**STATE OF MAINE**

**Department of Environmental Protection**

*Bureau of Remediation & Waste Management*



**RFP# 202407126**

**Pre-Qualified Vendor List for Removal of Petroleum and Hazardous Substances Services**

|  |  |
| --- | --- |
| **RFP Coordinator** | *All communication, including questions and proposal submission, regarding this RFP must be made using the email address below.*  **Contact Information:** bart.j.newhouse@maine.gov |
| **Submitted Questions Due** | *Questions regarding this RFP can be submitted at any time while this RFP is open. All questions must be submitted, by e-mail, to the address identified above. Please include “RFP 202407126” in the subject line of your email.* |
| **Proposal Submission** | *Proposals must be received by the Division of Procurement Services by:*  **Submission Deadline:** August 1, 2024, no later than 11:59 p.m., local time  *Proposals must be submitted electronically to the following address:*  **Electronic (email) Submission Address:** [Proposals@maine.gov](mailto:Proposals@maine.gov) |
| **Semi-Annual**  **Enrollment** | *After the initial RFP proposal submission deadline, proposal evaluations will be held on a Semi-Annual basis. Semi-Annual proposal submission deadlines will be* ***11:59 p.m. on the******1st business day of January and July*** *while the RFP is active. Proposals are required to be submitted prior to the submission date and time in order to be considered for that enrollment period.*  **Electronic (email) Submission Address:** [Proposals@maine.gov](mailto:Proposals@maine.gov) |

TABLE OF CONTENTS

|  |  |
| --- | --- |
|  | **Page** |
|  |  |
| **PUBLIC NOTICE** | **4** |
|  |  |
| **RFP DEFINITIONS/ACRONYMS** | **5** |
|  |  |
| **PART I INTRODUCTION** | **6** |
| 1. PURPOSE AND BACKGROUND |  |
| 1. GENERAL PROVISIONS |  |
| 1. ELIGIBILITY TO SUBMIT BIDS |  |
| 1. PRE-QUALIFIED VENDOR LIST TERMS |  |
| 1. MINI-BID PROCESS AND AWARDS |  |
|  |  |
| **PART II SCOPE OF SERVICES TO BE PROVIDED** | **9** |
|  |  |
| **PART III KEY RFP EVENTS** | **14** |
| 1. QUESTIONS |  |
| 1. AMENDMENTS |  |
| 1. SUBMITTING THE PROPOSAL |  |
|  |  |
| **PART IV PROPOSAL SUBMISSION REQUIREMENTS** | **16** |
|  |  |
| **PART V PROPOSAL EVALUATION AND SELECTION** | **19** |
| 1. EVALUATION PROCESS – GENERAL INFORMATION |  |
| 1. SCORING WEIGHTS AND PROCESS |  |
| 1. SELECTION AND AWARD |  |
| 1. APPEAL OF CONTRACT AWARDS |  |
|  |  |
| **PART VI RFP APPENDICES AND RELATED DOCUMENTS** | **21** |
| **APPENDIX A** – PROPOSAL COVER PAGE |  |
| **APPENDIX B** – DEBARMENT, PERFORMANCE, and  NON-COLLUSION CERTIFICATION |  |
| **APPENDIX C** – QUALIFICATIONS and EXPERIENCE FORM |  |
| **APPENDIX D** – SUBMITTED QUESTIONS FORM |  |
| **APPENDIX E –** MEDEP ENVIRONMENTAL CONSULTANT REVIEW FORM | **29** |
|  |  |
|  |  |

**PUBLIC NOTICE**

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

**State of Maine**

**Department of Environmental Protection**

**RFP# 202407126**

**Pre-Qualified Vendor List for Removal of Petroleum and Hazardous Substances Services**

The State of Maine is seeking proposals to be considered for inclusion on a Pre-Qualified Vendor List for Removal of Petroleum and Hazardous Substances Contractors for work at environmental sites or projects.

A copy of the RFP, as well as the Question & Answer Summary and all amendments related to this RFP, can be obtained at the following website: <http://www.maine.gov/dafs/bbm/procurementservices/vendors/pqvls>

Proposals must be submitted to the State of Maine Division of Procurement Services, via e-mail, to the following email address: [Proposals@maine.gov](mailto:Proposals@maine.gov). Proposal submissions must be submitted no later than 11:59 pm, local time, on August 1, 2024. Proposals will be opened the following business day. Proposals not submitted to the Division of Procurement Services’ aforementioned email address by the aforementioned deadline will not be considered for contract award.

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

**RFP DEFINITIONS/ACRONYMS**

The following terms and acronyms shall have the meaning indicated below as referenced in this Pre-Qualified Vendor List RFP:

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **Department** | Department of Environmental Protection |
| **RFP** | Request for Proposal |
| **State** | State of Maine |
| **PQVL** | Pre-Qualified Vendor List |

**State of Maine - Department of Environmental Protection**

*Bureau of Remediation & Waste Management*

**RFP# 202407126**

**Pre-Qualified Vendor List for Removal of Petroleum and Hazardous Substances Services**

# **PART I INTRODUCTION**

## A. Purpose and Background

The Department of Environmental Protection (Department) is seeking proposals to establish a Prequalified List of Contractors for the Removal of Petroleum and Hazardous Substances at sites or projects as defined in this Request for Proposals (RFP) document. as defined in this Request for Proposals (RFP) document. This document provides instructions for submitting proposals, the procedure and criteria by which the Provider(s) will be selected and the contractual terms which will govern the relationship between the State of Maine (State) and the awarded Bidder(s).

The Department will prequalify Removal Contractors to assist Department staff, primarily from the Bureau of Remediation and Waste Management with removal projects at petroleum and hazardous substance sites. This could include projects managed under the Petroleum Management, Hazardous Waste, Uncontrolled sites, Brownfields, or Solid Waste Landfill programs, but also other tasks as requested by the Department. Often services are needed on an emergency basis with little lead time.

## B. General Provisions

1. From the time this RFP is issued until award notification is made, all contact with the State regarding this RFP must be made through the aforementioned RFP Coordinator. No other person/ State employee is empowered to make binding statements regarding this RFP. Violation of this provision may lead to disqualification from the bidding process, at the State’s discretion.
2. Issuance of this RFP does not commit the Department to issue an award or to pay expenses incurred by a Bidder in the preparation of a response to this RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
3. All proposals should adhere to the instructions and format requirements outlined in this RFP and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Department. Proposals are to follow the format and respond to all questions and instructions specified below in the “Proposal Submission Requirements” section of this RFP.
4. Bidders shall take careful note that in evaluating a proposal submitted in response to this RFP, the Department will consider materials provided in the proposal, information obtained through interviews/presentations (if any), and internal Departmental information of previous contract history with the Bidder (if any). The Department also reserves the right to consider other reliable references and publicly available information in evaluating a Bidder’s experience and capabilities.
5. The proposal shall be signed by a person authorized to legally bind the Bidder and shall contain a statement that the proposal and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the bid opening.
6. The RFP and the selected Bidder’s proposal, including all appendices or attachments, shall be the basis for the final contract, as determined by the Department.
7. Following announcement of an award decision, all submissions in response to this RFP will be considered public records available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) (1 M.R.S. §§ 401 et seq.).

<http://www.mainelegislature.org/legis/statutes/1/title1sec401.html>

1. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to this RFP.
2. The State of Maine Division of Procurement Services reserves the right to authorize other Departments to use the contract(s) resulting from this RFP, if it is deemed to be beneficial for the State to do so.
3. All applicable laws, whether or not herein contained, shall be included by this reference. It shall be the Bidder’s responsibility to determine the applicability and requirements of any such laws and to abide by them.

## C. Eligibility to Submit Bids

All interested parties are invited to submit bids in response to this Request for Proposals.

## D. Pre-Qualified Vendor List Term

The Department is seeking a cost-efficient proposal(s) to provide services, as defined in this RFP, for the anticipated Pre-Qualified Vendor List (PQVL) period defined in the table below. Please note that the dates below are estimated and may be adjusted, as necessary, in order to comply with all procedural requirements associated with this RFP process. Utilization of a PQVL for will begin once the RFP process has been finalized.

The term of the anticipated PQVL, resulting from this RFP, is defined as follows:

|  |  |  |
| --- | --- | --- |
| **Period** | **Start Date** | **End Date** |
| Period of Performance | 09/01/2024 | 08/31/2026 |
| Period of Performance | 09/01/2026 | 08/31/2028 |
| Period of Performance | 09/01/2028 | 08/31/2029 |

This RFP offers a semi-annual enrollment for new vendors to be included on the pre-qualified vendor list. Once selected, vendors do not need to reapply during a semi-annual enrollment.  Proposals will be accepted from vendors not currently on the PQVL as long as this RFP is active.  Proposals submitted during the semi-annual enrollment will be evaluated and the vendors will be notified of the decision within 30 days.

Vendors currently on the PQVL resulting from RFP #201905085 will be included on the list resulting from this RFP.

## E.     Mini-Bid Process and Awards

Once the pre-qualified list is established, the Department will notify all pre-qualified vendors when specific services are needed. Each vendor on the PQVL will be given a description of the particular services needed and asked to respond within a specific timeframe with information on how that vendor proposes to provide the particular services, along with the project-specific cost proposal for those services. Vendors should respond to each mini-bid with their proposal or provide a “no-bid” as a response. The Department will then select one vendor based on the project-specific cost proposal submitted during the “mini-bid” process of those pre-qualified vendors who can meet the specific service requirements.

The Department reserves the right to select vendors from the pre-qualification list without using the mini-bid process for emergencies (if the need arises). The Department also retains the discretion to issue new RFPs for specific projects. Providers for those projects will not be selected from the PQVL, but rather through the separate RFP or other procurement process based on the Department’s specific needs/timelines.

# **PART II SCOPE OF SERVICES TO BE PROVIDED**

MEDEP intends to create a list of prequalified vendors that can provide removal services for project sites impacted by petroleum, hazardous substances or other contaminants. Bureau of Remediation and Waste Management Staff will use this list, as the need arises, to conduct removal actions at sites throughout the State of Maine.

As noted previously in this RFP, the Department intends to create a pre-qualified list and enter into a contract with multiple contractors to provide removal services. A “pre-qualified list” means that only those vendors who are placed on the list (as a result of this RFP) will be able to perform specific, future assignments within the period stated in the RFP. This RFP is not set up to perform any one specific assignment, but service future, indefinite needs.

For the purposes of this RFP the Scope of Work includes, but may not be limited to:

1. **Basic Requirements**

**1.** Contractor’s employees that will be working on sites must have satisfactorily completed 40-hour HAZWOPER safety training and maintain a current OSHA field certification for working on hazardous substance and petroleum remediation sites. Project specific requirements will be specified in mini-bids.

**2.** Contractor staff must include field technicians, equipment operators, and a health and safety person.

**3.** Contractor must have the ability and experience to perform container removal actions including overpacking, decontamination services and/or excavation removal services and provide or arrange for storage/containerization, treatment, transportation and/or disposal of petroleum or hazardous substances in accordance with state and federal laws and regulations. Best Management practices for erosion control must be followed during soil removal actions.

**4.** Contractor must be able to demonstrate direct experience doing hazardous substance and/or petroleum site investigations including, but not limited to, removal of petroleum and/or hazardous substances and remediation planning and implementation following Maine DEP program, rules, polices, procedures and guidelines.

**5.** Contractor must provide a generic site safety plan and have the ability to develop a site-specific health and safety plan.

**6.** Contractor must provide a description of equipment available.

**7.** Contractor must be able to, if required by MEDEP: Acquire local, state, and federal permits as necessary including Digsafe. Attend public informational meetings, undertake site restoration work following a removal action per MEDEP requirements, and other associated tasks as directed by the Department.

**8.** Contractor must have general liability insurance of at least $3,000,000, which must be kept current for the term of this Pre-qualified list.

1. **Tasks**

Selected Contractor work tasks resulting from this RFP include, but may not be limited to the following.

**Task 1.** The Contractor shall be prepared to commence work onsite within eight (8) hours of being awarded a mini-bid.

**Task 2.** The Contractor and its subcontractor(s) shall be prepared to furnish all personnel, equipment, tools, materials and supplies necessary to perform the required tasks and projects assigned to the contractor by the MEDEP.

**Task 3.** The Contractor shall be prepared to perform all tasks or portions thereof, as outlined in the Scope of Work and assigned by the Department. The Department, at its discretion, may choose to have any or all tasks, or parts thereof, performed and/or completed.

**Task 4.** The Contractor shall prepare itemized invoices and submit them to the Department for payment monthly. Daily work logs detailing costs charged by the Contractor must be submitted with the invoices. The Contractor shall submit invoices to the MEDEP for each completed task (i.e. final deliverable) in the Scope of Work (SOW) within 30 days of completion of the task, unless alternate arrangements are made by the MEDEP Contract Administrator.

**Task 5.** Tasks related to activities may result in contact with hazardous substances (as defined by 38 M.R.S.A, section 1362 [www.mainelegislature.gov](http://www.mainelegislature.gov)). The Contractor and the chosen subcontractor(s) must have experience working at hazardous substances sites. The Contractor must be familiar with and follow <https://www.osha.gov> OSHA standards as outlined in 29 CFR part 1910 regarding on-site work at petroleum and hazardous substance sites. The Contractor shall submit a signed statement to this effect with Bidder’s proposal.

**Task 6.** The Contractor must insure that no conflict of interest occurs as the result of the performance of its duties while performing assigned tasks.

**Task 7.** The contractor will implement MEDEP approved remedial activities. The Contractor is responsible for ensuring that the activities are completed as described in the work plan. The MEDEP must approve any significant variation from the work plan. A written summary of remedial activities will be presented to the MEDEP at the conclusion of the project.

1. **Additional Responsibilities**

The selected Contractor may also be responsible for the following, as necessary and determined by the Department:

**1.** Secure site access.

**2.** Make all notifications to appropriate agencies and entities before, during and after initiating site work (DigSafe, Municipalities, State and Federal Agencies, etc.).

**3.** Obtain all required licenses, permits and permissions requisite to site investigation, remedial actions and disposal of petroleum, hazardous, and non-hazardous wastes.

**4.** Ensure that site workers are trained and qualified to work at hazardous substance sites in accordance with OSHA standards (e.g., 29 CFR 1910.120, 29 CFR 1910.146, etc.) <https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.120> <https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.146>

**5.** Oversee hired sub-contractors and ensure that site work is conducted in accordance with applicable State and Federal laws and regulations.

**6.** Follow Best Management Practices for controlling soil and erosion. <https://www.maine.gov/dep/land/erosion/escbmps/>

**7.** Assist the MEDEP in public presentation of investigation findings and remediation plans.

**8.** Attend and assist MEDEP staff at meetings with the public, responsible parties, government officials and other interested parties.

1. **Program Specific Requirements**

Programs within the MEDEP have specific requirements that they must adhere to as part of their Quality Assurance Plan (QAP), Grant, or ongoing process. Contractors submitting proposals to work on projects associated with these programs must be willing to comply with those requirements. Contractors not meeting program requirements will not be eligible to bid on projects within the respective program(s).

Contractors working on projects funded by the Maine Ground and Surface Waters Clean-up and Response Fund must comply with the requirements of the Department’s Fund Coverage Cost Guide. A copy of the Cost Guide can be found on the Department website at <http://www.maine.gov/dep/spills/petroleum/documents/fundcoveragecostguide2016.pdf>

1. **Evaluation Procedure**

Contractors that perform work for the MEDEP under the awarded contract may be subject to an evaluation procedure. The procedure will consist of regular project performance evaluations and annual Contractor evaluations. At the completion of site work, and all work tasks or at the end of the year (whichever is most appropriate) MEDEP staff associated with the project may fill out a project performance evaluation (**Appendix E**). This evaluation will assess the efficiency, competency and professionalism of Contractor staff and sub-contractors, and the satisfaction of MEDEP staff with the work performed. These evaluation forms will be provided to the Contractor as feedback for their own information and records. An annual Contractor evaluation may also be conducted addressing the overall satisfaction of the MEDEP with the Contractor’s performance over the year. Where this evaluation is conducted, a meeting between the Contractor and MEDEP program staff will be held where the MEDEP can discuss with the Contractor their successes and shortcomings, providing feedback. A written evaluation of the Contractor’s performance will also be provided.

# **PART III KEY RFP EVENTS**

## Questions

**1. General Instructions**

a. It is the responsibility of all Bidders and other interested parties to examine the entire RFP and to seek clarification, in writing, if they do not understand any information or instructions.

b. Bidders and other interested parties should use **Appendix D** – Submitted Questions Form – for submission of questions.

c. The Submitted Questions Form must be submitted to the RFP Coordinator email address identified on the cover page of this RFP.

d. Submitted Questions must include the RFP Number and Title in the subject line of the e-mail. The Department assumes no liability for assuring accurate/complete/on time e-mail transmission and receipt.

**2. Question & Answer Summary:** Responses to all questions will be compiled in writing and posted on the following website: <http://www.maine.gov/dafs/bbm/procurementservices/vendors/pqvls> . Bidders should submit questions 15-days prior to the most current proposal submission deadline in order to receive a response 7-days prior to that deadline. All other questions will be addressed after the current deadline. It is the responsibility of all interested parties to go to this website to obtain a copy of the Question & Answer Summary. Only those answers issued in writing on this website will be considered binding.

## Amendments

All amendments released in regard to this RFP will also be posted on the following website: <http://www.maine.gov/dafs/bbm/procurementservices/vendors/pqvls> . It is the responsibility of all interested parties to go to this website to obtain amendments. Only those amendments posted on this website are considered binding.

## Submitting the Proposal

1. **Proposals Due:** Proposals must be received no later than 11:59 p.m. local time, on the date listed on the cover page of this RFP. They will be opened the next business day. Proposals received **after** the 11:59 p.m. deadline will be **held until the next open enrollment opening**.
2. **Delivery Instructions:** Email proposal submissions are to be submitted to the State of Maine Division of Procurement Services, via email [Proposals@maine.gov](mailto:Proposals@maine.gov).
3. Only proposals received by email will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
4. E-mails containing links to file sharing sites or online file repositories will not be accepted as submissions. Only e-mail proposal submissions that have the actual requested files attached will be accepted.
5. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. Please check with your organization’s Information Technology team to ensure that your security settings will not encrypt your proposal submission.
6. File size limits are 25MB per e-mail. Bidders may submit files separately across multiple e-mails, as necessary, due to file size concerns. All e-mails and files must be received by the due date and time listed above.
7. Bidders are to insert the following into the subject line of their email submission: **“RFP# 202407126 Proposal Submission – [Bidder’s Name]”**
8. Bidder’s proposals are to be sent as one document. PDF is preferred but other formats, such as MS Word, will be accepted.
9. Bidder’s proposals must include (in the order below):

- Proposal Cover Page (**Appendix A**)

- Debarment, Performance and Non-Collusion Certification (**Appendix B**)

- Organization Qualifications and Experience (**Appendix C** and all related/required attachments)

- Copy of applicable licensure or any specific credentials

- Certificate of Insurance

- Company Rate Sheet(s)

# **PART IV PROPOSAL SUBMISSION REQUIREMENTS**

This section contains instructions for Bidders to use in preparing their proposals. The Department seeks detailed yet succinct responses that demonstrate the Bidder’s qualifications, experience, and ability to perform the requirements specified throughout the RFP.

The Bidder’s proposal must follow the outline used below, including the numbering, section, and sub-section headings. Failure to use the outline specified in PART IV, or failure to respond to all questions and instructions throughout the RFP, may result in the proposal being disqualified as non-responsive or receiving a reduced score. The Department, and its evaluation team, has sole discretion to determine whether a variance from the RFP specifications will result either in disqualification or reduction in scoring of a proposal. Rephrasing of the content provided in the RFP will, at best, be considered minimally responsive.

Bidders are not to provide additional attachments beyond those specified in the RFP for the purpose of extending their response. Additional materials not requested will not be considered part of the proposal and will not be evaluated. Include any forms provided in the submission package or reproduce those forms as closely as possible. All information must be presented in the same order and format as described in the RFP.

**Proposal Format and Contents**

**Section I Preliminary Information**

* 1. **Proposal Cover Page**

Bidders must complete **Appendix A** (Proposal Cover Page). It is critical that the cover page show the specific information requested, including Bidder address(es) and other details listed. The Proposal Cover Page must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

* 1. **Debarment, Performance and Non-Collusion Certification**

Bidders must complete **Appendix B** (Debarment, Performance and Non-Collusion Certification Form). The Debarment, Performance and Non-Collusion Certification Form must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

* 1. **Eligibility Requirements**

Bidders must provide documentation to demonstrate meeting eligibility requirements stated in PART I, C.

**Section II Organization Qualifications and Experience**

* 1. **Overview of the Organization**

Bidders must complete **Appendix C** (Qualifications and Experience Form) describing their qualifications and skills to provide the requested services in the RFP. Bidders must include three examples of projects which demonstrate their experience and expertise in performing these services as well as highlighting the Bidder’s stated qualifications and skills.

* 1. **Subcontractors**

If subcontractors are to be used, Bidders must provide a list that specifies the name, address, phone number, contact person, and a brief description of the subcontractors’ organizational capacity and qualifications.

* 1. **Organizational Chart**

Bidders must provide an organizational chart.  The organizational chart must include the project being proposed.  Each position must be identified by position title and corresponding to the personnel job descriptions.

* 1. **Litigation**

Bidders must attach a list of all current litigation in which the Bidder is named and a list of all closed cases that have closed within the past five (5) years in which the Bidder paid the claimant either as part of a settlement or by decree.  For each, list the entity bringing suit, the complaint, the accusation, amount, and outcome.

* 1. **Licensure/Certification**

Bidders must provide documentation of all applicable licensure/certification and specific credentials required to provide the proposed services of the RFP. This documentation includes: Maine Department of Environmental Protection Waste Oil Transporter License, Hazardous Waste Transporter License, or Hazardous Waste/Waste Oil Combination Transporter License. Include evidence of Safety Training Certification (HAZWOPER) for employees expected to perform the services.

* 1. **Certificate of Insurance**

Bidders must provide a certificate of insurance on a standard Acord form (or the equivalent) evidencing the Bidder’s general liability, professional liability and any other relevant liability insurance policies that might be associated with the proposed services.

**Section III Proposed Services**

* 1. **Services to be Provided**

Discuss the Scope of Services referenced above in Part II of the RFP and what the Bidder will offer. Give particular attention to describing the methods and resources you will use and how you will accomplish the tasks involved. Also, describe how you will ensure expectations and/or desired outcomes as a result of these services will be achieved. If subcontractors are involved, clearly identify the work each will perform.

* 1. **Implementation - Work Plan**

Provide a realistic work plan for the implementation of the program through the first contract period. Display the work plan in a timeline chart. Concisely describe each program development and implementation task, the month it will be carried out and the person or position responsible for each task. If applicable, make note of all tasks to be delegated to subcontractors.

**Section IV Cost Proposal**

**General Instructions**

The Respondent must submit a current rate sheet. Rate sheets must provide a listing of all the typical fixed and hourly rates for all services and the positions expected to be involved in the services provided as well as all other expected expenses.

# **PART V PROPOSAL EVALUATION AND SELECTION**

Evaluation of the submitted proposals shall be accomplished as follows:

## Evaluation Process - General Information

* + - 1. An evaluation team, comprised of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP, and in accordance with the most advantageous financial and economic impact considerations (where applicable) for the State.
      2. Officials responsible for making decisions on the selection of a contractor shall ensure that the selection process accords equal opportunity and appropriate consideration to all who are capable of meeting the specifications. The goals of the evaluation process are to ensure fairness and objectivity in review of the proposals and to ensure that the contract is awarded to the Bidder whose proposal provides the best value to the State of Maine.
      3. The Department reserves the right to communicate and/or schedule interviews/presentations with Bidders if needed to obtain clarification of information contained in the proposals received, and the Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Interviews/presentations are not required, and changes to proposals will not be permitted during any interview/presentation process. Therefore, Bidders should submit proposals that present their rates and other requested information as clearly and completely as possible.

## Scoring Weights and Process

* 1. **Scoring Weights:** The score will be based on a 100-point scale and will measure the degree to which each proposal meets the following criteria.

**Section I. Organization Qualifications and Experience (75 points)**

Includes all elements addressed above in Part IV, Section II.

**Section II. Cost Proposal (25 points)**

Includes all elements addressed above in Part IV, Section IV.

* 1. **Scoring Process:** For proposals that demonstrate meeting the eligibility requirements in Section I, the review team will use a consensus approach to evaluate and score the sections above. Members of the review team will not score those sections individually but, instead, will arrive at a consensus as to assignment of points for each of those sections.
  2. **Negotiations:** The Department reserves the right to negotiate with the successful Bidder to finalize a contract at the same rate or cost of service as presented in the selected proposal. Such negotiations may not significantly vary the content, nature or requirements of the proposal or the Department’s Request for Proposals to an extent that may affect the price of goods or services requested. The Department reserves the right to terminate contract negotiations with a selected Bidder who submits a proposed contract significantly different from the proposal they submitted in response to the advertised RFP. In the event that an acceptable contract cannot be negotiated with the highest ranked Bidder, the Department may withdraw its award and negotiate with the next-highest ranked Bidder, and so on, until an acceptable contract has been finalized. Alternatively, the Department may cancel the RFP, at its sole discretion.

## Selection and Award

**1.** The final decision regarding the award of the contract will be made by representatives of the Department subject to approval by the State Procurement Review Committee.

**2.** Notification of contractor selection or non-selection will be made in writing by the Department.

**3.** Issuance of this RFP in no way constitutes a commitment by the State of Maine to award a contract, to pay costs incurred in the preparation of a response to this request, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel or any other costs incurred by the Bidder.

**4.** The Department reserves the right to reject any and all proposals or to make multiple awards.

**5.**   Selection to be included on the PQVL is not a guarantee of work.

**6.** Updated documentation pertaining to Certification of Insurance, Certification/Licensure, and Rates will be required to be submitted to the RFP Coordinator by all Providers on the PQVL on an semi-annual basis.

## Appeal of Contract Awards

Any person aggrieved by the award decision that results from this RFP may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in 5 MRSA § 1825-E and 18-554 Code of Maine Rules, Chapter 120 (found here: <https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-120> ).  The appeal must be in writing and filed with the Director of the Bureau of General Services, 9 State House Station, Augusta, Maine, 04333-0009 within 15 calendar days of receipt of notification of contract award.

Since this RFP results in a PQVL, the appeal procedures mentioned above are available upon the original determination of that vendor list. The appeal procedures will not be available during subsequent competitive procedures involving only the PQVL participants if cost is the sole determining factor.

## Removal from Pre-Qualified Vendors List

The Department may remove a pre-qualified vendor from the PQVL at any time, upon giving 30 days’ written notice to the pre-qualified vendor, if the Department determines that during the pre-qualification term:

* 1. The pre-qualified vendor failed or refused to perform its contractual obligations,
  2. The pre-qualified vendor’s performance was unsatisfactory including, but not limited to, the quality and timeliness of services provided,
  3. The pre-qualified vendor no longer has the ability to perform the services specified in this RFP, or
  4. The pre-qualified vendor is continually “unresponsive” to providing any feedback to the Department’s mini-bid solicitations.

# 

# **PART VI LIST OF RFP APPENDICES AND RELATED DOCUMENTS**

1. Appendix A – Proposal Cover Page
2. Appendix B – Debarment, Performance and Non-Collusion Certification
3. Appendix C – Qualifications and Experience Form
4. Appendix D – Submitted Question Form
5. Appendix E – MEDEP Environmental Consultant Review Form

**APPENDIX A**

**State of Maine**

**Department of Environmental Protection**

**PROPOSAL COVER PAGE**

**RFP# 202407126**

**Pre-Qualified Vendor List for Removal of Petroleum and Hazardous Substances Services**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Bidder’s Organization Name:** | |  | | | |
| **Chief Executive - Name/Title:** | |  | | | |
| **Tel:** |  | | | **E-mail:** |  |
| **Headquarters Street Address:** | |  | | | |
| **Headquarters City/State/Zip:** | |  | | | |
| ***(Provide information requested below if different from above)*** | | | | | |
| **Lead Point of Contact for Proposal - Name/Title:** | | |  | | |
| **Tel:** |  | | | **E-mail:** |  |
| **Headquarters Street Address:** | |  | | | |
| **Headquarters City/State/Zip:** | |  | | | |

* This proposal and the pricing structure contained herein will remain firm for a period of 180 days from the date and time of the bid opening.
* No personnel currently employed by the Department or any other State agency participated, either directly or indirectly, in any activities relating to the preparation of the Bidder’s proposal.
* No attempt has been made, or will be made, by the Bidder to induce any other person or firm to submit or not to submit a proposal.
* The above-named organization is the legal entity entering into the resulting agreement with the Department should they be awarded the contract.
* The undersigned is authorized to enter contractual obligations on behalf of the above-named organization.

*To the best of my knowledge, all information provided in the enclosed proposal, both programmatic and financial, is complete and accurate at the time of submission.*

|  |  |
| --- | --- |
| **Name (Print):** | **Title:** |
| **Authorized Signature:** | **Date:** |

**APPENDIX B**

**State of Maine**

**Department of Environmental Protection**

**DEBARMENT, PERFORMANCE and NON-COLLUSION CERTIFICATION**

**RFP# 202407126**

**Pre-Qualified Vendor List for Removal of Petroleum and Hazardous Substances Services**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |

*By signing this document, I certify to the best of my knowledge and belief that the aforementioned organization, its principals and any subcontractors named in this proposal:*

1. *Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from bidding or working on contracts issued by any governmental agency.*
2. *Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:*
   1. *Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state or local government transaction or contract.*
   2. *Violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;*
   3. *Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and*
   4. *Have not within a three (3) year period preceding this proposal had one or more federal, state or local government transactions terminated for cause or default*.
3. *Have not entered into a prior understanding, agreement, or connection with any corporation, firm, or person submitting a response for the same materials, supplies, equipment, or services and this proposal is in all respects fair and without collusion or fraud. The above-mentioned entities understand and agree that collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.*

**Failure to provide this certification may result in the disqualification of the Bidder’s proposal, at the discretion of the Department.**

|  |  |
| --- | --- |
| Name (Print): | Title: |
| Authorized Signature: | Date: |

**APPENDIX C**

**State of Maine**

**Department of Environmental Protection**

## QUALIFICATIONS & EXPERIENCE FORM

**RFP# 202407126**

**Pre-Qualified Vendor List for Removal of Petroleum and Hazardous Substances Services**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |

|  |
| --- |
| **Present a brief statement of qualifications, including any applicable licensure and/or certification. Describe the history of the Bidder’s organization, especially regarding skills pertinent to the specific work required by the RFP and any special or unique characteristics of the organization which would make it especially qualified to perform the required work activities. You may expand this form and use additional pages to provide this information.** |
|  |

**APPENDIX C (continued)**

|  |
| --- |
| **Provide a description of projects that occurred within the past five years which reflect experience and expertise needed in performing the functions described in the “Scope of Services” portion of this RFP. For each of the project examples provided, a contact person from the client organization involved should be listed, along with that person’s telephone number and email address. Please note that contract history with the State of Maine, whether positive or negative, may be considered in rating proposals even if not provided by the Bidder.** |

|  |  |
| --- | --- |
| **Project One** | |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** | |
|  | |

|  |  |
| --- | --- |
| **Project Two** | |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** | |
|  | |

**APPENDIX C (continued)**

|  |  |
| --- | --- |
| **Project Three** | |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** | |
|  | |

**APPENDIX D**

**State of Maine**

**Department of Environmental Protection**

**SUBMITTED QUESTIONS FORM**

**RFP# 202407126**

**Pre-Qualified Vendor List for Removal of Petroleum and Hazardous Substances Services**

|  |  |
| --- | --- |
| **Organization Name:** |  |

|  |  |
| --- | --- |
| **RFP Section & Page Number** | **Question** |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

*\* If a question is not related to any section of the RFP, state “N/A” under “RFP Section & Page Number”.*

*\*\* Add additional rows, if necessary.*

**APPENDIX E**

|  |  |
| --- | --- |
|  | **MEDEP Environmental Consultant Review Form** |

|  |  |  |
| --- | --- | --- |
| **Site/Project:** |  |  |
| **Scope of Work:** |  |  |
| **Consultant:** |  |  |
| **Department Staff completing Review:** |  |  |
| **Date Assigned:** |  |  |
| **Drafts to Department for review:** | Early:\_\_\_\_\_\_\_\_  On Time:\_\_\_\_\_ | Late:\_\_\_\_\_\_ |
| **Revisions/comments for submittals:** | None or Few Minor:\_\_\_\_\_  Many Minor:\_\_\_\_\_  Significant re-write required\_\_\_\_\_ | Comments: |
| **Final submittals:** | Early:\_\_\_\_\_\_\_  On Time:\_\_\_\_ | Late:\_\_\_\_\_\_ |
| **Further Revisions Required?** | Yes:\_\_\_\_\_\_\_  No:\_\_\_\_\_\_\_ | Comments: |
| **Date Project Completed:** |  |  |
| **Overall Project Scheduling:** | Early:\_\_\_\_\_\_\_\_ Late:\_\_\_\_\_\_\_\_\_  On Time:\_\_\_\_\_ | Comments: |
| **Overall Project Budgeting:** | Under:\_\_\_\_\_\_\_  Over:\_\_\_\_\_\_\_\_  Met:\_\_\_\_\_\_\_\_\_ | Comments: |
| **Overall Work Performance** | Unacceptable:\_\_\_\_\_  Satisfactory:\_\_\_\_\_\_  Excellent:\_\_\_\_\_\_\_\_ | Comments: |