**STATE OF MAINE**

**Department of Environmental Protection**

*Division of Technical Services, BRWM*



**RFP# 202301011**

**Pre-Qualified Vendor List for**

**Home Heating Oil Tank Replacements**

|  |  |
| --- | --- |
| **RFP Coordinator** | *All communication, including questions and proposal submission, regarding this RFP must be made using the email address below.*  **Contact Information:** [David.McCaskill@maine.gov](mailto:Racheal.French@maine.gov) |
| **Submitted Questions Due** | *Questions regarding this RFP can be submitted at any time while this RFP is active. All questions must be submitted, by e-mail, to the address identified above.* |
| **Initial Proposal Submission** | *Proposals must be received by the Division of Procurement Services by:*  **Initial Submission Deadline:** March 7, 2023 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) |
| **Open**  **Enrollment** | *After the initial RFP proposal submission deadline, proposal evaluations will be held on an ongoing basis. Bidders may submit proposals at any point while the RFP is active.*  **Electronic (email) Submission Address:** [Proposals@maine.gov](mailto:Proposals@maine.gov) |

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**PUBLIC NOTICE**

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**State of Maine**

**Department of Environmental Protection**

**RFP# 202301011**

**Pre-Qualified Vendor List for Home Heating Oil Tank Replacements**

The State of Maine is seeking proposals to be considered for inclusion on a Pre-Qualified Vendor List for replacing home heating oil tanks. The Department intends to establish a pre-qualified vendor list of contractors to provide these 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](mailto:Proposals@maine.gov). Proposal submissions must be submitted no later than 11:59 pm, local time, on March 7, 2023. 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**

*Division of Technical Services, BRWM*

**RFP# 202301011**

**Pre-Qualified Vendor List for Home Heating Oil Tank Replacements**

# **PART I INTRODUCTION**

## A. Purpose and Background

The Department of Environmental Protection (Department) is seeking proposals to provide home heating oil tank replacements 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 and the awarded Bidder(s).

The Department will contract with awarded Bidder(s) to provide services as projects and funding become available. The tanks being replaced through this project are those tanks that do not meet State standards and pose a high risk of an oil spill. These substandard home heating oil tanks will typically be replaced by new home heating oil tanks or propane furnaces. This RFP will determine a list of pre-qualified companies capable of performing these tank replacements so that replacements can be performed quickly.

Due to state-wide need for the replacement of home heating oil tanks, qualified contractors from throughout the state are encouraged to apply.

*Note that several heating contractors and companies were on a previous list of pre-qualified heating contractors. The contract for the previous list expired on December 31, 2022. Contractors on the previous list must submit proposals in response to this RFP if they wish to join the new pre-qualified vendor list for home heating oil tank replacements.*

## 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 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 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

Only private for-profit companies who have, or who have a contract with, technicians with the following licenses are eligible to submit bids in response to this Request for Proposals.

For installation of Steel Oil Tanks:

* Master Oil Burner Technician License(s) issued by the State Fuel Board.

For installation of UL 2258 Double Wall Oil Tanks:

* Master Oil Burner Technician License(s) issued by the State Fuel Board, and
* Roth Training certificate in Double Wall Home Heating Oil Tanks from Roth Industries.

For installation of Propane Heating Furnaces:

* Master Oil Burner Technician License(s) issued by the State Fuel Board, and
* Propane and Natural Gas Technician License(s) issued by the State Fuel Board.

## 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 the 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 | April 1, 2023 | December 31, 2027 |

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

## 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**

Contractors will remove and replace home heating oil tanks as directed by the Department and in accordance with Department specifications and Fuel Board code, on an as-needed basis. Services to be performed will usually be performed at a single-family residence. Approved Contractors must be available to all Department Programs. Contractors must supply the equipment and tools to perform the services.

1. **Service Type and Requirements**

Contractors are required to perform the services listed below.

* 1. Steel Oil Tank Installations – Master Oil Burner Technician

In addition to performing Steel Oil Tank Installations, Contractors may, but are not required to, perform for the following optional services:

* 1. Double Wall Oil Tank Installations – Master Oil Burner Technician and Roth Training for all Roth tanks.
  2. Propane Heating Installations – Master Oil Burner Technician and Propane and Natural Gas Technician.

1. **Regulations**
   1. In order to protect ground water of the State, the Department is authorized by 38 MRSA §551-5(N) to disburse funds to replace aboveground oil storage tanks when necessary to abate an imminent threat.
   2. All aboveground heating oil supply tank installations shall conform to the most current rules of the State Fuel Board, <https://www.maine.gov/sos/cec/rules/02/chaps02.htm#658> and the specifications applicable to each individual tank replacement and shall be installed under the supervision of a Master Oil Burner Technician.
   3. All propane heating appliance installations shall conform to the most current rules of the State Fuel Board, <https://www.maine.gov/sos/cec/rules/02/chaps02.htm#658> and the specifications applicable to each individual tank replacement and shall be installed under the supervision of a Propane and Natural Gas Technician.
2. **Training and Certification**
   1. If UL 2258 double wall tanks (in addition to double bottom steel tanks) are to be installed, then the Master Oil Burner Technician must have undergone the required training and received the proper certification to install Roth double wall home heating oil tanks manufactured by Roth Industries, Syracuse, NY.
   2. If propane furnaces and propane heating appliance are to be installed, then the contractor must employ or have a contract with a Propane and Natural Gas Technician that holds a current license issued by the State Fuel Board.
3. **Geographic Service Area**
   1. Services are anticipated to be utilized throughout the State, on an as-needed basis.

**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 may use **Appendix B** (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> .

The initial Question & Answer Summary will be posted no later than 7 days prior to the initial proposal due date. All questions submitted within that 7-day window and following the initial deadline will be answered periodically through an updated Question & Answer Summary posted to the website above. 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.

# **PART IV 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 can meet 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.
      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. Preliminary Information (No Points – Eligibility Requirements)**

Includes all elements addressed in Proposal Form Pages 2 and 3, and the Eligibility Requirements on Page 4.

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

Includes all elements not otherwise addressed in Proposal Form Pages 4 through 6.

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

Includes all elements included in the Cost Proposal section addressed in Proposal Form Page 6.

* 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. **Scoring the Cost Proposal:** The total cost proposed for conducting all the functions specified in this RFP will be assigned a score according to a mathematical formula. The lowest bid will be awarded 25 points. Proposals with higher bid values will be awarded proportionately fewer points calculated in comparison with the lowest bid.

The scoring formula is:

(Lowest submitted Master Oil Burner Technician hourly rate / Master Oil Burner Technician hourly rate being scored) x 25 = pro-rated score.

No Best and Final Offers: The State will not seek a best and final offer (BAFO) from any Bidder in this procurement process. All Bidders are expected to provide their best value pricing with the submission of their proposal.

* 1. **Negotiations:** The Department reserves the right to negotiate with the successful Bidders 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 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 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](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.

# 

**APPENDIX A**

**State of Maine**

**Department of Environmental Protection**

**PROPOSAL FORM & REQUIREMENTS**

**RFP# 202301011**

**Pre-Qualified Vendor List for Home Heating Oil Tank Replacements**

Embedded below is the Proposal Form, which includes instructions for submitting the proposal.

Bidders must complete this form and submit it, along with all applicable attachments, according to the instructions in the form. Bidders may complete the form electronically or by hand.

The Proposal Form below may be accessed by double clicking on the icon.



**APPENDIX B**

**State of Maine**

**Department of Environmental Protection**

**SUBMITTED QUESTIONS FORM**

**RFP# 202301011**

**Pre-Qualified Vendor List for Home Heating Oil Tank Replacements**

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

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| --- | --- |
| **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.*