's and the State of Maryland's coastal resources.

The consultant will work with County staff, the Critical Area Commission staff, the County Commissioners, and the general public to create a revised ordinance that meets the local government's needs, as well as complies with the State law and regulations.

Proposals for professional consulting services to accomplish this project shall include an itemized budget, by individual task, as well as the total contracted cost for all final products. The selected professional consultant is expected to address all of the requirements indicated within each task outlined in this Request for Proposals (RFP).

Section 2 Project Goal

To revise, update and consolidate into a single ordinance both the Worcester County Atlantic Coastal Bays Critical Area Law and the Worcester County Chesapeake Bay Critical Area Ordinance to be consistent with current Critical Area law, criteria, and regulations. This single ordinance will assist residents, contractors, and other varying entities in streamlining and understanding these regulations.

Section 3 Background

Worcester County is the easternmost county within the State of Maryland and is also the only oceanfront county in Maryland. The County is bordered to the south by the State of Virginia, to the west by the Pocomoke River, Somerset County and Wicomico County, Maryland, to the north by the State of Delaware, and to the east by the Atlantic Ocean.

The county is mostly rural in nature with the exception of the northern portions of the county which contains some of the more developed areas, including Ocean Pines, Ocean City, and Berlin. The County's area totals 695 square miles, of which 468 square miles are comprised of land and 227 square miles are comprised of water. The County has more than 750 miles of shoreline. Most of the County's land adjacent to the shoreline is only slightly above sea level and is therefore susceptible to the effects of sea level rise and land subsidence.

The importance of the Critical Area Program in addressing these issues is reflected in the Maryland Department of Natural Resources (DNR) Coastal Zone Management Division's October 2000 publication entitled, "A Sea Level Rise Response Strategy for the State of Maryland", which states that the Critical Area Program is one of the State's primary management tools for addressing impacts associated with sea level rise. The report goes on to say that despite a lack of reference to sea level rise in the Act or implementing Criteria, sea level rise-induced impacts are addressed through the following measures: establishing a 100-foot natural Buffer adjacent to tidal waters and tidal wetlands; guiding development and controlling growth in valuable coastal resource areas; regulating the installation of shoreline erosion protection structures; and protecting wetlands through sedimentation and erosion control guidelines. Such measures significantly contribute to the State's overall ability to mitigate adverse impacts associated with sea level rise. The report also states that notwithstanding the many benefits of the Critical Area Program with respect to sea level rise response, specific statutory language contained in the Critical Area Act, and its implementing Criteria, will affect Maryland's ability to adequately plan for sea level rise in the long-term.

Ordinance modifications will result in improved protection of Maryland's wildlife, wetlands, farmland, forestland, shorelines, and other valuable habitat. The more critical habitat that is preserved will lead to an increase in the County's resilience to threats such as storm surge, coastal flooding and sea level rise. The ultimate adoption of the revised ordinance will also result in consistent and efficient administration and enforcement of this critical natural resource based ordinance.

Section 4 Scope of Work

Task #1: Initial Meeting with Worcester County Environmental Programs Director, Deputy Director and Staff

Consultant travels to Worcester County to hold an initial meeting with the Environmental Programs Director, Deputy Director, and CAC staff to go over the scope of work, RFP, discuss use of the expanded Model Critical Area Ordinance, address new Critical Area regulations, and answer any questions about the project. The initial meeting will include a discussion of the process, any local concerns/needs, and any special/unique qualities or circumstances of Worcester County that need to be addressed.

Task #2: Meeting with County Officials and field visit

The consultant shall coordinate a date with County staff contact to conduct an initial field visit to observe the local geography and note any specific/unique circumstances particular to the Critical Area. This field visit shall be scheduled on a regular County Commissioner meeting day in order for the consultant to have the opportunity to also meet the local elected officials and provide an overview of the project.

Task #3: Develop and Draft Critical Area Ordinance / Work Sessions with Worcester County Environmental Programs and CAC staff

Consultant will work to create a draft Worcester County Critical Area Ordinance by utilizing the CAC's model ordinance and current County Ordinances. The draft Critical Area Ordinance shall reflect the unique Critical Area conditions or circumstances of Worcester County and shall be developed consistent with current Critical Area law, criteria, and regulations. Consultant will meet monthly via phone conference or onsite meetings at the County offices where necessary and as determined by the County, with Environmental Programs staff during the development of the draft Ordinance. Consultant will also interact with Critical Area Commission staff as necessary to complete the draft Ordinance. The consultant shall revise the draft Critical Area Ordinance as requested by staff.

Task #4: Final Draft for Planning Commission Information / Community Meetings for Public Information and Comment

The consultant will provide 10 (ten) copies of the final draft Ordinance to the Planning Commission for their information. The consultant shall also conduct 2 (two) community information meetings, one in each of the northern and southern ends of the County, to present the draft Ordinance, answer questions, and receive public comments. The consultant shall provide a summary of comments received at each public information meeting and prepare suggested amendments to the final draft to address public comments where deemed appropriate by County staff and where permitted under current Critical Area law, criteria, and regulations.

Task #5: Submission of Final Draft Critical Area Ordinance to the Critical Area Commission and County Staffs.

The consultant shall submit the final draft Ordinance to Critical Area Commission (CAC) staff and Environmental Programs staff for final review and comment, and incorporate any further edits suggested by the CAC or Environmental Program Staff.

Task #6: Presentation of the final draft to the County Commissioners.

The consultant shall prepare the final draft Ordinance, in the form consistent with legislative bills amending the Code of Public Local Laws of Worcester County, Maryland, and shall present the work product to the County Commissioners for

introduction and scheduling of the required public hearing. The consultant shall be required to provide 10 (ten) copies of the document and all backup material, including but not limited to all correspondence both to and from the Critical Area Commission staff. Additionally, an electronic copy of the draft ordinance (in Microsoft Word or WordPerfect format) shall be provided as well.

Task #7: County Commissioners' Public Hearing.

The consultant will present the final draft ordinance to the County Commissioners and the public at a regularly scheduled legislative session and shall be prepared to answer any and all questions from the County Commissioners and the public.

Task #8: Critical Area Commission Approval.

Upon successful completion of the public hearing and adoption of the legislative bill by the County Commissioners, the consultant shall submit the final Ordinance as approved by the County Commissioners to the Critical Area Commission (CAC) staff in order for them to schedule a meeting before the CAC. The consultant shall be required to attend and present the final Ordinance to the full CAC and answer any and all questions, including but not limited to the process to develop the Ordinance and its content. Upon completion and obtaining approval from the CAC, the consultant shall provide products as specified in Section 8. In the unlikely event that the final Ordinance as approved by the County Commissioners is not approved by the CAC, the consultant shall be prepared to make all changes as required by the CAC and perform Tasks 6, 7 and 8 as contained herein expeditiously, such that the Critical Area Ordinance is ultimately approved by both the CAC and County Commissioners.

Section 5 Project Timeline

Final Draft Critical Area Ordinance must be completed by July 1, 2019. The start date for this project is on or about November 1, 2018. The consultant shall include a proposed timeline in their proposal.

Section 6 Meetings

The consultant shall include in their proposal a tentative meeting schedule for the proposed project. In addition to the meetings specifically discussed in Tasks 1 through 8 of Section 4 (Scope of Work) herein, the consultant shall be prepared to conduct additional meetings at the request of the County. The consultant shall include as part of their proposal a proposed rate for additional meetings that may be requested which are not specifically included in this RFP.

Section 7 Public Hearings

The procedural and advertising costs associated with any required public hearings pertaining to this project shall be the sole responsibility of Worcester County and not that of the consultant.

Section 8 Final Products/Deliverables

The consultant shall provide a digital copy (in Microsoft Word or WordPerfect format) and hard copies of the final draft Ordinance, as follows:

- A. One copy of the final draft Ordinance to Worcester County Department of Environmental Programs;
- B. One copy of the final draft Ordinance to the Critical Area Commission staff.

Section 9 Qualification Statement

The prospective firm is required to provide the following within the proposal:

- State the number of years your organization has provided this type of service.
- List similar projects your organization has completed. Include project description, completion date, and jurisdiction.
- List current projects. Include project description, anticipated completion date, and jurisdiction.
- Provide a resume for each of your current key professional staff that may be involved in this project.

