**STATE OF MAINE**

**Department of Environmental Protection**

*Bureau of Land Resources (Department) &*

**Department of Agriculture, Conservation, and Forestry**

*Land Use Planning Commission (LUPC)*



**RFP# 202103043**

**Pre-Qualified Vendor List for**

**Wetland, Wildlife, Soil and Engineering Consulting Services**

|  |  |
| --- | --- |
| **RFP Coordinator** | *All communication, including questions and proposal submission, regarding this RFP must be made using the email address below.***Contact Information:** stacie.r.beyer@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# 202103043” in the subject line of your email.* |
| **Proposal Submission** | *Proposals must be received by the Division of Procurement Services by:***Submission Deadline:** **May 6, 2021** 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 |
| **Annual****Enrollment** | *After the initial RFP proposal submission deadline, proposal evaluations will be held on an annual basis. Annual proposal submission deadlines will be* ***11:59 p.m. on the******1st business day of April*** *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  |

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# **PUBLIC NOTICE**

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**State of Maine**

**Department of Environmental Protection &**

**Land Use Planning Commission**

**RFP# 202103043**

**Wetland, Wildlife, Soil and Engineering Consulting Services**

The State of Maine Department of Environmental Protection and Land Use Planning Commission invite interested consultants to submit qualifications within the fields of wetland delineation and functional assessment, wildlife habitat identification and assessment, soil mapping and suitability assessment, and professional engineering services including erosion control plan review and assessment and stormwater management plan review and assessment. The Department and the LUPC intend to establish a list of pre-qualified consultants to provide outside consulting or peer review services, on an as-needed basis**.**

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. Proposal submissions must be submitted no later than 11:59 pm, local time, on **May 6, 2021.** Proposals will be opened at the Burton M. Cross Office Building, 111 Sewall Street - 4th Floor, Augusta, Maine 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 |
| **LUPC** | Land Use Planning Commission |

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

**Land Use Planning Commission**

**RFP# 202103043**

**Pre-Qualified Vendor List for**

**Wetland, Wildlife, Soil and Engineering Consulting Services**

# **PART I INTRODUCTION**

## A. Purpose and Background

The Department of Environmental Protection (Department) and the Land Use Planning Commission (LUPC) are seeking proposals to establish a Pre-Qualified Vendor List for Wetland, Wildlife, Soil and Engineering Consulting Services in the areas of wetland delineation and functional assessment, wildlife habitat identification and assessment, soil mapping and suitability assessment, and professional engineering services including erosion control plan review and assessment and stormwater management plan review and assessment, 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 and the LUPC process applications under various statutes and regulations. These statutes and regulations require an applicant to demonstrate that a proposed project will meet the applicable statutory and regulatory standards for unreasonable adverse impact on wetlands, wildlife habitats and unusual natural areas, erosion control, stormwater management, and soil suitability. Outside consulting or peer review of information provided by applicants addressing these issues may be required, depending on the complexity and scope of the proposed project and submissions.

## 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 and LUPC 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 and LUPC. 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 and LUPC 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 and LUPC also reserve 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 and LUPC.
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 and LUPC, 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 and LUPC are 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. The Department and LUPC anticipates creating a PQVL and entering into retainer contracts with multiple top scoring contractors as a result of this RFP process. 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 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 | June 14, 2021 | Termination of RFP |

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

## Mini-Bid Process and Awards

Once the pre-qualified list is established, the Department and LUPC 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 and LUPC 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 and LUPC reserve the right to select vendors from the pre-qualification list without using the mini-bid process for emergencies (if the need arises). The Department and LUPC 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 and LUPC’s specific needs/timelines.

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

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

## Tasks

**1.** Review delineations, assessments, reports and plans submitted by project applicants to determine if they are reasonably accurate and technically correct according to applicable Department and LUPC laws/regulations on wetland and wildlife impacts, soil suitability, erosion control and stormwater management. The review must include the submittal of a written technical review memorandum in which the contractor will comment on the assumptions, variables, methodologies, analysis and conclusions presented by the applicant and/or the applicant’s consultant. All written comments will be submitted to the Department and/or the LUPC within 30 days of receiving a formal request for project review from the Department and/or the LUPC unless otherwise noted;

**2.** Visit a proposed project development site to gain firsthand understanding of the individual site characteristics, and facilitate understanding and aid in the development of technical review;

**3.** Attend Department and/or LUPC-held public meetings as requested;

**4.** Recommend to the Department and/or the LUPC what, if any, additional studies and/or post-construction monitoring requirements are warranted by a project and provide, as needed, technical review in the development of any required studies or post-construction monitoring methodology;

**5.** Review and comment on any post-construction monitoring data and additional plans submitted as a condition of approval for a Department and/or LUPC permit;

**6.** Participate in meetings and/or conference calls to discuss the findings and recommendations with the applicant, the Department and/or the LUPC;

**7.** Respond to questions raised by the Department and/or the LUPC regarding the technical aspects of the project, findings and/or the contractor’s recommendations;

**8.** Address questions raised by the general public relating to a project. The contractor will only be responsible for answering general public questions that have been directed to the contractor through the Department and/or the LUPC;

**9.** Review and comment on any supplemental materials requested of the applicant by the Department and/or LUPC in response to the contractor’s initial written comments;

**10.** Provide expert testimony or comment, as needed, at any legal proceeding before the Maine Board of Environmental Protection and/or the Land Use Planning Commission;

1. Inspect a project development site during and after construction to determine compliance with the approved permit and associated development plans.

## Applicable Statutes and Rules

* 1. The Department and/or the LUPC process applications under a wide variety of statutes, and their associated regulations, including but not limited to the Site Location of Development Act, the Natural Resources Protection Act, Stormwater Management Law, Erosion and Sedimentation Control Law, Maine Construction General Permit, and/or LUPC’s Use Regulation Law.

**Site Location of Development Act:** [**http://legislature.maine.gov/legis/statutes/38/title38sec481.html**](http://legislature.maine.gov/legis/statutes/38/title38sec481.html)

**Natural Resources Protection Act:**

[**http://legislature.maine.gov/legis/statutes/38/title38sec480-A.html**](http://legislature.maine.gov/legis/statutes/38/title38sec480-A.html)

**Storm Water Management Law:**

[**https://www.mainelegislature.org/legis/statutes/38/title38sec420-D.html**](https://www.mainelegislature.org/legis/statutes/38/title38sec420-D.html)

**Erosion and Sedimentation Control Law** [**http://www.mainelegislature.org/legis/statutes/38/title38sec420-C.html**](http://www.mainelegislature.org/legis/statutes/38/title38sec420-C.html)

**Maine Construction General Permit** [**http://www.mainelegislature.org/legis/statutes/38/title38sec413.html**](http://www.mainelegislature.org/legis/statutes/38/title38sec413.html)

**Use Regulation Law:**

[**http://www.mainelegislature.org/legis/statutes/12/title12ch206-Asec0.html**](http://www.mainelegislature.org/legis/statutes/12/title12ch206-Asec0.html)

**2.** Applicable rules include but are not limited to Chapter 375 No Adverse Environmental Effect Standard, Chapter 376 Soil Types Standard of Site Location Law, Chapter 310 Wetlands and Waterbodies Protection, Chapter 335 Significant Wildlife Habitat, Chapter 500 Stormwater Management, Chapter 501 Stormwater Management Compensation Fees and Mitigation Credit, Chapter 502 Direct Watersheds of Lakes Most at Risk from New Development, and Urban Impaired Streams, and/or Chapter 10 Land Use Districts and Standards.

**Chapter 375 No Adverse Environmental Effect Standard:**[**https://www.maine.gov/sos/cec/rules/06/096/096c375.docx**](https://www.maine.gov/sos/cec/rules/06/096/096c375.docx)

**Chapter 376 Soil Types Standard of the Site Location Law:**

[**www.maine.gov/sos/cec/rules/06/096/096c376.doc**](http://www.maine.gov/sos/cec/rules/06/096/096c376.doc)

**Chapter 310 Wetlands and Waterbodies Protection:**

**[www.maine.gov/sos/cec/rules/06/096/096c310.doc](http://www.maine.gov/sos/cec/rules/06/096/096c310.doc)**

**Chapter 335 Significant Wildlife Habitat:**

[**https://www.maine.gov/sos/cec/rules/06/096/096c335.doc**](https://www.maine.gov/sos/cec/rules/06/096/096c335.doc)

**Chapter 500 Stormwater Management:**

[***https://www.maine.gov/sos/cec/rules/06/096/096c500.docx***](https://www.maine.gov/sos/cec/rules/06/096/096c500.docx)

***Chapter 501 Stormwater Management Compensation Fees and Mitigation Credit:***

[***https://www.maine.gov/sos/cec/rules/06/096/096c501.docx***](https://www.maine.gov/sos/cec/rules/06/096/096c501.docx)

***Chapter 502 Direct Watersheds of Lakes Most at risk from New Development, and Urban Impaired Streams:***

[***https://www.maine.gov/sos/cec/rules/06/096/096c502.docx***](https://www.maine.gov/sos/cec/rules/06/096/096c502.docx)

**Chapter 10 Land use Standards and Districts:** [**https://www.maine.gov/sos/cec/rules/01/001/001c010.doc**](https://www.maine.gov/sos/cec/rules/01/001/001c010.doc)

# **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 and LUPC 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.
3. Only proposals received by email will be considered. The Department and LUPC 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:
8. “RFP# 202103043 Proposal Submission”
9. Bidder’s name
10. Bidder’s proposals are to be sent as one document. PDF is preferred but other formats, such as MS Word, will be accepted.
11. Bidders’ 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)

- Organizational Chart

- 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 Bidder’s proposal must follow the outline used below, including the numbering and section and sub-section headings as they appear here. Failure to use the outline specified in this section, or to respond to all questions and instructions throughout this document, may result in the proposal being disqualified as non-responsive or receiving a reduced score. The Department and LUPC, and its evaluation team for this RFP, have sole discretion to determine whether a variance from the RFP specifications should result in either disqualification or reduction in scoring of a proposal. Rephrasing of the content provided in this RFP will, at best, be considered minimally responsive. The Department and LUPC seeks detailed yet succinct responses that demonstrate the Bidder’s experience and ability to perform the requirements specified throughout this document.

## Proposal Format

* 1. All pages of a Bidder’s proposal should be numbered consecutively beginning with number 1 on the first page of the narrative (this does not include the cover page or table of contents pages) through to the end, including all forms and attachments. For clarity, the Bidder’s name should appear on every page, including Attachments. Each Attachment must reference the section or subsection number to which it corresponds.
	2. The Bidder is asked to be brief and concise in responding to the RFP questions and instructions. The proposal should be limited to a maximum total of 15 pages. Pages provided beyond the aforementioned maximum amount will not be considered during evaluation.
	3. The Bidder may not 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. The following proposal elements, if applicable/requested, will not be counted as part of the maximum total number of pages allowed for the proposal: proposal cover page, table of contents, financial forms, any required attachments, appendices, or forms provided by the Department and LUPC in the RFP, organizational charts, job descriptions, or staff résumés.
	4. Include any forms provided in the submission package or reproduce those forms as closely as possible. All information should be presented in the same order and format as described in the RFP.
	5. It is the responsibility of the Bidder to provide all information requested in the RFP package at the time of submission. Failure to provide information requested in this RFP may, at the discretion of the Department and LUPC’s evaluation review team, result in a lower rating for the incomplete sections and may result in the proposal being disqualified for consideration.
	6. The Bidder should complete and submit the “Proposal Cover Page” provided in **Appendix A** of this RFP and provide it with the Bidder’s proposal. It is important that the cover page show the specific information requested, including Bidder address(es) and other details listed. The proposal cover page shall be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.
	7. The Bidder should complete and submit the “Debarment, Performance and Non-Collusion Certification Form” provided in **Appendix B** of this RFP. Failure to provide this certification may result in the disqualification of the Bidder’s proposal, at the discretion of the Department and LUPC.

## Proposal Contents

**Section I Organization Qualifications and Experience (limit 11 pages)**

1. **Overview of the Organization**

The Bidder is to complete **Appendix C** (Qualifications and Experience Form) describing their qualifications and skills to provide the requested services in this RFP. The Bidder is also to include five examples of projects which demonstrate their experience and expertise in performing these services as well as highlighting the Bidder’s stated qualifications and skills. It is strongly recommended that staff résumés be included in this section.

1. **Subcontractors**

If subcontractors are to be used, 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**

Provide an organizational chart of the bidder’s organization. The organization chart must include the project being proposed. Each position must be identified by position title and corresponding to the personnel job descriptions and the Staffing Plan provided.

1. **Litigation**

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 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. If no litigation will be included, write “none” on submitted attachment.

1. **Licensure/Certification**

Provide documentation of any applicable licensure/certification or any specific credentials required to provide the proposed services.

1. **Certificate of Insurance**

Provide a current 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 II Proposed Services (limit 3 pages)**

**Services to be Provided**

 Discuss the Scope of Services referenced above in Part II of this RFP and what the Bidder will offer. The Department and the LUPC are looking for more than an agreement to provide these services. Give particular attention to describing the Bidder’s role in delivering consulting and peer review services, 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. Bidders may address any or all of the stated environmental disciplines in the RFP.

**Section III Cost Proposal (limit 1 page)**

**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.

The Department and LUPC are requiring at a minimum the fixed hourly rate for the following personnel types: 1. Project Manger/Principal Reviewer, 2. Technical Assistant to the Project Manager/Principal Reviewer, 3. Administrative Personnel.

**Section IV Required Proposal Attachments**

The following documents must be attached to the back of each Bidder’s proposal in the order as numbered below. The required documents will be reviewed and rated by the Department and LUPC evaluation team.

**Attachment 1:**  Organization Chart

**Attachment 2:**  Licenses and Professional Certifications necessary for, or associated with, the performance of the Scope of Services.

**Attachment 3:**  Certificate of Insurance

**Attachment 4:**  Company Rate Sheet

# **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 and LUPC reserve 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 and LUPC 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 (50 points)**

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

**Section II. Proposed Services (25 points)**

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

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

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

1. **Scoring Process:** 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 and LUPC reserve 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 and LUPC’s Request for Proposals to an extent that may affect the price of goods or services requested. The Department and LUPC reserve 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 and LUPC 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 and LUPC may cancel the RFP, at their sole discretion.

## Selection and Award

**1.** The final decision regarding the award of the contract will be made by representatives of the Department and LUPC 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 and LUPC.

**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 and LUPC reserve 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 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 and LUPC 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 and LUPC determine 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 and LUPC’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

# **APPENDIX A**

**State of Maine**

**Department of Environmental Protection &**

**Land Use Planning Commission**

**PROPOSAL COVER PAGE**

**RFP# 202103043**

**Pre-Qualified Vendor List for**

**Wetland, Wildlife, Soil and Engineering Consulting 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, LUPC 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 and LUPC 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 &**

**Land Use Planning Commission**

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

**RFP# 202103043**

**Pre-Qualified Vendor List for**

**Wetland, Wildlife, Soil and Engineering Consulting 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 and LUPC.**

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

# **APPENDIX C**

**State of Maine**

**Department of Environmental Protection &**

**Land Use Planning Commission**

**QUALIFICATIONS & EXPERIENCE FORM**

**RFP# 202103043**

**Pre-Qualified Vendor List for**

**Wetland, Wildlife, Soil and Engineering Consulting 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 at least five (5) projects that occurred within the past five (5) 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.****Bidders must be able to demonstrate:**1. **Direct experience in the last five years in the development, or review, of projects subject to the laws and associated regulations administered by the Department and/or the LUPC, including but not limited to the Site Location of Development Act, Natural Resources Protection Act, Development Review and Approval Law and/or LUPC’s Use Regulation Law.**
2. **Bidders with no direct experience in Maine related to the basic requirements listed in “a” just above in this table must be able to demonstrate direct experience in the last five years with comparable wetland, wildlife habitat, soil suitability, and erosion control statutory and regulatory standards for developments in other states/countries.**
 |

|  |
| --- |
| **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** |
|  |

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

**APPENDIX C (continued)**

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

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

# **APPENDIX D**

**State of Maine**

**Department of Environmental Protection &**

**Land Use Planning Commission**

**SUBMITTED QUESTIONS FORM**

**RFP# 202103043**

**Pre-Qualified Vendor List for**

**Wetland, Wildlife, Soil and Engineering Consulting Services**

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

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