

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF REMEDIATION AND WASTE MANAGEMENT

RFP #201508147

Pre-Qualified List for Removal of Hazardous Substances Services

RFP Coordinator: Laura Gay

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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.

Deadline for Submitted Questions: October 22st, 2015 5:00 p.m. local time

Proposals Due: October 29th 2015, no later than 2:00 p.m. local time

Submit to:

Division of Purchases
Burton M. Cross Building, 111 Sewall Street, 4th Floor
9 State House Station, Augusta ME 04333-0009

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Public Notice

State of Maine Department of Environmental Protection Public Notice for RFP #201508147 Pre-Qualified List for Removal of Hazardous Substances Services

The State of Maine Department of Environmental Protection seeks to establish a Prequalified List of Removal of Hazardous Substances Contractors for work at environmental sites or projects. In accordance with State procurement practices, the Department is hereby announcing the publication of a Request for Proposals (RFP) #201508147 for the purchase of the aforementioned for Removal of Hazardous Substances Services.

A copy of the RFP can be obtained by contacting the Department's RFP Coordinator for this project: Laura Gay. The RFP Coordinator can be reached at the following email address: Laura.Gay@maine.gov or mailing address: 28 Tyson Drive, 17 State House Station, Augusta, ME 04333-0017; or the RFP may be downloaded from the Department's website www.maine.gov/dep/rfp. The Department encourages all interested vendors to obtain a copy of the RFP and submit a competitive proposal.

Proposals must be submitted to the State of Maine Division of Purchases, located at the Burton M. Cross Office Building, 111 Sewall Street, 4th Floor, 9 State House Station, Augusta, Maine, 04333-0009. Proposals must be submitted by 2:00pm, local time, on October 29th, 2015 when they will be opened at the Division of Purchases' aforementioned address. Proposals not received at the Division of Purchases' aforementioned address by the aforementioned deadline will not be considered for contract award.

State of Maine - Department of Environmental Protection
RFP #201508147
Pre-Qualified List for Removal of Hazardous Substances Services

PART I INTRODUCTION

A. Purpose and Background

The Department of Environmental Protection (“Department”) is seeking to establish a prequalified list of contractors to provide direct services for removal of hazardous substances as defined in this Request for Proposals (RFP) document. This document provides instructions for submitting proposals, the procedure and criteria by which the Provider(s) will be selected, and the contractual terms which will govern the relationship between the State of Maine (“State”) and the awarded Bidder(s).

The Department will prequalify Removal Contractors to assist Department staff, primarily from the Bureau of Remediation and Waste Management with removal projects at petroleum, hazardous substance/Uncontrolled sites, Brownfields, or Landfill programs, but also other tasks as requested by the Department.

B. General Provisions

1. 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.
2. 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 and Evaluation” section of this RFP.
3. Bidders shall take careful note that in evaluating a proposal submitted in response to this RFP, the Department shall only 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 available in evaluating a Bidder’s experience and capabilities. 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.
4. 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.
5. 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.*)

6. 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.
7. The State of Maine Division of Purchases 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.
8. All applicable laws, whether or not herein contained, shall be included by this reference. It shall be the Proposer's/Vendor's responsibility to determine the applicability and requirements of any such laws and to abide by them.

C. Eligibility to Submit Bids

Public agencies, private for-profit companies, and non-profit companies and institutions are invited to submit bids in response to this Request for Proposals.

D. Contract Term

The Department is seeking a cost-efficient proposal to provide services, as defined in this RFP, for the anticipated contract 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 and the contracting process. The actual contract start date will be established by a completed and approved contract.

Contract Renewal: Following the initial term of the contract, the Department may opt to renew the contract for one renewal period of two years, subject to continued availability of funding and satisfactory performance.

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

Period	Start Date	End Date
Initial Period of Performance	12/1/2015	12/1/2017
Renewal Period #1	12/1/2017	12/1/2019

E. Number of Awards

The Department anticipates creating a pre-qualified vendor list and entering into retainer contracts with multiple contractors as a result of this RFP process. An award is not a guarantee of work. Project work will be awarded by circulating project-specific scopes of services to all pre-qualified contractors. Proposals (“mini-bids”) will be evaluated on the basis of methodologies, contractors’ proposed cost and contractor availability.

Once the pre-qualified list is established, the Department will notify all pre-qualified vendors when specific services are needed. Each vendor on the pre-qualified list 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 cost for those services. The Department will then select one vendor based on the availability, scheduling, methodologies, and costs submitted during the “mini-bid” process. Please note, the

costs proposed under this RFP process will form the foundation of each vendors future “mini-bid” responses – that is, a vendor may not propose rates in the “mini-bid” that is above what is submitted in their Company Rate Sheets (but a vendor may propose a rate lower, if it so chooses). Include the Company Rate Sheet as part of your Required Proposed Attachment. (See Section V).

At the discretion of the State, large projects and/or projects with unique needs not covered within this RFP may be released and awarded through project specific RFPs. Vendors for those projects will not be selected from the pre-qualified list, but rather through a separate RFP process based on their specific needs/timelines. The Department may also select vendors from the pre-qualification list without using the mini bid process for emergencies and for projects less than \$5,000.

This RFP offers an annual enrollment process for new vendors to be included on the pre-qualified vendor list. Once selected, vendors do not need to reapply. To allow other Providers to be added to the list, each year the list will be reopened to additional proposals starting January 15th, 2017 through 2:00 PM (local time) the first business day of February, 2016 and every year thereafter between January 15th and 2:00 PM (local time) on the first business day of February. Proposals will be evaluated and vendors notified of the decision within 30 days of this date.

PART II SCOPE OF SERVICES

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

A. Basic Requirements

1. Contractor must have satisfactorily completed 40-hour HAZWOPER safety training and maintain a current OSHA field certification for working on hazardous substance and petroleum remediation sites. Project specific requirements will be specified in mini-bids.
2. Contractor staff must include field technicians, equipment operators, and a health and safety person.
3. Contractor must have the ability and experience to perform container removal actions and/or excavation removal services and provide or arrange for storage/containerization, treatment, transportation and/or disposal petroleum or hazardous wastes in accordance with [state and federal laws and regulations](#). [Best Management practices](#) for erosion control must be followed during soil removal actions.
4. Contractor must be able to demonstrate direct experience doing hazardous substance and/or petroleum site investigations including, but not limited to, removal of hazardous substances and remediation planning and implementation following [MEDEP program policies, procedures and guidelines](#) (5 projects within the past 3 years).
5. Contractor must have the ability to develop a site-specific health and safety plan
6. Contractor must provide a description of equipment available
- 7 Contractor must be able to, if required by MEDEP: Acquire local state and federal permits as necessary including Digsafe. Attend public informational meetings, undertake site restoration work following a removal action per MEDEP requirements, and other associated tasks as directed by the Department.

B. Tasks

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

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

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

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

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

Task 5. Tasks related to activities may result in contact with hazardous substances (as defined by 38 M.R.S.A, section 1363 www.mainelegislature.gov). The contractor and the chose subcontractor(s) must have experience working at hazardous substances sites. The contractor must be familiar with and follow <https://www.osha.gov> OSHA standards as outlined in 29 CFR part 1910 regarding on-site work at a hazardous waste site. A signed statement to this effect shall be submitted with Bidder’s proposal.

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

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

C. Additional Responsibilities

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

1. Secure site access.
2. Make all notifications to appropriate agencies and entities before, during and after initiating site work (DigSafe, Municipalities, State and Federal Agencies, etc.).
3. Obtain all required licenses, permits and permissions requisite to site investigation, remedial actions and disposal of hazardous and non-hazardous wastes.
4. Ensure that site workers are trained and qualified to work at hazardous substance sites in accordance with OSHA standards (e.g., 29 CFR 1910.120, 29 CFR 1910.146, etc.).
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. Assist the MEDEP in public presentation of investigation findings and remediation plans.
8. Attend and assist MEDEP staff at meetings with the public, responsible parties, government officials and other interested parties.

D. Program Specific Requirements

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

E. Evaluation Procedure

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

PART III KEY RFP EVENTS

A. Timeline of Key RFP Events

Event Name	Event Date and Time
Due Date for Receipt of Written Questions	October 22 nd , 2015
Due Date for Receipt of Proposals	October 29 th , 2015
Estimated Contract Start Date (subject to change)	December 1 st , 2015

B. Questions

1. General Instructions

- a. It is the responsibility of each Bidder to examine the entire RFP and to seek clarification in writing if the Bidder does not understand any information or instructions.
- b. Questions regarding the RFP must be submitted in writing and received by the RFP Coordinator listed on the cover page of this RFP document as soon as possible but no later than the date and time specified in the timeline above.
- c. Questions may be submitted by e-mail, fax or regular mail. If faxed, please be sure to include a cover sheet addressed to the RFP Coordinator listed on the cover of this RFP, and indicate the number of pages sent. The Department assumes no liability for assuring accurate/complete fax or e-mail transmission and receipt.
- d. Include a heading with the RFP Number and Title. Be sure to refer to the page number and paragraph within this RFP relevant to the question presented for clarification, if applicable.

2. Summary of Questions and Answers

Responses to all substantive and relevant questions will be compiled in writing and distributed to all registered, interested persons by e-mail no later than seven (7) calendar days prior to the proposal due date. Only those answers issued in writing by the RFP Coordinator will be considered binding. The Department reserves the right to answer or not answer any question received.

C. Submitting the Proposal

1. **Proposals due:** Proposals must be received no later than 2:00 p.m. local time, on the date listed in the timeline above, at which point they will be opened. Proposals received after the 2:00 p.m. deadline will be rejected without exception.

2. Mailing/Delivery Instructions

PLEASE NOTE: The proposals are not to be submitted to the RFP Coordinator at the requesting Department. The official delivery site is the State of Maine Division of Purchases (address shown below).

- a. Only proposals received at the official delivery site prior to the stated deadline will be considered. Bidders submitting proposals are responsible for allowing adequate time for delivery. Proposals received after the 2:00 p.m. deadline will be rejected without exception. Postmarks do not count and fax or electronic mail transmissions of proposals are not permitted unless expressly stated in this RFP. Any method of hardcopy delivery is acceptable, such as US Mail, in-person delivery by Bidder, or use of private courier services.
- b. The Bidder must send its proposal in a sealed package including one **original and three (3) copies** of the complete proposal. Please clearly label the original. One electronic copy of the proposal must also be provided on CD or flash drive with the complete narrative and attachments in MS Word format. Any attachments that cannot be submitted in MS Word format may be submitted as Adobe (.pdf) files.
- c. Address each package as follows (and be sure to include the Bidder's full business name and address as well as the RFP number and title):

Bidder Name/Return Address

Division of Purchases
Burton M. Cross Building, 4th Floor
111 Sewall Street
9 State House Station
Augusta ME 04333-0009

Re: RFP #201508147

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 subsection 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 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 seeks detailed yet succinct responses that demonstrate the Bidder's experience and ability to perform the requirements specified throughout this document.

A. Proposal Format

1. For clarity, the proposal should be typed or printed. Proposals should be single-spaced with 1" margins on white 8 ½" x 11" paper using a font no smaller than 12 point Times New Roman or similar.
2. All pages 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.
3. Bidders are asked to be brief and to respond to each question and instruction listed in the "Proposal Submission Requirements" section of this RFP.
4. The Bidder may not provide additional attachments beyond those specified in the RFP for the purpose of extending their response. Any material exceeding the proposal limit will not be considered in rating the proposals and will not be returned. Bidders shall not include brochures or other promotional material with their proposals. Additional materials will not be considered part of the proposal and will not be evaluated.
5. Include any forms provided in the application 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.
6. 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's evaluation review team, result in a lower rating for the incomplete sections and may result in the proposal being disqualified for consideration.

B. Proposal Contents

Section I Organization Qualifications and Experience

1. Organizational Experience (limit to 3 pages)

Present a statement of qualifications and summary of relevant experience regarding skills and equipment 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. Include similar information for any subcontractors. If this is a “team” submittal, provide a history of the teams experience working together on projects.

2. Organizational Location and Licensure (limit to 2 pages)

- a. Briefly describe the history of the Bidders organization and location of the corporate headquarters. Also, describe the current or proposed location where services will be provided or from which the contract will be managed.
- b. Attach documentation of any applicable Maine licensure requirements (or any specific credentials required). Attachments will not be considered part of the page limit.
- c. Attach a certificate of insurance on a standard Accord form (or the equivalent) evidencing the Bidder’s general liability, professional liability and any other relevant liability insurance policies that might be associated with this contract.

3. Description of Experience with Similar Projects (limit to 1 page per project)

- a. Provide a description of five projects that occurred within the past three 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 five examples provided, a contact person from the client organization involved should be listed, along with that person’s telephone number. 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.
- b. If this is a “team” submittal, list ONLY projects where the team has worked together and identify all staff involved and their roles.
- c. Use these projects to demonstrate experience with MEDEP programs, policies, procedures, guidelines or practices.

Section II Cost Proposal

1. General Instructions

- a. The Bidder must complete and submit the Cost Proposal listed in Appendix B. This Cost Proposal will be used for scoring purposes and for establishing the pre-qualified list. The Bidder must also submit a Company Rate Sheet to accompany the Cost Proposal. The Company Rate Sheet should include the rates which would be effective for the entire two year contract period for services being offered. Please use the expected contract start date of 10/1/15 and an end date of 9/30/17 in preparing this section. The Bidder must submit a rate sheet that covers the entire two year period of the contract.

- b. The cost proposal shall be based on the rates listed in the Company Rate Sheet and include the costs necessary for the Bidder to fully comply with the contract terms and conditions and RFP requirements.
- c. Provide on Appendix B the cost of conducting the scenario of work in Appendix B. Failure to provide the requested information and to follow the required cost proposal format provided in Appendix B may result in the exclusion of the proposal from consideration, at the discretion of the Department.
- d. No costs related to the preparation of the proposal for this 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.

2. Cost Proposal Form Instructions

The Bidder should fill out Appendix B, following the instructions detailed here and in the form.

Section III 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's evaluation team.

1. – Safety Training Certification (HAZWOPER)
2. – Organization Chart
3. – Insurance (Acord Form)

The following documents will not be evaluated as part of this RFP which will result in the formation of the prequalified vendor list but will be used during the mini-bid selection process.

4. – Company Rate Sheet

PART V PROPOSAL EVALUATION AND SELECTION

Evaluation of the submitted proposals shall be accomplished as follows:

A. 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 cost 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 best satisfies the criteria of the RFP at a reasonable/competitive cost.
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. The Department reserves the right to make video or audio recordings of any applicable interview/presentation process. 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 costs and other requested information as clearly and completely as possible.

B. 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 (60 points)

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

Section II. Cost Proposal (40 points)

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

2. **Scoring Process:** The review team will use a consensus approach to evaluate the bids. Members of the review team will not score the proposals individually but instead will arrive at a consensus as to assignment of points on each category of each proposal. The contract award(s) will be made to the Bidder(s) receiving the highest number of evaluation points, based upon the proposals' satisfaction of the criteria established in the RFP. The Cost section will be scored according to a mathematical formula described below.

- 3. 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 40 points. Proposals with higher bids values will be awarded proportionately fewer points calculated in comparison with the lowest bid.

The scoring formula is:

(lowest submitted cost proposal / cost of proposal being scored) x 40 = pro-rated score

No Best and Final Offers: The State of Maine 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.

- 4. Negotiations:** The Department reserves the right to negotiate with the successful Bidder to finalize a contract at the same rate or cost of service as presented in the selected proposal. Such negotiations may not significantly vary the content, nature or requirements of the proposal or the Department's Request for Proposals to an extent that may affect the price of goods or services requested. The Department reserves the right to terminate contract negotiations with a selected respondent 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.

C. 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 Purchases Review Committee.
2. Notification of contractor selection or non-selection will be made in writing by the Department.
3. Issuance of this RFP in no way constitutes a commitment by the State of Maine to award a contract, to pay costs incurred in the preparation of a response to this request, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel or any other costs incurred by the Bidder.
4. The Department reserves the right to reject any and all proposals or to make multiple awards.

D. Appeal of Contract Awards

Any person aggrieved by the award decisions that results in the formation of the pre-qualified vender list from this RFP or subsequent competitive procedures involving only the pre-qualified participants may appeal those decisions 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: <http://www.maine.gov/purchases/policies/120.shtml>). 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.

PART VI CONTRACT ADMINISTRATION AND CONDITIONS

A. Contract Document

1. The successful Bidder will be required to execute a contract in the form of a State of Maine Agreement to Purchase Services (BP54). A list of applicable Riders is as follows:

Rider A: Specification of Work to be Performed

Rider B: Method of Payment and Other Provisions

Rider C: Exceptions to Rider B

Rider D: Federal Purchasing Requirements (if applicable)

Rider G: Identification of Country in Which Contracted Work Will Be Performed

The complete set of standard BP54 contract documents may be found on the Division of Purchases website at the following link:

<http://www.maine.gov/purchases/info/forms/BP54.doc>

Other forms and contract documents commonly used by the State can be found on the Division of Purchases website at the following link:

<http://www.maine.gov/purchases/info/forms.shtml>

2. Allocation of funds is final upon successful negotiation and execution of the contract, subject to the review and approval of the State Purchases Review Committee. Contracts are not considered fully executed and valid until approved by the State Purchases 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):

<http://www.maine.gov/purchases/policies/110.shtml>

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

3. The Department estimates having a contract in place by December 1st, 2015. The State recognizes, however, 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 Purchases 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 may need to be adjusted, if necessary, to comply with mandated requirements.
4. In providing services and performing under the contract, the successful Bidder shall act independently and not as an agent of the State of Maine.

B. Standard State Agreement Provisions

1. Agreement Administration

- a. Following the award, an Agreement 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 successful Bidder in the finalization of the contract.
- b. 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.

2. 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, contains correct pricing information relative to the contract, and provides any required supporting documents, as applicable, and any other specific and agreed-upon requirements listed within the contract that results from this RFP.

PART VII LIST OF RFP APPENDICES

1. Appendix A – State of Maine Proposal Cover Page
2. Appendix B – Cost Proposal Form
3. Appendix C – MeDEP Environmental Consultant Review Form

PART VIII APPENDICES

Appendix A

**State of Maine
DEPARTMENT OF ENVIRONMENTAL PROTECTION
PROPOSAL COVER PAGE**

**RFP #201508147
Pre-Qualified List for Hazardous Waste Removal Services**

Bidder's Organization Name:		
Chief Executive - Name/Title:		
Tel:	Fax:	E-mail:
Headquarters Street Address:		
Headquarters City/State/Zip:		
<i>(provide information requested below if different from above)</i>		
Lead Point of Contact for Proposal - Name/Title:		
Tel:	Fax:	E-mail:
Street Address:		
City/State/Zip:		
Total Proposed Scenario Cost:	\$	
<i>The proposed cost listed above is for reference purposes only, not evaluation purposes. In the event that the cost noted above does not match the Bidder's detailed cost proposal documents, then the information on the cost proposal documents will take precedence.</i>		

- 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 undersigned is authorized to enter into contractual obligations on behalf of the above-named organization.

Debarment, Performance, and Non-Collusion Certification

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:

- a. 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.*
- b. Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:

 - i. fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state or local government transaction or contract.*
 - ii. violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;*
 - iii. 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*
 - iv. 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.**
- c. 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.

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:	Title:
Authorized Signature:	Date:

**State of Maine
DEPARTMENT OF ENVIRONMENTAL PROTECTION
COST PROPOSAL**

**RFP #201508147
Pre-Qualified List for Removal of Hazardous Substances Services**

Bidder's Organization Name: _____

Hypothetical Scenario

Excavate contaminated soil from a 50' long x 10' wide x 1' deep area and transport and dispose of the waste material at a facility licensed to accept it. Backfill the excavation with clean gravel. Assume that the Toxicity Characteristic Leaching Procedure (TCLP) results for the waste material are 10 mg/L for lead, that the material does not contain any other hazardous substances, that 1 cubic yard of the material weighs 1 ton, that equipment decontamination can be completed without any additional costs, and that the job site is easily accessible and located at 28 Tyson Drive in Augusta, Maine.

Provide the following information:

Total amount of material excavated in cubic yards: _____

Name and address of licensed facility where waste will be disposed of:

Complete the following cost information. Cost calculation must be consistent with Bidder's supplied Company Rate Sheet.

Excavation costs, including personnel, equipment, and backfill (please itemize each)

Personnel _____

Equipment _____

Backfill _____

Note: Attach more sheets if necessary

Transportation costs: _____

Disposal Fees: _____

TOTAL PROPOSED COSTS: _____



MEDEP Environmental Consultant Review Form

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