**STATE OF MAINE**

**Department of Environmental Protection**

*Bureau of Remediation & Waste Management*



**RFP# 202407136**

**Pre-Qualified Vendor List for Environmental Consulting Services**

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| **RFP Coordinator** | *All communication regarding the RFP must be made through the RFP Coordinator identified below*.**Name:** Laura G. Sheehan **Title:** Environmental Specialist**Contact Information:** Laura.G.Sheehan@maine.gov  |
| **Submitted Questions Due** | *All questions must be received by the RFP Coordinator identified above by:***Date: September 19, 2024**, no later than 11:59 p.m., local time |
| **Proposal Submission Deadline** | *Proposals must be received by the Division of Procurement Services by:***Submission Deadline:** **October 3, 2024,** no later than 11:59 p.m., local time.*Proposals must be submitted electronically to:* Proposals@maine.gov |
| **Annual Enrollment** | *After the initial RFP proposal submission deadline, proposal evaluations will be held on an annual basis. Proposal submission deadline* ***will be 11:59 pm on the 1st business day in February*** *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**

**RFP# 202407136**

**Pre-Qualified Vendor List for Environmental Consulting Services**

The State of Maine is seeking proposals to be considered for inclusion on a Pre-Qualified Vendor List for Environmental Consulting Services.

A copy of the RFP, as well as the Question & Answer Summary and all amendments related to the RFP, can be obtained at: [https://www.maine.gov/dafs/bbm/procurementservices/Vendors/rfps](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps)

Proposals must be submitted to the State of Maine Division of Procurement Services, via e-mail, at: Proposals@maine.gov. Proposal submissions must be received no later than 11:59 p.m., local time, on **October 3, 2024.** Proposals will be opened the following business day. Proposals not submitted to the Division of Procurement Services’ aforementioned e-mail address by the aforementioned deadline will not be considered for contract award.

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**RFP TERMS/ACRONYMS with DEFINITIONS**

The following terms and acronyms, as referenced in the RFP, shall have the meanings indicated below:

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **ACRES** | Assessment, Cleanup and Redevelopment Exchange System, an federal Brownfields tracking database |
| **ASTM** | ASTM International |
| **Bidder** | Company submitting a proposal in response to this RFP |
| **Brownfields** | A property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. |
| **CERCLA** | Comprehensive Environmental Response, Compensation, and Liability Act |
| **Department** | Department of Environmental Protection |
| **EDD** | Electronic Data Deliverable |
| **EGAD** | Environmental and Geographic Analysis Database |
| **ESA** | Environmental Site Assessment |
| **HAZWOPER** | Hazardous Waste Operations and Emergency Response |
| **MBE/WBE** | Minority Business Enterprise/Women's Business Enterprise |
| **OSHA** | Occupational Safety and Health Administration |
| **PPE** | Personal Protective Equipment |
| **PQVL** | Pre-Qualified Vendor List |
| **QAPP** | Quality Assurance Project Plan |
| **RAGs** | Remedial Action Guidelines for Contaminated Sites |
| **RCRA** | Resource Conservation and Recovery Act |
| **RFB** | Request for Bids (aka mini-bid process) |
| **RFP** | Request for Proposal |
| **SSHASP** | Site-Specific Health and Safety Plan |
| **SSQAPP** | Site Specific Quality Assurance Project Plan |
| **State** | State of Maine |
| **USEPA** | United States Environmental Protection Agency |
| **Vendor** | Company selected to be on the PQVL through this RFP. Pre-Qualified Vendors are then eligible to bid on subsequent RFBs |
| **VRAP** | Voluntary Response Action Program |

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

**Bureau of Remediation & Waste Management**

**RFP# 202407136**

**Pre-Qualified Vendor List for Environmental Consulting Services**

**PART I INTRODUCTION**

1. **Purpose and Background**

The Maine Department of Environmental Protection (Department) is seeking proposals to provide environmental consulting services as defined in this Request for Proposals (RFP) document. This document provides instructions for submitting proposals, the procedure and criteria by which the Vendor(s) will be selected and the contractual terms which will govern the relationship between the State of Maine (State) and the awarded Vendor(s).

All submittals must meet the minimum requirements for the Environmental Consultant category to be considered Prequalified. If your company **also** meets the minimum requirements for Brownfields, your company will be able to bid on Department funded Brownfields work associated with this RFP. Each of the requirements are listed under Part II - Scope of Services to be Required.

The Department will prequalify Environmental Consultants (Vendors) to assist Department staff, primarily from the Bureau of Remediation and Waste Management (BRWM), at petroleum, hazardous substance, uncontrolled sites, brownfields, and RCRA projects, but also other tasks as requested by the Department.

The Department’s BRWM is charged with identifying and remediating threats to the environment and public health associated with the release of hazardous substances and petroleum. Through this RFP process, the Department seeks professional environmental consulting services from Vendors experienced with the science and techniques to perform investigations and remediation to protect public health and the environment, as further outlined in this RFP.

Successful Bidders responding to this RFP will be placed on a Pre-Qualified Vendor List (PQVL) and individual projects will periodically be put out to bid to the PQVL during the period of performance of this RFP through a “mini-bid” Request for Bids (RFB) process.

1. **General Provisions**
	1. From the time the RFP is issued until award notification is made, all contact with the State regarding the RFP must be made through the RFP Coordinator. No other person/State employee is empowered to make binding statements regarding the RFP. Violation of this provision may lead to disqualification from the bidding process, at the State’s discretion.
	2. Issuance of the 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 the RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
	3. All proposals must adhere to the instructions and format requirements outlined in the 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 the RFP.
	4. Bidders will take careful note that in evaluating a proposal submitted in response to the 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 must be signed by a person authorized to legally bind the Bidder and must 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 awarded Bidder’s proposal(s), including all appendices or attachments, will 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 public records, available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) ([1 M.R.S. § 401](http://www.mainelegislature.org/legis/statutes/1/title1sec401.html) et seq.).
	8. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to the RFP.
	9. All applicable laws, whether or not herein contained, are included by this reference. It is the Bidder’s responsibility to determine the applicability and requirements of any such laws and to abide by them.
2. **Contract Term**

The Department is seeking a cost-efficient proposal to provide services, as defined in the RFP, for the anticipated PQVL contract period defined in the table below. Please note, the dates below are estimated and may be adjusted, as necessary, in order to comply with all procedural requirements associated with the RFP and the contracting process. The actual contract start date will be established by a completed and approved contract.

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

|  |  |  |
| --- | --- | --- |
| **Period** | **Start Date** | **End Date** |
| Initial Period of Performance | 01/01/2025 | 12/31/2030 |

This RFP also offers an annual open enrollment period for new Vendors to apply to be included on the PQVL, as long as this RFP is active. The annual enrollment deadline is specified at the beginning of this RFP. Once added to the PQVL, whether during the initial RFP enrollment or during subsequent annual enrollment periods, Vendors do not need to reapply while the RFP continues to be active. Any proposals submitted during the annual open enrollment will be evaluated, and the Department anticipates notifying Vendors of a decision approximately 60 days after annual enrollment deadline.

1. **Number of Awards and RFB Process**

Once the PQVL is established, the Department will notify all pre-qualified Vendors when specific services are needed. This process is referred to as a “mini-bid” or Request for Bids process (RFB). Each Vendor on the PQVL will be given a description of the services needed as part of each RFB, and asked to respond within a specific timeframe and to provide any requested information on how that Vendor proposes to provide the particular services, and the project-specific cost proposal for those services. Vendors should respond to each RFB with their proposal or provide a “no-bid” as a response. RFBs will be awarded on either 100% cost (low cost), or a mix of low cost and methodology, as specified in individual RFBs. If methodology is used in the scoring criteria, vendors responding to the RFB will have appeal rights as described under Part V, D of the RFP. The Department will then select a Vendor, or Vendors if specified in the RFB, based on the project-specific proposal submitted for each RFB.

The Department reserves the right to select Vendors from the PQVL without using the RFB process for emergencies (if the need arises). The Department also retains the discretion to issue separate RFPs for specific projects, grants, or other work. Providers for any other Department RFPs will not be selected from the PQVL that is the subject of this RFP, but rather through a separate RFP or other procurement process, based on the Department’s specific needs and timelines.

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

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

1. **Basic Requirements**
2. Vendor’s field personnel 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.
3. Vendors must have a Maine Licensed Geologist on staff/payroll.
4. Some tasks may require a Maine Licensed Professional Engineer; Vendors who wish to bid on these projects must have a Maine Licensed Professional Engineer on staff or be able to sub-contract with a Maine Licensed Professional Engineer if the RFB calls for one.
5. Vendors must be able to submit environmental data (laboratory data and field data) to the Department in a Department-approved Electronic Data Deliverable (EDD) format for uploading to the Department databases, such as EGAD. Failure to provide complete and properly formatted EDDs could subject the Vendor to removal from the PQVL or rejection of payment for environmental data gathering tasks until the data is received in an acceptable format. For more information on EDDs and EGAD, visit the Department’s website: <https://www.maine.gov/dep/maps-data/egad/#ed>.
6. Vendors must be able to demonstrate direct experience conducting hazardous substance and/or petroleum site investigations (3 projects within the past 5 years). This can include, but is not limited to:
	1. Performing Phase I and Phase II Environmental Site Assessments;
	2. Maine Voluntary Response Action Program (VRAP) investigations and clean-ups;
	3. CERCLA investigation, management, and remediation;
	4. RCRA closure or corrective action program projects; and
	5. Other hydrogeologic, investigation, and remediation planning and implementation.

The referenced projects should include experience following the Department’s policies, procedures and guidelines including, but not limited to:

* + - * 1. Compendium of Field Testing of Soil Samples for Gasoline and Fuel Oil;
				2. Ground and Surface Waters Clean-up and Response Fund;
				3. Maine Remedial Action Guidelines for Contaminated Sites (RAGs);
				4. Bureau of Remediation and Waste Management Standard Operating Procedures (SOPs).

Together, the 3 projects must demonstrate the Vendor’s capacity to cost-effectively:

* 1. Determine the fate and transport of hazardous substances and petroleum in various media;
	2. Determine the risk those contaminants pose to public health and the environment;
	3. Develop remedial alternatives;
	4. Implement selected remedies;
	5. Clearly communicate orally and in writing the Vendor’s findings, conclusions, and actions, to a wide variety of audiences; and
	6. Use appropriate methods and tools to undertake the work.
1. To be eligible to bid on Brownfields RFBs funded by the Department’s Brownfields Program, the consultant must provide proof of a current (less than 5 years old) USEPA Region 1 and Department approved generic Brownfields Quality Assurance Project Plan (QAPP). The QAPP may be submitted to the USEPA and the Department for approval at any time during the contract period. The Vendor will be eligible to bid on Department funded Brownfields RFBs once evidence of the approved QAPP has been received by the Department.
2. **Tasks**

Work awarded through the RFB process will be commissioned with task orders that specify the scope of work to be performed for a specified cost, and that are signed by the Department’s representative and the Vendor’s representative for the project. Certain tasks may require a Maine Licensed Geologist or Maine Licensed Professional Engineer. Details of tasks will be specified in individual RFBs, but such tasks resulting from this RFP may include, but are not limited to, the following:

**1. Conduct Initial Site Assessment**

Vendors may be called upon to conduct an initial site assessment for projects assigned. This assessment may take the form of a Phase I Environmental Site Assessment (ESA), conducted in accordance with ASTM 1527 and USEPA’s All Appropriate Inquiries Rule, as specified in RFBs. The general goal of the initial site investigation is to become familiar with the site characteristics, site history (including previous work conducted), and identify potential areas and chemicals of concern. ASTM 1527 requires that an “Environmental Professional” be used to prepare Phase I ESAs. Tasks performed as part of the initial site investigation may include, but are not limited to, the following:

1. Historical records search/past site use;
2. Deed research;
3. Department file review;
4. Identification of local drinking water supplies and surface water bodies;
5. Definition of geological setting;
6. Site walk over and reconnaissance;
7. Visual survey of neighboring properties;
8. Interviews with current and previous owners, operators and site occupants; and
9. Interviews with local, State and Federal officials.

Initial site assessments may include the development or update of a preliminary conceptual site model which will serve to guide future phases of site work. The findings of the initial site investigation will be provided in a written report.

**2. Develop Investigation Work Plan**

Vendors may be asked to submit a work plan for further environmental site investigation (Phase II ESA), at the discretion of the Department. The work plan should take the form of a site-specific work plan (for Brownfields sites this will be a site-specific QAP), which includes a budget. The work plan will detail recommendations for investigating areas of concern identified in the initial site assessment or as otherwise identified by the Department. The work plan will address each area of concern and environmental condition identified in the initial site investigation and propose a method of adequately investigating the associated concern, unless otherwise directed by the Department. Proposed sample locations, sample types, sample methodology, analysis and rationale for each proposed sample.

**3. Develop Site Specific Health and Safety Plan**

Before beginning Phase II site investigation activities, the Vendors may be tasked with developing a Site-Specific Health and Safety Plan (SSHASP). The SSHASP will list personnel health and safety requirements and procedures, relative to the project site and the work proposed in the work plan for the project. For each field task during site investigation the SSHASP shall identify and or discuss:

1. Potential problems and hazards and their solutions;
2. Environmental surveillance measures including the monitoring of airborne contaminants released during site activities which may affect site workers and the local populations;
3. The appropriate level and rationale for selecting respiratory protection;
4. Specifications for protective clothing and other personal protective equipment (PPE), as well as criteria and procedures for upgrading the level of PPE required;
5. Criteria and procedures for suspending activity;
6. The exclusion zone, contamination reduction zone and clean area for on-site activities;
7. Health and safety screening equipment to be used on-site during field activities;
8. A list of emergency contact phone numbers including fire, police, ambulance and hospital; and
9. Directions to the nearest hospital.

**4. Conduct Site Investigation**

Upon the Department’s approval of the work plan, the Vendors will implement and oversee the site investigation. The site investigation may include sampling the various media (soil, water, sediment, soil gas, indoor air, building materials, tank contents, etc.). The scope of the investigation may also include the installation of groundwater monitoring wells, vapor intrusion assessment, building material surveys, aquifer evaluation (overburden, bedrock), private and public drinking water supply exploration, surface water and wetland evaluation and any other investigation tasks requested by the Department in order to investigate and quantify identified concerns. The information will be presented in a written report that summarizes the investigation and clearly addresses the nature and extent of concerns identified in the initial site investigation. The conceptual site model should also be refined as necessary, based on the findings of the site investigation. Reports should include tables, figures, and photo documentation.

**5. Routine Monitoring**

Vendors may be asked to conduct routine monitoring at a site. This monitoring may consist of the collection and analysis of environmental samples and/or data. Data will be submitted to the Department in written and EDD formats in accordance with Department procedures.

**6. Conduct Feasibility Study**

The selected Vendor may be asked to conduct a feasibility study that evaluates the efficacy, efficiency, environmental impact and cost effectiveness of potential solutions to the various project concerns identified and quantified in the previous site investigation phases. The study will be summarized in a written report presented to the Department.

**7. Develop Remedial Work Plan**

Vendors may be asked to develop a work plan to implement the remedial solution selected from the feasibility study. The remedial work plan will include a description of the selected solution, pre-design studies if necessary, steps to be taken to implement and monitor the effectiveness of the solution, equipment to be used, site restoration, best management practices, a detailed budget and work schedule. The work plan will be submitted to the Department for review and approval.

**8. Implementation of Remedial Solutions**

Vendors will implement Department approved remedial activities. Vendors are responsible for ensuring that the activities are completed as described in the work plan. The Department must approve any significant variation from the work plan. A written summary of remedial activities will be presented to the Department at the conclusion of the project.

**9. Operation and Maintenance of Remediation Systems**

Vendors may be asked to oversee the operation and maintenance of ongoing remediation systems. This will include routine monitoring, maintenance, and reporting as necessary, to ensure the continued effectiveness of the system.

1. **Additional Responsibilities**

Vendors and their selected sub-contractors, if applicable, may also be responsible for the following, as necessary:

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 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 (i.e., 29 CFR 1910.120, 29 CFR 1910.146, etc.);
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;
7. Conduct boundary surveys;
8. Assist the Department in public presentation of investigation findings and remediation plans; and
9. Attend and assist Department staff at meetings with the public, responsible parties, government officials or other interested parties.

#

1. **Program Specific Requirements**

Programs within the Department have specific requirements that they must adhere to as part of their QAPP, grant requirements, or ongoing processes. Vendors submitting proposals to work on projects associated with these programs must be willing to comply with those requirements. Vendors not meeting program requirements may not be eligible to bid on projects within the respective program(s), at the discretion of the Department. Some examples of program specific requirements are:

**Brownfields**

The Initial Site Assessment tasks completed under Brownfields must meet the most current ASTM Standard Practice for Phase I ESAs (E1527) and EPA’s AAI rule. The development of a Conceptual Site Model should meet the current ASTM Standard Guide for Developing Conceptual Site Models for Contaminated Sites (ASTM E1689). The Site Investigation task should meet the most current ASTM Standard Practice for Phase II ESAs (ASTM E1903). The Feasibility Study must be completed in accordance with the USEPA Analysis of Brownfields Cleanup Alternatives (ABCA) guidelines. The selected Vendor may also be asked to complete reporting requirements required by USEPA grant terms and conditions (MBE/WBE, ACRES, etc.).

**Petroleum Program**

The petroleum and leaking underground storage tank programs have investigation and reporting requirements for sites on the Petroleum Priority List, including tasks for site closure and Department Chapter 691 requirements. Selected Vendors may be asked to complete the steps necessary for investigation closure of a petroleum or underground storage tank site in accordance with the Maine Ground and Surface Waters Clean-up and Response Fund.

This is not an exclusive list of program requirements. Project requirements will be detailed in the project-specific RFBs.

1. **Evaluation Procedure**

Vendors that perform work for the Department under any RFBs, tasks, and/or contracts that result from this RFP may be subject to an assessment and evaluation procedure, at the sole discretion of the Department. Such evaluation will generally consist of project performance assessments at the completion of, or during, the performance of tasks associated with an RFB, or on a periodic basis, as determined by the Department. Department project managers or other Department staff associated with a project may complete such a project performance assessment. This assessment will document the efficiency, competency and professionalism of Vendor staff and sub-contractors, and the general satisfaction of the Department with the work performed. These assessment forms will be provided to the Vendor as feedback for their own information and records, if completed, and at the request of the Vendor. The Department may request a meeting between a Vendor and Department staff where the Department can discuss with the Vendor their successes and/or shortcomings while providing feedback. A written assessment of the Vendor’s performance may also be provided, at the Department’s discretion.

**PART III KEY RFP EVENTS**

1. **Questions**
	1. **General Instructions:** 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.
		1. Bidders and other interested parties should use **Appendix E** (Submitted Questions Form) for submission of questions. The form is to be submitted as a WORD document.
		2. The Submitted Questions Form must be submitted, by e-mail, and received by the RFP Coordinator identified on the cover page of the RFP as soon as possible but no later than the date and time specified on the RFP cover page.
		3. 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 no later than seven (7) calendar days prior to the proposal due date: [Office of State Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). 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.
2. **Amendments**

All amendments released in regard to the RFP will also be posted on the following website: [Office of State Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). 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.

1. **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 the RFP.
		1. Any e-mails containing original proposal submissions or any additional or revised proposal files, received after the 11:59 p.m. deadline, will be rejected without exception.
	2. **Delivery Instructions:** E-mail proposal submissions are to be submitted to the State of Maine Division of Procurement Services at Proposals@maine.gov.
		1. Only proposal submissions received by e-mail will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
			1. Proposal submission e-mails that are successfully received by the proposals@maine.gov inbox will receive an automatic reply stating as such.
		2. 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.
		3. 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.
		4. 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.
		5. Bidders are to insert the following into the subject line of their e-mail proposal submission: **“RFP# 202407136 Proposal Submission – [Bidder’s Name]”**
		6. Bidder’s proposal submissions are to be broken down into multiple files, with each file named as it is titled in bold below, and include:
* **File 1 [Bidder’s Name] – Preliminary Information:**

*PDF format preferred*

**Appendix A** (Proposal Cover Page)

**Appendix B** (Responsible Bidder Certification)

All required eligibility documentation stated in PART IV, Section I.

* **File 2 [Bidder’s Name] – Organization Qualifications and Experience:**

*PDF format preferred*

**Appendix C** (Organization Qualifications and Experience Form) and all required information and attachments stated in PART IV, Section II.

* **File 3 [Bidder’s Name] – Proposed Services:**

*PDF format preferred*

All required information and attachments stated in PART IV, Section III.

* **File 4 [Bidder’s Name] –Rate sheet**
* *PDF format preferred*

**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** (File #1)

* 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. **Responsible Bidder Certification**

Bidders must complete **Appendix B** (Responsible Bidder Certification). The Responsible Bidder Certification must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

**Section II Organization Qualifications and Experience** (File #2)

* 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 from the past five years 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 may provide documentation of any applicable licensure/certification or specific credentials that are related to providing the proposed services of the RFP.

* This must minimally include documentation of 40-hour HAZWOPER safety training for field staff and current Maine Licensed Geologist(s) documentation.
* If planning to respond to RFBs requiring a Maine Licensed Professional Engineer, submit documentation of current licensure of the PE that will be utilized.
* Other relevant qualifications, which may be required for some RFBs, such as staff meeting the “Environmental Professional” definition, Maine-licensed lead or asbestos inspector, certified UST installer, etc. should also be submitted.
	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. It is expected that Bidders will maintain a minimum of $1,000,000 in general liability insurance per occurrence.

**Section III Proposed Services** (File #3)

* 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** (File #4)

* 1. **General Instructions**
		1. The Bidder must submit a current rate sheet as **Attachment D** (Cost Proposal Form). The rate sheet must provide a listing of 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, and subcontractor markup rates. Failure to provide the requested information, and to follow the required cost proposal format provided, may result in the exclusion of the proposal from consideration, at the discretion of the Department.
		2. No costs related to the preparation of the proposal for the RFP, or to the negotiation of the contract with the Department, may be included in the proposal. Only costs to be incurred after the contract effective date that are specifically related to the implementation or operation of contracted services may be included.

**PART V PROPOSAL EVALUATION AND SELECTION**

Evaluation of the submitted proposals will be accomplished as follows:

1. **Evaluation Process – General Information**
	1. An evaluation team, composed of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP.
	2. Officials responsible for making decisions on the award selection will 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. The Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Changes to proposals, including updating or adding information, will not be permitted during any interview/presentation process and, therefore, Bidders must submit proposals that present their rates and other requested information as clearly and completely as possible.
2. **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)**

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

**Section II. Organization Qualifications and Experience (50 points)**

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

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

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

**Section IV. Rate Sheet (25 points)**

* 1. **Scoring Process:** For proposals that demonstrate meeting the eligibility requirements in Section I, the evaluation team will use a consensus approach to evaluate and score Sections II & III above. Members of the evaluation team will not score those sections individually but, instead, will arrive at a consensus as to assignment of points for each of those sections. Sections IV, the Cost Proposal, requires submission of a rate sheet.
	2. **Negotiations:** The Department reserves the right to negotiate with the awarded Bidder to finalize a contract. Such negotiations may not significantly vary the content, nature or requirements of the proposal or the Department’s Request for Proposal to an extent that may affect the price of goods or services requested. The Department reserves the right to terminate contract negotiations with an awarded 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.
1. **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 conditional award selection or non-selection will be made in writing by the Department.
	3. Issuance of the 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 the RFP, 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.

## Appeal of Contract Awards

Any person aggrieved by the award decision that results from the RFP may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in [5 M.R.S.A. § 1825-E](http://www.mainelegislature.org/legis/statutes/5/title5sec1825-E.html) 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 conditional 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” (12 consecutive months) to providing any feedback or response to the Department’s mini-bid solicitations, at the discretion of the Department.

**PART VI CONTRACT ADMINISTRATION AND CONDITIONS**

1. **Contract Document**
	1. The awarded Bidder will be required to execute a State of Maine Service Contract with appropriate riders as determined by the issuing department.

The complete set of standard State of Maine Service Contract documents, along with other forms and contract documents commonly used by the State, may be found on the Division of Procurement Services’ website at the following link: [Office of State Procurement Services Forms Page](https://www.maine.gov/dafs/bbm/procurementservices/forms)

* 1. Allocation of funds is final upon successful negotiation and execution of the contract, subject to the review and approval of the State Procurement Review Committee. Contracts are not considered fully executed and valid until approved by the State Procurement Review Committee and funds are encumbered. No contract will be approved based on an RFP which has an effective date less than fourteen (14) calendar days after award notification to Bidders. (Referenced in the regulations of the Department of Administrative and Financial Services, [Chapter 110, § 3(B)(i)](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-110).)

This provision means that a contract cannot be effective until at least 14 calendar days after award notification.

* 1. The State recognizes that the actual contract effective date depends upon completion of the RFP process, date of formal award notification, length of contract negotiation, and preparation and approval by the State Procurement Review Committee. Any appeals to the Department’s award decision(s) may further postpone the actual contract effective date, depending upon the outcome. The contract effective date listed in the RFP may need to be adjusted, if necessary, to comply with mandated requirements.
	2. In providing services and performing under the contract, the awarded Bidder must act as an independent contractor and not as an agent of the State of Maine.
1. **Standard State Contract Provisions**
	1. Contract Administration

Following the award, a Contract Administrator from the Department will be appointed to assist with the development and administration of the contract and to act as administrator during the entire contract period. Department staff will be available after the award to consult with the awarded Bidder in the finalization of the contract.

* 1. Payments and Other Provisions

The State anticipates paying the Contractor on the basis of net 30 payment terms, upon the receipt of an accurate and acceptable invoice. An invoice will be considered accurate and acceptable if it contains a reference to the State of Maine contract number, RFB number, contains correct pricing information relative to the contract, and provides any required supporting documents (e.g., subcontractor invoices), as applicable, and any other specific and agreed-upon requirements listed within the contract that results from the RFP. Invoices should be submitted via email directly to the DEP project manager associated with the RFB.

**PART VII LIST OF RFP APPENDICES AND RELATED DOCUMENTS**

**Appendix A** – Proposal Cover Page

**Appendix B** – Responsible Bidder Certification

**Appendix C** – Qualifications and Experience Form

**Appendix D** – Cost Proposal Form

**Appendix E** – Submitted Question Form

**APPENDIX A**

**State of Maine**

**Department of Environmental Protection**

**PROPOSAL COVER PAGE**

**RFP# 202407136**

**Pre-Qualified Vendor List for Environmental 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 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 contract with the Department if they are 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**

**RESPONSIBLE BIDDER CERTIFICATION**

**RFP# 202407136**

**Pre-Qualified Vendor List for Environmental 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.*
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*.
5. *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.*
6. *Is not a foreign adversary business entity (*[*https://www.maine.gov/oit/prohibited-technologies*](https://www.maine.gov/oit/prohibited-technologies)*).*
7. *Is not on the list of prohibited companies (*[*https://www.maine.gov/oit/prohibited-technologies*](https://www.maine.gov/oit/prohibited-technologies)*) or does not obtain or purchase any information or communications technology or services included on the list of prohibited information and communications technology and services* [*https://www.maine.gov/oit/prohibited-technologies*](https://www.maine.gov/oit/prohibited-technologies) *(Title 5 §2030-B).*

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

**APPENDIX C**

**State of Maine**

**Department of Environmental Protection**

## QUALIFICATIONS and EXPERIENCE FORM

**RFP# 202407136**

**Pre-Qualified Vendor List for Environmental Consulting Services**

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

|  |
| --- |
| **Present a brief statement of qualifications. 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.** |
|  |

|  |
| --- |
| **Provide a description of three projects that occurred within the past five years which reflect experience and expertise needed in performing the functions described in Part II, “Scope of Services to be Provided”, of the RFP, including Part II(A)(5). 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** |
|  |

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

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

**APPENDIX D**

**State of Maine**

**Department of Environmental Protection**

**COST PROPOSAL FORM**

**RFP# 202407136**

**Pre-Qualified Vendor List for Environmental Consulting Services**

Bidders must submit a current rate sheet.

 **APPENDIX E**

**State of Maine**

**Department of Environmental Protection**

**SUBMITTED QUESTIONS FORM**

**RFP# 202407136**

**Pre-Qualified Vendor List for Environmental Consulting Services**

This form should be used by Bidders when submitting written questions to the RFP Coordinator as defined in Part III of the RFP.

If a question is not related to any section of the RFP, enter “N/A” under the RFP Section & Page Number. Add additional rows as necessary.

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

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