

08/10/12

STATE OF NEW MEXICO



NEW MEXICO ENVIRONMENT DEPARTMENT
PETROLEUM STORAGE TANK BUREAU

PROPOSAL SOLICITATION FOR RESPONSIBLE PARTY-LEAD SITE

REMEDIAION SERVICES FOR THE

Former Fairacres Post Office
3940 West Picacho Ave.
Fairacres, New Mexico

August 10, 2012

I. SITE INFORMATION

- A. SITE NAME AND LOCATION: Former Fairacres Post Office, 3940 W. Picacho Ave., Fairacres, New Mexico
- B. FACILITY #: 29164 RELEASE ID #: 3506
- C. PHASE OF WORK: Phases 3, 4, and 5
- D. SITE DESCRIPTION:

The Former Fairacres Post Office (FFPO) site is located along a moderately busy section of Hwy 70 approximately $\frac{3}{4}$ of a mile west of the Rio Grande River in Fairacres, NM. It sits in an area surrounded by irrigated fields, small lots, and small businesses west of Las Cruces. Fuels were last sold at the site in 1973 and in 1990 when the fuel tanks were removed soil and ground water contamination were discovered. It was used as a post office until about 10 years ago. Since that time the building has served as a convenience store. Directly across the street sits Guacamole's Café. Although it is not a LUST site it has had occurrences of NAPL in its supply well and ground water possibly due to contamination from FFPO. NMED replaced Guacamole's water supply with city water under an emergency response in 2008. For this reason, a report on the emergency response is included with the information packet. The Lovelace Property LUST site lies approximately 300 ft southwest of FFPO on the south side of Rt. 70. MW-13 has provided information on both sites due to its location mid-way between.

Investigative activities have been ongoing at the site since Nov. 2000 and have consisted of a minimum site assessment and Ph 1 and 2 work. Ground water monitoring has been continuous since 2001 with hand bailing of NAPL having resulted in about 280 gals being removed before 2005. Since that time little NAPL has been removed.

The dissolved phase plume covers approximately 1 acre and is delineated by 17 ground water monitoring wells and three private supply wells. Concentrations range to 10,000 ppb benzene and have been largely stable and persistent. Ground water lies between 10 and 14 ft bgs and flows east at 0.007ft/ft.

Souder Miller & Associates Inc. performed a bail-down test on wells MW-23 and 27 in March 2003. The results of the tests are included in the information packet.

Besides ground water monitoring, the current contractor for the site drove 12, 12ft geo-probe holes around the site in 2004 in an attempt to define soil contamination. The geo-probe project did not find any fuel tanks still left at the site, although there have been rumors of such tanks, located near the roadway, through the past years. An SVE pilot test was conducted in 2005 but testing was abandoned after no flow could be achieved in the two wells used in the test.

The following material is available for download online:

- Report on Emergency Response Investigation On-Site Domestic Water Well for *Guacamole's Café, Faith Engineering, Inc., Nov. 2000*
- "Investigative Report, Lovelace Property" (adjacent site), Souder Miller & Associates Inc., (SMA) Feb. 2001

08/10/12

- Soil boring logs: MW-14, MW-20-25, MW-29-32, SMA, 2001-2003
- X-Section, MW-22-23-24-25, SMA, 2001
- Minimum Site Assessment- Former Fairacres PO., SMA, Oct., 2002
- NAPL Bail-down Test Results, SMA, April, 2003
- SVE Pilot Testing Results, Former Fairacres Post Office, SMA, Mar 2006
- Report on Installation of Monitoring Wells MW-33-37, Former Fairacres PO., SMA, July, 2009
- 3rd Quarter Groundwater Monitoring Report, SMA, June, 2011
- 4th Quarter Groundwater Monitoring Report, SMA, September, 2011

E. The owner of this site wishes to participate in the RFP process. Therefore, contractors may not contact the owner regarding any aspect of the RFP or the proposed remediation. Contractors interested in submitting a proposal may visit the site between the hours of 9AM and 12 PM on August 22, 2012.

II. PROPOSAL PROCESS INFORMATION

A. PURPOSE OF THIS PROPOSAL SOLICITATION

On behalf of the Owner/Operator (O/O), the New Mexico Environment Department (NMED) Petroleum Storage Tank Bureau (PSTB) is soliciting proposals from qualified contractors to identify an appropriate cleanup technology to address contamination at the above named site. The proposal must meet the requirements of 20.5. NMAC and this document.

The O/O will be notified of the proposal that is selected through the Proposal Solicitation process and PSTB anticipates that the O/O will enter into a contract with the contractor to provide the services described in the proposal.

A modified blind review process, as described in Section III.C.2, will be used to initially evaluate these proposals. Under no circumstances will NMED modify a submitted proposal, e.g., blacking out identifying information.

B. PROPOSAL SOLICITATION MANAGER

PSTB has designated a Proposal Solicitation Manager (SM) who is responsible for managing this Proposal Solicitation. The name, address and telephone number of the SM are listed below.

Christopher Holmes
New Mexico Environment Department
Resource Protection Division
Petroleum Storage Tank Bureau
1301 B Siler Road, Building B, Room 235
Santa Fe, New Mexico 87507
Telephone (505) 476-4386
FAX (505) 476-4374
e-mail: Chris.Holmes@state.nm.us

Contractors may contact ONLY the SM regarding this Proposal Solicitation. Any inquiries regarding this Proposal Solicitation must be submitted to the SM in writing. Other state employees do not have the authority to respond to inquiries and requests regarding this process.

All inquiries must be received no later than one week prior to the proposal submittal deadline.

All responses to inquiries will be distributed as discussed in II.D.

Specific questions regarding this solicitation should be submitted in writing to the PSTB SM. Inquiries may be faxed or emailed and must reference the specific project. In all cases, no verbal communication will override written communications and only written communications are binding.

C. PROPOSAL EVALUATION

Proposals received within the date and time specified will be evaluated by an evaluation committee. Discussions regarding proposal evaluation shall not be initiated by the contractors.

The evaluation committee will initially review the technical proposal using a blind review process. **Therefore, technical proposals must be free of any information that identifies the company submitting the proposal including any discussion of qualifications or past work.**

D. REVISIONS TO THE PROPOSAL SOLICITATION

In the event it becomes necessary to revise any part of this Proposal Solicitation, revisions will be provided by posting on the PSTB website or by direct mailing.

E. SUBCONTRACTORS

If the contractor intends to subcontract any part of the work to be performed under this Proposal Solicitation, the contractor is responsible for assuring the subcontractors possess all appropriate licenses as required by the State of New Mexico.

F. AMENDED PROPOSALS

A contractor may submit an amended proposal before the deadline for receipt of proposals. Such amended proposals must be complete replacements for a previously submitted proposal and must be clearly identified as such in the transmittal letter. PSTB will not merge, collate, or assemble proposal materials.

G. DEADLINES FOR SUBMISSION OF PROPOSAL

ALL PROPOSALS MUST BE RECEIVED FOR REVIEW AND EVALUATION BY THE SOLICITATION MANAGER OR DESIGNEE NO LATER THAN 3:00 PM Monday, September 17, 2012. **Proposals received after this deadline will not be accepted.** The date and time of receipt will be recorded on each proposal. Proposals must be addressed and delivered to the SM at the address listed in Section II.B. Proposals must be submitted in a sealed box or envelope indicating the proposal title and number along with the contractor's name and address clearly marked on the outside of the box or envelope. **Proposals submitted by facsimile or email will not be accepted.** The contents of any proposal shall not be disclosed to competing contractors prior to contract award.

H. SHORT LISTED PROPOSALS

PSTB will create a short-list of the proposals submitted based on review of the Statement of Qualifications and Technical Proposal. Only contractors included on the short-list will be requested to submit a cost proposal for evaluation.

I. BEST AND FINAL OFFERS FROM FINALISTS

Finalist contractors may submit revisions to their proposals for the purpose of providing best and final offers. Best and final offers may be clarified and amended at the finalist contractor's oral presentation/demonstration.

J. ORAL PRESENTATION/DEMONSTRATION BY FINALISTS

Finalists may be required to present their proposals and respond to Evaluation Committee questions. The SM will schedule the time for each finalist presentation and will provide information regarding the timing and content of such presentations, if required. PSTB shall not be responsible for any costs or expenses incurred by a contractor to make an oral presentation.

K. SELECTION OF CONTRACTORS AND NOTIFICATION OF EVALUATION RESULTS

After evaluation of the proposals the O/O will be notified in writing of the selected proposal. All contractors who submitted proposals shall be notified in writing of the evaluation results.

L. WITHDRAWAL OF PROPOSAL

A contractor may withdraw a proposal at any time.

M. TERM OF PROPOSAL

All proposal costs shall be firm for a period of one hundred eighty (180) days after the proposal submittal date to allow time for evaluation of all proposals and to make an award.

N. DISPOSITION OF PROPOSALS

All proposals become the property of the State of New Mexico upon receipt and will not be returned to the contractor unless requested in writing. The PSTB will hold all proposals requested to be returned for a period of 30 days. The State of New Mexico shall have the right to use all ideas or adaptation of ideas contained in any proposal received in response to this solicitation. Selection or rejection of the proposal will not affect this right.

If, for any reason, this solicitation is canceled, all proposals will be returned to contractors.

O. CONFLICTS OR AMBIGUITIES

Contractors shall notify the PSTB immediately if conflicts or ambiguities are found in the solicitation. Failure to do so prior to the specified closing date may result in these items being resolved in a manner deemed to be in the State's best interest as judged by the PSTB.

III. PROPOSAL FORMAT

A. NUMBER OF RESPONSES

Only one proposal shall be submitted by each contractor for consideration.

B. NUMBER OF COPIES

1. **Statement of Qualifications:** Contractors shall deliver one (1) original, two (2) identical paper copies and one (1) electronic copy in CD format of the **Statement of Qualifications** in an envelope separate from the technical proposal. Please label the envelope with "STATEMENT OF QUALIFICATIONS", the site name, and the name of the company submitting the proposal.

2. **Technical Proposal:** Contractors shall deliver one (1) original and four (4) identical copies of the **Technical Proposal** in a separate envelope. In addition to the five (5) paper copies, one (1) copy of the proposal shall be submitted in electronic format on a CD. Please label the envelope with "TECHNICAL Proposal", the site name, and the name of the company submitting the proposal. The evaluation committee will initially review the technical proposal using a blind review process. **Therefore, technical proposals must be free of any information that identifies the company submitting the proposal including any discussion of qualifications or past work.** Any technical proposals containing identifying information will be disqualified from further review.

3. **Cost Proposal: ONLY SHORT-LISTED FIRMS WILL BE REQUIRED TO PROVIDE A COST PROPOSAL. See Section III.C.3 for details. If the company is a resident business, the cost proposal must include the company's certificate and certification number as issued by the Tax and Revenue Department.**

C. PROPOSAL COMPONENTS

Within each section of the proposal, contractors shall address the items in the order in which they appear in this solicitation. All proposals must be typewritten with a font equal to or larger than 11, on standard white 8 ½" x 11" paper. Larger paper is permissible for charts, maps, spreadsheets, etc., but in no instance shall the paper size exceed 11" x 17". All text on the charts, maps, spreadsheets, etc. must have a font equal to or larger than 8. Completeness, clarity and brevity should be emphasized. **Appendix A provides a checklist to assist in completion of the proposal.**

The following are required components of a complete proposal:

1. **Statement of Qualifications:** The Statement of Qualifications shall include the Letter of Transmittal, a discussion of key staff and corporate experience, health and safety plan, and documentation relating to Construction Industries Division licensure and professional engineering licensure, and a signed anti-collusion statement.

a. Letter of Transmittal: The letter of transmittal MUST:

- i. Identify the submitting organization;
- ii. Identify the name, title and telephone number of the person authorized to negotiate workplans on behalf of the organization;
- iii. Identify the name, title, e-mail address and telephone number of the person to be contacted for clarification;

- iv. Explicitly indicate acceptance of the conditions governing the solicitation stated in Section VI.A;
- v. Be signed by the authorized representative of the firm;
- vi. Acknowledge receipt of any and all amendments to this Proposal Solicitation.

b. Key Staff: Contractors must include in the proposal credentials of the key personnel responsible for the completion of the specific scope of work as discussed in Section IV of this Proposal Solicitation. These credentials must include but are not limited to the following: academic degrees and other pertinent training information, experience in storage tank site investigations, and remediation or other relevant experience. The resumes or experience narratives included should describe the specific experience of each proposed staff member as it relates to knowledge of and experience in petroleum storage tank site investigations and remediation or other relevant experience. The contractor must submit a statement of their current staff's relevant experience in the design, implementation, operation and maintenance of engineered systems for the remediation of petroleum storage tank related or equivalent sites. Additional information should be included regarding organization size and administrative support staff.

c. Health and Safety Plan: The contractor must include an example copy of a relevant and site-specific health and safety plan (HASP). Please note: It is not necessary to write a HASP specifically for this solicitation. An example site-specific HASP from a relevant site is all that is required.

d. New Mexico Construction Industries Division License: A proposal will be disqualified and will be dropped from further evaluation if it does not include a current copy of the contractor's New Mexico Construction Industries Division (CID) license. The CID license must be in an appropriate category for the scope of work being completed. It is recommended that contractors check with CID to assure that they are in compliance with the law.

e. Professional Engineering Licensure: Pursuant to the requirements of 20.5.16.11 NMAC, because the involvement of a professional engineer is required for the corrective action being conducted, the firm's qualification requirements shall include documentation of licensure by the New Mexico State Board of Licensure for Professional Engineers and Surveyors in the discipline of engineering appropriate to the corrective action. This requirement may be met by demonstrating that the firm has on staff or available by contract a professional engineer licensed in the appropriate discipline. This discussion shall include the following:

- i. The employment relationship between the Professional Engineer and the proposing firm, i.e. is the PE on staff or contract;
- ii. A current copy of the Professional Engineer's license and/or Professional Engineer's license number and documentation that the license is in the appropriate discipline for the remediation work that is to be performed at this site;

- iii. A statement that the Professional Engineer can contractually bind your firm.
- iv. A statement that the Professional Engineer is in compliance with the Professional Engineer rules, Parts 8 and 9 of 16.39 NMAC.

f. Anti-collusion affidavit: Pursuant to the requirements of 20.5.17.15.C.3 NMAC, each proposal submitted in response to this solicitation must contain a notarized affidavit signed by the bidding firm certifying under oath that the bidder has participated and will continue to participate in the competitive contractor selection process as described in 20.5.17 NMAC and NMSA 1978, Section 74-6B-7C without misrepresentation and without collusion with other contractors during the entire solicitation, evaluation and selection process.

2. **Technical Proposal:** The evaluation committee will initially review the technical proposal using a modified blind review process. **Therefore, technical proposals must be free of any information that identifies the company submitting the proposal including any discussion of qualifications or past work.** Any technical proposals containing identifying information will be disqualified from further review. The technical proposal shall be limited to *twelve (12)* pages in length, exclusive of the table of contents and any figures, diagrams, spreadsheets, maps or charts asked for as enclosures. The requirements of the technical proposal are described in more detail in Section III.D below.

3. **Cost Proposal: ONLY SHORT-LISTED FIRMS WILL BE REQUIRED TO PROVIDE A COST PROPOSAL.** Short-listed firms will be requested to provide a firm, fixed cost, exclusive of New Mexico Gross Receipts Tax, for **all** of the following items listed below exclusive of professional engineering services. **Please refer to Appendix B for format of the Cost Proposal.**

All proposed costs, rates or expenses must occur only in the Cost Proposal. Any proposal that does not adhere to these requirements may be disqualified. **Please note that should your firm negotiate a contract with the O/O as a result of this Proposal Solicitation, the costs that your firm submits in response to this solicitation will be required to be followed during the workplan approval process for the first six (6) months of the contract.**

- i. The cost for the development of a Final Remediation Plan (FRP) for the remediation system(s) that are to be installed at the sites, except for professional engineering services.
- ii. The total cost for the implementation of the remediation strategy. This cost item shall include installation of the proposed remediation system(s), all required environmental and other permits, and related hydrogeological services. For the purpose of this Proposal Solicitation, assume that all remediation equipment will have to be purchased. Include the system startup costs.
- iii. The total cost of four calendar quarters of operation and maintenance of the system(s) in conformance with your proposed FRP, except for

professional engineering services. Include the cost for your operation and maintenance reporting. Do not include any cost for utilities.

- iv. The total cost for four calendar quarters of groundwater monitoring and reporting for a total of 20 monitoring wells. For the purpose of this Proposal Solicitation, do not include the cost of any blank samples, duplicate samples, spiked samples, etc. Assume that all samples are to be analyzed with standard laboratory turn-around time by EPA methods 8260B and 504.1 only. Assume that sampling for metals is not required and that NAPL is not present in any of the wells.
- v. The cost of all major remediation equipment (as defined in 20.5.17 NMAC) shall be included as a separate line item on the cost table, but will not be considered in the evaluation of the cost effectiveness.

D. TECHNICAL PROPOSAL ORGANIZATION

The technical proposal must be free of any information that identifies the company submitting the proposal including any discussion of qualifications or past work. Any technical proposals containing identifying information will be disqualified from further review.

Contractors must include in the response, a description of how their firm will complete the scope of work, addressing the requirements of 20.5 NMAC and this Proposal Solicitation. Only existing information available in the public record shall be used to prepare the proposal. **No additional environmental data, including but not limited to, measurements of depth to groundwater or NAPL, soil, groundwater or vapor analyses or pilot testing shall be collected from the site for use in preparation of proposals.** Proposals shall contain a detailed description of an approach that will reach the cleanup goals for the site and a detailed description of plans to reach these goals using the remediation strategy proposed. Proposed performance guarantees to remediate the site to monitored natural attenuation shall be discussed.

A timetable outlining the project should be presented with the proposal. The schedules for implementation, operation, maintenance, and monitoring analyses for the remediation system must be addressed in the proposal. Should the implementation of your proposed remediation strategy require the purchase of major remediation equipment, as defined in 20.5.17.7.B(2) NMAC, the proposal must contain details of the types of equipment that will need to be purchased.

Proposals shall contain a detailed description of the theoretical and practical understanding of the remediation strategy that will be used to reach a monitored natural attenuation status. A description of the role of the contractor's professional engineer and the protocol for communication between the professional engineer and PSTB personnel must also be included.

The technical proposal must be organized and indexed in the following format and must contain, at a minimum, all listed items in the sequence indicated.

TECHNICAL PROPOSAL INDEX

- a) Table of Contents

- b) Technical Proposal Summary (*limited to 1 page*)
- c) Technical Proposal (*limited to 12 pages*)
 - Discussion of Site Conditions
 - Cleanup Strategy
 - Operation and Maintenance Strategy
 - Other Considerations Including Safety and Disruptions
- d) Timetable
- e) Other Supporting Material such as figures, diagrams, spreadsheets, maps or charts

The contractor shall include a Technical Proposal Summary, limited to one page, to provide the Evaluation Committee with an overview of the technical features of the proposal.

The contractor shall provide a Technical Proposal that addresses the elements of the Scope of Work in Section IV. The Technical Proposal shall not exceed twelve (12) pages, and shall include a discussion of site conditions, cleanup strategy, operation and maintenance strategy, and other considerations such as safety and disruptions to traffic, site use, etc.

Contractors should respond in the form of a narrative to each specification. The narrative along with the required supporting material will be evaluated and awarded points according to the Evaluation Factors presented in Section V.

IV. PROPOSAL EVALUATION CRITERIA

All contractors that are deemed to be qualified based on a review of the Statement of Qualifications will be evaluated as follows:

Technical Merit Score = 700 points
Cost Effectiveness Score = 300 points

A. TECHNICAL PROPOSAL SCORING: Maximum of 700 points

1.	<i>Quality of Proposal</i>	<i>30 Total Points</i>
a	Does the proposal discuss each of the required elements?	10
b	Is the proposal written and organized clearly, is it written to facilitate blind review of the technical aspects of the proposal?	10
	Are maps and other diagrams clear and accurate?	10
2.	<i>Demonstrated technical understanding of site conditions</i>	<i>100 Total Points</i>
a	Does the proposer demonstrate a clear understanding of site conditions and existing data?	50

b	Does the proposal adequately discuss additional data that needs to be collected?	50
3.	<i>Cleanup Strategy</i>	<i>345 Total Points</i>
a	Is the proposed remedy generally consistent with known site conditions?	100
b	Does the proposal provide a discussion of remediation options considered and why the selected strategy is likely to be effective and efficient?	100
c	Does the proposal provide a logical plan for implementing the various components of the proposed remedy?	50
d	Does the proposal adequately describe the types of equipment that would be deployed at the site, including a discussion of sizing and appropriateness?	50
e	Are necessary permits and authorizations discussed (OSE, GWDP, etc.)?	25
f	Does the proposal include a reasonable timetable for implementing the remedy?	20
4.	<i>O&M Strategy</i>	<i>100 Total Points</i>
a	Does the proposal describe an appropriate monitoring and reporting strategy?	50
b	Does the proposal describe an appropriate startup and maintenance strategy?	50
5.	<i>Other Considerations including Safety and Disruptions</i>	<i>25 Total Points</i>
a	Does the proposal consider disruptions of businesses, roads, and other impacts to surrounding areas (noise, traffic, transportation of flammable or hazardous fluids, etc.)?	25
6.	<i>Statement of Qualifications Score</i>	<i>50 Total Points</i>
7.	<i>Presentation</i>	<i>50 Total Points</i>

B. COST PROPOSAL SCORING (Applies to short-listed firms only): Maximum of 300 points

The evaluation of each contractor's cost proposal will be conducted using the following formula:

Technical Weight Factor (TWF) = contractors technical score / highest technical score

Cost Weight Factor (CWF) = lowest cost proposal / contractors cost proposal

Cost effectiveness score = TWF*CWF*300 (where 300 points is the maximum)

The evaluation of each contractor's cost proposal will be based on the total proposed cost listed on the cost table for the tasks in Section III.C and Appendix B. The PSTB reserves the right to eliminate proposals with unrealistically low costs.

In accordance with 20.5.17.15.E NMAC, when proposals are received from nonresident businesses and resident businesses, and the proposal with the highest evaluation is from a nonresident business, the contract shall be awarded to the resident business whose technical merit is comparable and whose cost is nearest to the cost of the high scoring nonresident business proposal if the cost of the resident proposal is made lower than the cost of the nonresident business when multiplied by a factor of 0.95.

V. GENERAL INFORMATION

A. Acceptance of Conditions Governing the Procurement

Submission of a proposal constitutes acceptance of the Conditions Governing the Solicitation and the Evaluation Factors contained in Section V of this solicitation.

B. Incurring Cost

Any cost incurred by the contractor in preparation, transmittal, and/or presentation of any proposal or material submitted in response to this solicitation shall be borne solely by the contractor.

C. Prime Contractor Responsibility

Any subcontract that may result from this solicitation shall specify that the contractor is solely responsible for fulfillment of the contract with the O/O. PSTB will make contract payments to only the prime contractor. It is the responsibility of the prime contractor to assure that all subcontractors are properly licensed, pursuant to the requirements of 19.27.4 NMAC.

E. Cancellation

This solicitation may be canceled at any time and any or all proposals may be rejected in whole or in part if PSTB determines such action to be in the best interest of the State of New Mexico.

F. Contractor Qualifications

The Evaluation Committee may make such investigations as necessary to determine the ability of the contractor to adhere to the requirements specified within this solicitation. The Evaluation Committee will reject the proposal of any contractor who is not a responsible contractor or fails to submit a responsive offer as defined in NMSA 1978, Sections 13-1-83 and 13-1-85.

G. Right to Waive Minor Irregularities

The Evaluation Committee reserves the right to waive minor irregularities. The Evaluation Committee also reserves the right to waive mandatory requirements provided that all of the otherwise responsive proposals failed to meet the same mandatory requirements and the failure to do so does not otherwise materially affect the procurement. This right is at the sole discretion of the Evaluation Committee.

H. Use of Electronic Versions of this Solicitation

This solicitation is being made available by electronic means. If accepted by such means, the contractor acknowledges and accepts full responsibility to ensure that no changes are made to the solicitation. In the event of conflict between a version of the solicitation in the contractor's possession and the version maintained by the PSTB, the version maintained by the PSTB shall govern.

I. Access

It is the Contractor's sole responsibility to determine whether or not legal access is available to the site before beginning work on the site. If no legal access is available to the site, the Contractor will not begin any work on the site until legal access has been acquired.

VI. IMPLEMENTATION OF SELECTED PROPOSAL

A. GENERAL INFORMATION

The following information is provided to assist the O/O and/or PSTB in obtaining a technical workplan to address the site specific remediation needs. ***Performance-based criteria are required in proposals for all remediation activities.***

1. The Contractor shall not modify an approved workplan without specific written approval from the PSTB. Any modifications to the workplan must be approved in writing by the PSTB prior to initiation of work.
2. The PSTB reserves the right to reject any modifications to the approved workplan.

B. CONCEPTUAL REMEDIATION PLAN (CRP) SUBMITTAL

1. The CRP shall be submitted in the format described herein and shall contain all

requested information as required by 20.5.12.35 NMAC. Additional information may be included as needed.

2. The CRP must include a conceptual design, site-specific technology, site specific performance criteria and remedial objectives for all contaminants of concern.

3. The Contractor must use data obtained during all investigation phases to develop a CRP that will recommend the most suitable and cost-effective remediation strategy, along with justification for the strategy chosen, based on a cost analysis and site specific criteria.

C. FINAL REMEDIATION PLAN (FRP)

The Contractor with the winning proposal shall develop, submit and implement a Final Remediation Plan, with NMED approval and in accordance with 20.5.12.36 through 20.5.12.40 NMAC.

D. ENGINEERING SERVICES

1. The professional engineer shall perform the professional services necessary to accomplish the work specified in the proposal. The PSTB's professional engineer shall review all engineered stamped drawings and shall either concur, disapprove or recommend modifications to all design drawings, specifications, reports, and other services provided to the PSTB. This review and concurrence process shall not in any way relieve the contractor's professional engineer of responsibility for the technical adequacy of the work. There shall be no right of action or claim by the engineer, O/O or any third party beneficiary because of the PSTB's review, approval, acceptance of, or payment for work by a professional engineer.

2. The standard of care for all professional engineering and related services performed or furnished by the professional engineer shall be the care and skill ordinarily used by members of the profession practicing under similar circumstances at the same time and in the same locality. The PSTB shall not accept any warranties, expressed or implied, in connection with the professional engineer's services.

3. The O/O shall provide the professional engineer with site access in order for the professional engineer to review the work of the contractor as construction progresses and to ascertain that the contractor's work is conforming to the plans and specifications previously approved by the PSTB. The O/O shall, in connection with observations of the contractor's work while it is in progress, allow the professional engineer visits to the site at intervals appropriate to the various stages of construction in order to observe, as an experienced and qualified design professional, the progress and quality of the contractor's executed work. Based on the information obtained during such visits and observations, the professional engineer shall determine in general if the work is proceeding in accordance with the engineering plans and specifications and notify the O/O. The O/O shall keep the PSTB informed of the progress and quality of the work at the site.

4. Pursuant to the requirements of 20.5.16.11 NMAC, the firm's qualification requirements shall include licensure by the New Mexico State Board of Licensure for Professional Engineers and Surveyors in the discipline of engineering appropriate to the

corrective action. This requirement may be met by demonstrating that the firm has on staff or available by contract a professional engineer licensed in the appropriate discipline.

E. PERMITS

1. The Contractor is fully responsible for filing and obtaining all local, state, and federal easements and permits necessary to implement the FRP.
2. Upon receipt of all permits and easements, the Contractor must submit a copy of each to the owner or operator and the PSTB's Project Manager. All permits must be obtained in a timely manner.

F. PROPERTY ACCESS

1. The Contractor must obtain written permission from any and all property owners necessary to conduct any additional investigatory work and to implement the FRP.
2. The Contractor must notify the PSTB's Project Manager in all instances where authorization for property access is denied.

G. PROPERTY RESTORATION

During implementation of the FRP or any additional investigatory work or testing, the Contractor is responsible for the repair of any property damaged or destroyed due to fault or negligence of the Contractor. The damaged property must be returned to its original condition within 30 calendar days after the damage or destruction has occurred.

H. WORK NOTIFICATION REQUIREMENTS

The Contractor shall notify the owner or operator, the PSTB's Project Manager, and the appropriate NMED District Office, by telephone or in writing, 96 hours prior to the initiation of any work at the site. The notice shall include the date and time the work is to begin and a schedule of implementation.

VII. ROLES AND RESPONSIBILITIES

A. RESPONSIBILITIES

1. The O/O is responsible for assuring the corrective action is conducted in accordance with the PSTB specifications described in Section IV of the Proposal Solicitation.
2. The O/O and the Contractor selected to perform this scope of work are responsible for maintaining the initial project costs approved by the PSTB. Any change orders to the workplan must be approved in writing by the PSTB prior to the Contractor commencing work.
3. The O/O and the Contractor are responsible for securing and complying with any and all federal, state or local permits and regulations regarding the proposal

specifications.

4. The O/O and the Contractor are responsible for locating utilities prior to the commencement of investigation or remediation activities.

B. ERRORS IN PREPARATION

The Contractor is responsible for any mathematical error or incorrect extension of any calculations in the Contractor's price quote.

C. COMPLIANCE WITH LAW

The Contractor agrees to comply with all applicable federal, state, and local laws, rules, regulations and ordinances and all provisions required thereby to be included herein, are hereby incorporated by reference. The Contractor agrees to indemnify and hold the O/O and the Department harmless from any loss, damage, or liability resulting from the violation on the part of the Contractor of such laws, rules, regulations, or ordinances.

F. INSURANCE

The Contractor shall maintain, at its expense during the term of the contract, the following insurance covering the services to be performed under this contract:

1. Worker's compensation insurance-statutory.
2. Employers liability insurance in the minimum amount of \$500,000.00 per occurrence with a \$1,000,000.00 aggregate.
3. Comprehensive general liability insurance of \$2,000,000.00 per occurrence (annual) with a \$1,000,000.00 for bodily injury, each person, to a maximum of \$2,000,000.00 each occurrence (annual).
4. The Contractor shall furnish evidence that each motor vehicle to be used by the Contractor pursuant to this Contract is covered in the minimum amount of \$500,000.00 for bodily injury to, or death of, one person in any one accident, and subject to said limit for one person. In addition, a limit of \$1,000,000.00 for bodily injury to, or destruction of property of others in any one accident must be provided.

G. INDEMNIFICATION

Neither the O/O or NMED shall be liable for any damage or compensation payable at law in respect or in consequence of any accident or injury to any worker or other person in the employment of the Contractor or any subcontractor, save and except an accident or injury resulting from a willful negligent act or default of the O/O or NMED. The Contractor shall indemnify and keep indemnified the O/O and NMED against all such damages and compensation, save and except as aforesaid, and against all claims, proceedings, costs, charges, and expenses whatsoever in respect thereof or in relation thereto.

APPENDIX A

Mandatory Requirements Checklist

Check	Requirement	Reference
	Statement of Qualifications – 1 original, 2 copies & 1 CD (Envelope 1)	III.B.1, III.C.1
	Letter of Transmittal	III.C.1
	Description of Key Staff	III.C.1
	Anti-collusion Affidavit	III.C.1
	NM Construction Industries Division License	III.C.1
	Professional Engineering License	III.C.1
	Technical Proposal - 1 original, 4 copies, 1 CD (Envelope 2)	III.B.2, III.D
	Proposal Construction	III.C
	Standard white 8 ½" x 11" paper	III.C
	Typewritten font > or = to 11	III.C
	No company logos or symbols displayed	III.B.2

APPENDIX B

Cost Calculation Table

The Cost proposal must be submitted by short-listed firms only. The details of what is involved in each of the cost criteria below are contained in Section III.C of the solicitation document.

<u>Criteria</u>	<u>Cost</u>
Total cost for the development of a Final Remediation Plan, except for professional engineering services	
Total cost for the implementation of the remediation strategy, except for professional engineering services	
Four quarters of remediation system(s) operation and maintenance, except for professional engineering services.	
Four quarters of groundwater monitoring.	
<u>Grand Total Cost of All Four of the Above Criteria</u>	
Cost of major remediation equipment	

***** All costs provided must be exclusive of the cost of any professional engineering services and New Mexico Gross Receipts Tax*****