

Statement of Work

National Review of Statutes Authorizing Water or Wastewater Systems

Rural Community Assistance Partnership (RCAP)

Project Budget: \$50,000

Point of Contact: Nathan O’Neill, noneill@rcap.org

Submission Deadline: March 6, 2026

1. Introduction

RCAP is a national network of nonprofit partners working to provide technical assistance, training, resources, and support to rural communities across every state, the U.S. territories, and tribal lands. Under a US EPA National Water Infrastructure Environmental Finance Center Program grant, RCAP is conducting statutory research to enable local capacity building.

2. Scope

This statement of work addresses a Consultant agreement for the comprehensive review of state-level water and wastewater statutes. RCAP, Inc. agrees to pay the Consultant the stated project budget funds in return for the satisfactory and timely completion of the tasks set out below. Failure to meet these conditions will result in some or all of these funds being withheld temporarily or withdrawn altogether and reallocated for other approved project activities.

3. Project Period

The project will take approximately nine months, and must be completed by September 30, 2026. Listed deliverables will be submitted on or before corresponding deadlines. All requested documents throughout this project must be submitted in Microsoft Word file format.

- Two weeks after contracts are signed, Consultant must deliver a detailed research plan to RCAP.
- RCAP will have 10 days to review the plan, make suggestions for changes, and give final approval of the plan.
- Immediately upon RCAP’s approval of the plan, Consultant will commence development of state reference tables.
- April 30, 2026: Completed reports for 25 states must be submitted, with drafts for each supplied to RCAP.
- May 31, 2026: RCAP will complete internal review of submitted reports and submit requests for edits to Consultant.
- June 15, 2025: Consultant will complete requested edits and submit amended reports to RCAP.

- August 1, 2026: Completed reports for each of the additional 25 states must be submitted to RCAP, A draft report document including all 50 states must also be submitted to RCAP at this time.
- August 31, 2026: RCAP will complete internal review of all Consultant-submitted reports and submit requests for edits to Consultant.
- September 15, 2026: Consultant will complete requested edits and submit amended reports to RCAP. Final reports for each state, and a final report document including all 50 states, must be submitted at this time.
- September 30, 2026: RCAP will review and approve all final documents. All deliverables are completed and the project shall be concluded.

Within two weeks of signing a contract/agreement, Consultant will provide a detailed report of their plan for completing the project within time and budget limits. After approval by RCAP, Consultant will proceed to conduct research for each state. Following completion of a final draft, Consultant will supply all final materials to RCAP for final review.

4. RCAP Personnel and Point of Contact

Olga Morales, RCAP CEO
 Nathan O’Neill , Policy & Research Director
 Jennifer Hazard, Community Programs Director
 Lisa Fought, Director for Capacity Development & Outreach

Point of Contact:
 Nathan O’Neill
 Policy & Research Director
 noneill@rcap.org

5. Project Budget

Total	\$50,000.00
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6. Project Description

This statement of work addresses a research project to be extended to all 50 American states. This project will catalog and evaluate water and wastewater statutes from each state in a comprehensive report that will enable state-by-state comparison and the development of models for updated legislation.

6a. Deliverables

- The final deliverables shall include a written report consisting of detailed reference tables for each of the fifty states, modeled directly on the tables present in Appendix C (NM State Study). The final report shall include five evaluation tables for each state and territory according to (Appendices A, B, and C), each table being approximately two full-size pages in length, for a grand total of approximately 500 pages in single document file.

- The tables will consist of a column of regulated entities, which are matched to listed evaluation criteria. Each table cell will include a response corresponding to the row and column and will include citations of statutes and with hyperlinks to online copies of the statutes where applicable.

6b. Project Specifications

This project proposes a comprehensive research program to review and catalogue statutes authorizing water or wastewater governing systems in each of the fifty United States, including statutes pertaining to General Powers and Authorities, Statutory Provisions for Governance, Financial Powers and Authorities, Statutory Planning Requirements, and Regulatory Oversight and Open Government Requirements.

The scope of research shall include all applicable water and wastewater system laws, rules, and regulations enacted by each state government as they pertain to any statutorily - specified regulated entity categories, such as those listed in (Appendix A); all included statutes must be active as of January 1, 2026. The complete list of research criteria (Appendix B, based on criteria listed in Appendix C) shall be applied to each entity category for evaluation, with reference to specific statutes and language when available. Any regulated entity categories described in a statute but not included in Appendix A should be added to that state or states' reference table(s) and evaluated. Any special considerations or explanatory language should be added as footnotes according to the examples in Appendix C.

The final report will be supplied in Microsoft Word file format, with hypertext links to public codes included for all statutory references. The final project deliverable will include a single Word file with all reference tables grouped by state, as well as separate Word files for each state. All files will be supplied via File Transfer Protocol (FTP). Resources for the tables will primarily include free, public domain resources. For resources not in the public domain, if RCAP chooses to use them, RCAP will obtain copyright permission and pay for purchase/user fees/distribution costs. Except where otherwise indicated, RCAP will be responsible for the layout, design, printing, and distribution of each publication.

7. Rights Reserved

1. Ownership. RCAP will continue to own all right, title and interest in and to all RCAP Property. Subject to Section 5.2 below, Consultant will continue to own all right, title and interest in and to all Consultant Property. RCAP will own all right, title and interest in and to all Developments.
2. License. Unless provided otherwise in a Scope of Work, Consultant hereby grants to RCAP a nonexclusive, royalty free, perpetual, limited license to use the Consultant Property to the extent necessary for RCAP to use the Work Product and Services provided by Consultant, solely for RCAP's business purposes, as contemplated by the Scope of Work.

8. Submit a Proposal

All interested parties are invited to submit a proposal statement of no more than 4 pages, in the form of a PDF or Microsoft Word document file, included as email attachments. RCAP will review each proposal statement based on demonstrated qualifications, capabilities, expertise, experience, and past performance. Proposal statements shall include the following information as applicable:

- 1) Provide Consultant name, point of contact, phone number, address, and personnel to be assigned to the project.
- 2) Describe Consultant capability and experience in performing similar activities, demonstrating overall understanding of and technical ability to perform similar work.
- 3) Identify no more than three (3) examples within the past five (5) years of work Consultant has performed that are relevant to this Statement of Work.
- 4) Identify any anticipated technical challenges/risks and organizational conflicts of interest (OCIs) associated with meeting the potential requirement. Briefly describe how Consultant would mitigate or avoid those challenges, risks, and conflicts.

Proposal statements and questions pertaining to this announcement shall be submitted electronically to Nathan O'Neill, noneill@rcap.org, no later than **March 6, 2026**.

Appendix A: Examples of Regulated Entities

Water and Sanitation Districts	Mutual Domestic Water Consumer Associations under Sanitary Projects Act	Water and Natural Gas Associations	Water Users' Associations
Municipal Water and Sewer Utilities	County Water and Sewer Utilities	Metropolitan Water Boards	any special municipal authority
Municipal Improvement Districts	County Improvement Districts	Public Improvement Districts	Dawes Act tribal territories
Other Investor-owned Utilities	Co-operative Associations (Coops)	Non-profit Corporations	Partnerships
Unincorporated Associations (or Clubs)	Subdivisions	Condominiums	Mobile Home Parks

Appendix B: Evaluation Criteria by Table

1. GENERAL POWERS AND AUTHORITIES

12 criteria across each regulated entity type

- Authorizing legislation
- Water-related Purposes
- Public or Private Entity
- Political subdivision of state?
- Formation of entity
- Power to define exclusive service areas
- Power to prevent encroachment and overlap
- Power of eminent domain
- Compel connection within service area, prohibit domestic well drilling
- Provide source water protection
- Water conservation measures required
- Provide fire protection

2. STATUTORY PROVISIONS FOR GOVERNANCE

10 criteria across each regulated entity type

- Governing body
- Odd number of directors, staggered terms, regular elections
- Regular meetings required
- Board training required
- Surety bonds required for board members? If so, amount required.

Provisions for changing organizational structure
Provisions for merger
Provisions for dissolution, sale of assets
Provisions for two or more entities co-owning water rights
Provisions for two entities managing systems jointly

3. FINANCIAL POWERS AND AUTHORITIES

10 criteria across each regulated entity type

May levy taxes or assessments
Place lien on property and foreclosure for nonpayment of taxes or assessments
Issue general obligation bonds (election required)
Issue revenue bonds
Eligible for public grant and/or loan funds
Required to maintain reserve funds
Required to set rates, charges, fees
Required to tier rates for conservation
May disconnect for nonpayment
Ratepayer has recourse if rates too high

4. STATUTORY PLANNING REQUIREMENTS

6 criteria across each regulated entity type

Planning for repair and replacement
Asset management plan
Planning for conservation and efficiency, including drought management
Planning for capacity to meet future needs?
Planning for short and long term source protection
Regional collaboration or shared planning

5. REGULATORY OVERSIGHT AND OPEN GOVERNMENT REQUIREMENTS

7 criteria across each regulated entity type

Regulation of drinking water quality
Supervision of rates and service by PRC (Public Regulation Commission)
Or other regulatory body

Subject to Sunshine Law or other Open Meeting regulating law
Subject to Inspection of Public Records Act
Subject to Procurement Code
Budgets and financial statements subject to approval by state agencies
Subject to state Audit Act

Appendix C: New Mexico Water Systems Report

- See Attached