

NM Environment Department

RFP No. 11-667-00-00005

Questions / Answers

June 3, 2011

Responses to Written Questions	
Q.1.	Section V.6. (p. 27) of the referenced RFP summarizes the information to be provided by Offerors in presenting their Technical Approach for the Scope of Work. The paragraph states that Offerors should provide a narrative detailing equipment, materials, etc. that will be employed in relation to the SOW requirements. Since the SOW covers a broad range of potential project types, is it the NMED's intent for Offerors to discuss a technical approach covering the full range of project types, or is it intended for only a subset of pertinent examples to be presented?
A.1.	We want a summary of the technical approach developed and instituted on projects that you think are key, relative to this RFP; we don't necessarily need to see every project you have worked on.
Q.2.	Can you please identify financial stability and if this includes financial statements? Should the Offeror include these documents in both the original and the other 5-copies or as part of the sealed envelope with the cost form?
A.2.	Financial stability should include evidence of liability insurance as described in Section III.C.15 and the ability to bond for remediation projects. Financial statements are not required. Only one copy of Financial stability information as well as all items in Section V.A.13 "Pricing Information and Financial Stability" should be included with the cost information in a sealed envelope.
Q.3.	Pay Equity Form-Is it sufficient for the Offeror to submit only the PE10-249 Reporting Form and PE10-249 Worksheet? The PE10-249 Pivot Table and PE10-249 Data Entry Form contain confidential salary information? If the Offeror is required to submit all forms, can these be provided in a sealed envelope?
A.3.	The State Purchasing Office will not need the first page which contains confidential information. SPD will need the second sheet of PE-10-249. The first sheet is for the bidder to calculate <u>only</u> .
Q.4.	Just in case no one else has brought this matter to your attention, the due date for the Acknowledgment of Receipt form for the RFP put out by the GWQB should be May 25 rather than June 25.
A.4.	The reference to June 25 was an error that was corrected by Amendment #2 and, therefore, should be disregarded. Amendment #2 extended the date for submittal of the Acknowledgment of Receipt for the RFP from May 25 th to Friday, May 27, 2011.

Q.5.	Section I.A. of the RFP notes that: “Subcontractors for specialty tasks, such as risk assessment, ground water modeling, isotopic geochemistry, drilling, analytical and other services can be identified in the proposal as a teaming arrangement. “ Please specify what documentation constitutes a “teaming arrangement.”
A.5.	A subcontract is a teaming arrangement.
Q.6.	Please confirm if the base period for this contract is 1 or 2 years.
A.6.	The base period for the initial contract is 2 years with the option for the Department to renew for up to 2 additional fiscal years for a total of 4 years. Four (4) years is the maximum allowable contract term allowed.
Q.7.	<p>Section II.A, Scope of Work, specified that “NMED will contact one or more contracted firms when environmental services are required and request the contractor to prepare a work plan including a cost estimate and schedule pursuant to an existing contract. Work plans outline the site conditions, site history, contaminants expected, scope of work to be performed, deliverables, and schedule for the work to be performed. The contractor will attach to each work plan a site health and safety plan (HASP) and Standard Operating Procedures (SOPs), as appropriate. The work plan and cost estimate will include an explanation of costs-not-to-be-exceeded by the contractor for completion of the specified work including deliverables and reports.”</p> <p>a. Please confirm that a HASP will be required to be prepared at a time when NMED may still be in the process of selecting a contractor to perform a specific task.</p> <p>b. Is this activity part of a “competitive bidding or proposal” for the requested environmental services?</p> <p>c. If so, will NMED clearly state scope of work to be completed to ensure comparability of proposals?</p> <p>d. Is the cost of preparing the work plan, cost estimate, and HASP reimbursable?</p>
A.7.	<p>a. No, a HASP will only be required of the contractor selected to perform the work.</p> <p>b. Yes, if more than one firm is selected, NMED may obtain SOWs for certain projects from more than one of the awarded contractors to obtain the most cost effective approach for individual projects.</p> <p>c. Yes.</p> <p>d. No, however the selected contractor may be reimbursed for final workplan as well as</p>

	development of a HASP & QAPP in accordance with the approval of the workplan and cost estimate. Note, Cost for preparing the proposal for this RFP are not reimbursable.
Q.8.	It is noted in Section II. D that “any technical inquiries or requests for clarification regarding this procurement must be submitted in writing to Dale M. Doremus.” Next paragraph in this section specifies that: “Offerors may contact ONLY the Procurement Manager, specified herein, regarding this procurement. Other state employees do not have the authority to respond to inquiries and requests regarding this procurement.” Please clarify the pathway of communication for technical inquiries.
A.8.	All Procurement questions should be directed to Randy Herrera. If he determines the question is technical he will direct it to Dale Doremus. If your questions are purely technical, you may submit them directly to Dale Doremus. If she determines that a question is regarding the procurement, she will forward it to Randy Herrera.
Q.9.	Can any labor categories be added to those listed in the General Cost Detail Form? Can more than one rate be provided under each labor category to distinguish between junior and senior levels staff, such as senior risk assessor and staff risk assessor?
A.9.	Yes. The cost detail form is presented as an example. You do not have to use this exact format, as long as all of the required information is present. For example, if you have a standard Corporate Cost Form, you are welcome to use that if it includes the required information about rates.
Q.10	Can additional categories be listed in the General Cost Detail Form under Travel, such as more than one mob/demob rates be provided?
A.10	Yes. Your cost detail form should be as complete as possible include all activities as well as equipment that you commonly keep in your inventory or lease for this type of work.
Q.11	With respect to subcontractor costs: <ul style="list-style-type: none"> a. Do we need to provide costs for subcontractors we include in our proposal? If so, what costs, what scope? b. We can provide unit rates for various anticipated activities such as drilling by various methods, various borehole diameters, well construction, well head completion, plugging and abandonment, well development, surveying, IDW disposal, laboratory analytical costs, etc. However, how does NMED anticipate evaluating such costs and/or unit rates? c. Is subcontracted pricing expected to be binding over the duration of the contract?

	d. Are Davis Bacon wage rates applicable?
A.11	<p>a. The General Cost Detail Form and the narrative in Section V.A.13.a) on Page 29 under Pricing Information covers the general information required for sub-contractors. It clearly states : Include a Rate Sheet for any anticipated sub-contractor services and the markup rate for sub-contractors. If you have this information for anticipated subcontractors, you should provide it.</p> <p>b. Costs are not part of the initial technical evaluation however they are part of contract negotiations.</p> <p>c. Yes if the subcontractor prices were submitted as a teaming approach. Alternatively the contractor may be required to provide 3 bids to justify the proposed subcontractor charges.</p> <p>d. Davis Bacon wage rates are applicable to labor categories for contracts and subcontracts, if the Agency is using Federal Funds towards a project. State and Federal funds will be tracked separate. State funded projects must be in Compliance with the New Mexico Public Works Minimum Wage Act.</p>
Q.12	Are we expected to provide a labor escalator beyond the base period of the contract or adjusted labor rates be submitted for approval to NMED on the contract anniversary?
A.12	This will be part of contract negotiations. Any adjusted labor rates will be subject to NMED approval.
Q.13	Please explain “ninety (120) days” and sixty (90) days” in item 7 on page 18 of the RFP.
A.13	This is a typographical error in the RFP. The 120 days and 90 days are correct number of days. We corrected this language in the RFP advertisement.
Q.14	Are the small letters and right parentheses part of the required format outlined in D. Proposal Organization on page 24?
A.14	Yes and these items are all described in detail in V. Mandatory Specifications.
Q.15	Can you clarify if examples of both a HASP and QAPP need to be included as part of the Offeror’s submittal? On page 27, Offerors are asked not to submit an actual or sample HASP, but item 6 on page 31 shows that 75 points will be given for “Example HASP and QAPP”. Which page should we go by?
A.15	You do not need to submit an actual sample HASP or QAPP. See Section V.A.8 (Page 27) which describes what we are looking for and how we will evaluate the QAPP and HASP.

	<p>Item 6, page 31 states: Points will be awarded on Offeror’s processes relating to maintaining site safety and general safe work consciousness among its employees and subcontractors and on a demonstration that the Offeror has a detailed Quality System in place to support QAPP development and implementation. The company will be required to have both programs in place in order to be considered for this contract. We are requesting that you provide a description of your processes relating to maintaining site safety and general safe work consciousness among its employees and subcontractors and provide an outline of health and safety policies and measures that are used to recognize worksite hazards and to prevent worksite injuries.</p> <p>For Quality Assurance Plans, you should demonstrate that you have a detailed quality system in place in order to support QAPP development and implementation. We are asking you to give us a copy of relevant sections of your Quality Management Plan as an Appendix that includes a detailed description of the offeror’s quality system, a selection of Standard Operating Procedures (SOPs), and information that will demonstrate your ability to produce QAPPs that we need for Brownfield and Superfund sites.</p>
Q.16	Section V.A.8 asks that the proposer include a copy of relevant sections of the Quality Management Plan as an Appendix to the proposal including a selection of Standard Operating Procedures – is it acceptable for this information to be submitted electronically?
A.16	Yes. The documents may be submitted electronically on a CD.
Q.17	Section 32 – Please clarify if “8 or more individuals in the same job classification” refers to New Mexico employees or company-wide. Does job classification mean professional vs. clerical vs. managerial or some other delineation.
A.17	Fill out the section that relates your firm. Number of employees from 10-249 will be the PE10-249 and over 250 will be the PE250.
Q.18	If our company recently submitted Pay Equity Initiative paperwork to the State of New Mexico for a different RFP, are we required to resubmit our paperwork, or can I include a copy of our January 2011 submittal?
A.18	This paper work will have to be resubmitted for <u>every</u> solicitation.
Q.19	Can a font size other than 12 point be used for tables, figures, and graphics?
A.19	Yes, 12-point font is for text that is part of the proposal body or Appendices. You can use any size font that you would like on graphics, tables and illustrations. Please be aware that although the font size on graphics and illustrations is being left up to the preparer, fonts should be easy to read.

Q.20	What type of bonding is required (Section V. A.13.d), page 29)? What should the dollar amount of the bond be?
A.20	For financial stability we are asking for evidence of the Offeror's ability to bond for remediation projects. Specific performance bonds will be required under the contract itself.
Q.21	The transmittal is required to be signed in blue ink. Can an electronic signature be used (in blue)? The person with contractor signatory authority is located out of state and typically documents are ink signed, emailed to our office and scanned.
A.21	Yes, we can accept electronic signature in Blue Ink.
Q 22	<p>Regarding the Pay Equity Reporting forms in Appendix E:</p> <ul style="list-style-type: none"> a. What is the time period for compensation? The table on page 68 references annual compensation. Please state the date range for this. b. Please confirm that the information is only for a Contractor's New Mexico employees. c. Is the New Mexico Environment Department requiring employee specific total annual compensation information (pg. 69) at this time, and is the information needed for all current Contractor New Mexico employees? d. In previous state proposal responses (RFP No. 10-521-00-0099, for the New Mexico Energy, Minerals, and Natural Resources Department in May 2011), this information has been required within 30 days of contract award, which would give more accurate Contractor information. Are all of the PE10-249 forms required at the time of proposal response submittal? e. Is an Excel table or other type of form available for completion of the PE10-249 forms? Much of the information appears to repeat between the Reporting Form (pg. 66) the Worksheet (pg. 67), the Pivot Table (pg. 68) and Data Entry Form (pg.69). If information was entered into a database, much of the info would populate the other fields.
A.22	<ul style="list-style-type: none"> a. Annual Gross Income will suffice for compensation. b. Yes, employees in New Mexico c. Yes, current pay equity information is needed for this solicitation. d. Yes, all of the PE10-249 forms are required at the time of proposal response submittal. e. Yes, this has been attached.

Additional Questions from Pre-proposal Conference	
Q.23	Is there a conflict of interest if contractor designs a remediation? Does the design contractor cut himself out of bidding on the remediation contract later?
A.23	Yes, a contractor who performs the design for a remediation project cannot also bid on the remediation project itself, if they are two separate contracts. If it were a single procurement, that is a design-build, then that appears to be allowed. Pursuant to Section 10-16-13 NMSA 1978: No state agency or political subdivision of the state shall accept a bid or proposal from a person who directly participated in the preparation of specifications, qualifications or evaluation criteria on which the specific competitive bid or proposal was based. A person accepting a bid or proposal on behalf of a state agency or political subdivision of this state shall exercise due diligence to ensure compliance with this section.
Q.24	Does the State allow preference to not only resident NM bidders but to DWB/MWB and Small Business?
A.24	Yes for DWB & MWB because we are using federal funds. The statues <u>1978 NMSA 13-1-184 thru 13-1-187</u> does not give preference for small business, however it encourages states to contract with small businesses.
Q.25	Do you perceive that there will be multiple awards?
A.24	Yes, however it is not absolutely required that we award multiple contracts. For the previous GWQB environmental services procurement, we awarded three contracts and it is likely that we will award multiple contracts under this RFP as well.
Q.26	How many copies of the Cost Proposal are required?
A.26	One copy of cost detail form and any other cost information in Section V.A.13 "Pricing Information and Financial Stability" should be sealed in an envelope that accompanies the proposals. On the outside of the envelope you should label the name of the offeror and that the contents of the envelope: "Cost Information".
Q.27	Do you anticipate a maximum dollar amount for this RFP and over what period of time? What were the contract limits and timeframes in the past? Did you expend all the allowable funds under the contracts?
A.27	There is not a specified maximum dollar amount for this RFP. The procurement is for 2 years with the option to renew for 2 additional years. Although our baseline funding is stable, our total funding can vary year to year for Brownfields, Superfund, and other programs depending on grant awards, special grants and other funding

	<p>opportunities.</p> <p>The previous procurement was also for 2 years with the option to renew for 2 years. The previous RFP was limited to a total of 2 million dollars based on our available funds at the time. Three (3) contracts were awarded at \$500,000.00 per contract for the duration of the contract (4 years). This RFP does not delineate a maximum. It was 500K for the term, per contractor for the duration of the contract. We utilized approximately 1.2 million of the total 1.5 million dollar limit in the contracts.</p>
Q.28	How do you anticipate funding for the next 2 years?
A.28	Our funding has been fairly stable and consistent for the Targeted Brownfields and the State Response Programs. We also apply for new grants when special funding opportunities are available. Basically, we anticipate it to be similar to the past.
Q.29	Who are the incumbent contractors?
A.29	There are currently no incumbent contractors since the contract expired in April. The three firms awarded contracts based on the 2006 procurement were Daniel B. Stephens, INTERA and Tetra Tech Inc.
Q.30	Is there a specified number of sites that you want to address under this RFP?
A.30	<p>The number of sites for the Brownfields/VRP program is determined yearly based on our EPA State Response Program grant application. Currently we have 12-17 Brownfield sites. NMED receives requests from municipalities or non-profits that have a potential Brownfields projects and have remediation projects associated with it.</p> <p>Over the next 2 to 4 years, the Superfund Oversight Section anticipates taking the lead on a Remedial Investigation/Feasibility Study, a Remedial Design Investigation/Remedial Design, and at least two (4) five-year reviews that may require contractor support. SOS is also in various stages of site investigations that may require contractor support. All Superfund work is dependent on EPA funding.</p>
Q.31	Does the State make their services available to the Pueblos or the BIA?
A.31	Yes, we do make our services available to the Pueblos. The NWCOG also has a program and they utilize their own contractors.
Q.32	Can you address the expected frequency, timeframes, and consistency of projects for Brownfields?
A.32	This will vary site specifically. Some Phase 1 Environmental Assessments can be performed in a matter of weeks. The length of time to complete a Phase 2

	Environmental Assessment will depend on project complexity, lab turnaround etc. Similarly, Phase 3 EAs, remedial designs and cost analysis will depend on the site complexity. A project might start with a Phase 1 or with a Phase 2 if another entity already completed the Phase 1.
Q.33	Can we add to the Labor Category on the Cost Detail Form?
A.33	Yes. The Cost Detail Form is provided as an example. You do not have to use this exact format, as long as all of the required information is present. For example, if you have a standard Corporate Cost Form, you are welcome to use that if it includes the required information about rates. You may expand upon it and tie it to the rest of your proposal.
Q.34	Should we assume that specialty rental equipment (for example, meters and non-standard samplers) can be rented and reimbursed?
A.34	Yes, with NMED prior approval, non-standard specialty equipment and be rented/leased and reimbursed. However these costs should be comparable to what is provided in the Cost Detail.
Q.35	Historically Brownfields remediations have been small project remediations. If a contractor has performed the preliminary assessments and/or site investigations and the project becomes a major remediation under a different agency or the Responsible Party, would the procurement have to go to another contractor?
A.35	Under the state procurement code such a remediation would be a competitively bid. Involvement in the site investigations would not preclude the applicant from being selected. If the site is deferred another agency or a responsible party then their procurement rules would apply.
Q.36	How does the State view conflict of interest if the Contractor worked for a Responsible Party or potential Responsible Party and the site goes to EPA or the State? Would it disqualify the contractor if there was a relationship with the Responsible Party?
A.36	Pursuant to 40 CFR Part 35.6550(b)(1)(2), the contractor is required to notify NMED of any actual, apparent, or potential conflict of interest and disclose all information pertaining to any financial and/or business relationships with potentially responsible parties. NMED will make a determination of regarding the conflict of interest. See Disclosue Requirements/Conflict of Interest Certification in Appendix B and Section III.C.28 " Potentially Responsible Party Disclosure" for more detail.
Q.37	Is the Brownfield Program currently active on projects across all areas of the State?
A.37	Yes. Currently we have active sites in Farmington, Gallup, Las Cruces, Silver City, and

	Tucumcari. NMED has put more emphasis in recent years to diversifying into rural areas. In the last couple of years, we have conducted outreach in rural parts of the state with very positive response.
Q.38	Under Appendix D, Sect. 20, is the term ‘Client’ intended to refer to A. An agency of the State of NM; B. Third Party Clients of the Contractor or C. Both A and B?
A.38	This refers to the Third Party Clients of the Contractor. Refer back to the sample contract, where it states Clients of the Contractor within the indemnification section.
Q.39	Will the List of Attendees be distributed?
A.39	Yes, it will be posted on the website.
Q.40	How do we know if Randy Herrera received the forms that were sent to him as pdf. files?
A.40	Make sure that you request a ‘return receipt’ when you email questions and forms. We are also making hard copies of all questions. You will see the list of attendees and a List of Acknowledgement of Receipt forms posted.
Q.41	Clarify ‘Successful Offeror’?
A.41	This refers to the selected Contractor(s).