

STATE OF NEW MEXICO



NEW MEXICO ENVIRONMENT DEPARTMENT  
PETROLEUM STORAGE TANK BUREAU

**PROPOSAL SOLICITATION FOR RESPONSIBLE PARTY-LEAD SITE**

**REMEDATION SERVICES FOR THE  
Former Fairacres Post Office  
3940 West Picacho Ave.  
Fairacres, New Mexico**

December 9, 2011

## I. SITE INFORMATION

- A. SITE NAME AND LOCATION: Former Fairacres Post Office, 3940 West Picacho Ave.  
Fairacres, New Mexico
- B. FACILITY #: 27959                      RELEASE ID #: 3997
- C. PHASE OF WORK: 3, 4 and 5
- D. SITE DESCRIPTION: This site has not been an operating gas station since 1973. When the tanks were removed in 1990 no fuel contamination was noted; however, two episodes of severe ground water contamination have been reported during the past 10 years at Guacamole's Café directly across Rt. 70. Subsequent investigations have shown that a large plume of persistent dissolved phase contamination and intermittently, non-aqueous phase liquid (NAPL) extends from the site, under the highway, and onto the café property. No remediation work has been performed, but pilot testing for potential vacuum extraction has been done, along with geo-probe analysis to better understand soil characteristics and extent of petroleum contamination in the soil.

Submitter should propose a remediation strategy that will address these specific site conditions in a logical, effective and efficient manner. Implementation of the proposed remediation plan will result in removal of all NAPL and reduction of petroleum contamination in groundwater to levels consistent with monitored natural attenuation within 3 years.

Additional Minimum Site Assessment, phase 1, phase 2, phase 3, phase 4 and phase 5 corrective action activities may be required at some point during the life of the contract. Details of those potential activities are not currently known and therefore cannot be outlined in this scope of work. Approval of additional scopes of work shall be contingent upon the work being reasonable and necessary and the costs being reasonable and customary.

Proposals that require additional technical work or data in order to design a remediation approach will be considered if the additional effort can be technically justified.

Technical information for this site is available at Kinko's Office & Print, located at 730 St. Michaels Drive 3E, Santa Fe, New Mexico, 87505, phone number (505) 473-7303. Contact Kinko's in order to make arrangements to copy the informational materials for the site. The following technical information is available:

- 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
- Soil boring logs: MW-14, MW-20-25, MW-29-32, SMA, 2001-2003
- X-Section, MW-22-23-24-25, 29-32 SMA, 2000-2003
- 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
- 3<sup>rd</sup> Quarter Groundwater Monitoring Report, SMA, June, 2011
- 4<sup>th</sup> Quarter Groundwater Monitoring Report, SMA, Sept. 2011

E. SITE OWNER CONTACT INFORMATION :

Ms. Nita Imel  
P.O. Box 419  
Fairacres, NM 88033-0419

## 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.

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.

### 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.

Susan von Gonten  
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- 4389  
FAX (505) 476-4374  
e-mail: susan.vongonten@state.nm.us

Any inquiries regarding this Proposal Solicitation must be submitted to the SM in writing. Offerors may contact ONLY the SM regarding this Proposal Solicitation. 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 two weeks prior to the proposal submittal deadline.

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

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 offerors.

### 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 offeror intends to subcontract any part of the work to be performed under this Proposal Solicitation, the offeror is responsible for assuring the subcontractors possess all appropriate licenses as required by the State of New Mexico. The proposed subcontractor(s) must be named in the proposal. Subcontractor changes shall only be made with the approval of the PSTB.

F. AMENDED PROPOSALS

An offeror 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 MST January 31, 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 offeror'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 offerors prior to contract award.

H. BEST AND FINAL OFFERS FROM FINALISTS

Finalist offerors 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 offeror's oral presentation/demonstration.

I. ORAL PRESENTATION/DEMONSTRATION BY FINALISTS

Finalist offerors 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 an offeror to make an oral presentation.

J. 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 offerors included on the short-list will be requested to submit a cost proposal for evaluation.

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 offerors who submitted proposals shall be notified in writing of the evaluation results.

L. WITHDRAWAL OF PROPOSAL

An offeror may withdraw a proposal at any time.

M. TERM OF PROPOSAL

All proposal costs shall be firm for a period of ninety (90) 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 offeror 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.

O. CONFLICTS OR AMBIGUITIES

Offerors 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 offeror for consideration.

B. NUMBER OF COPIES

1. **Statement of Qualifications:** Offerors 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 and cost proposal. Please label the envelope with "STATEMENT OF QUALIFICATIONS", the site name, and the name of the company submitting the proposal.

2. **Technical Proposal:** Offerors shall deliver one (1) original and three (3) identical copies of the **Technical Proposal** in a separate envelope. In addition to the three (3) 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.

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 State Purchasing Division.**

4. **A copy of the proposal must be delivered to O/O at the address in Section I.D above.**

C. PROPOSAL COMPONENTS

Within each section of the proposal, offerors 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. All materials must be placed within a binder with tabs delineating each section. 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.

Responses consisting solely of marketing material will be deemed non-responsive and will be rejected on that basis.

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: Offerors 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 offeror 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. Subcontractor Information: The relevant experience of any subcontractors must be described.

d. Availability and Equipment: Documentation demonstrating the firm's availability and details regarding the firm's equipment, facilities and services necessary to complete the scope of work must be submitted.

e. Health and Safety Plan: The offeror 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.

f. New Mexico Construction Industries Division License: A proposal will be deemed non-responsive and will be dropped from further evaluation if it does not include a current copy of the offeror'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 offerors check with CID to assure that they are in compliance with the law.

g. 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.

2. **Technical Proposal:** The evaluation committee will 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.** 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.**

The cost proposal must include a current comprehensive fee schedule that includes unit costs for services and equipment.

All proposed costs, rates or expenses must occur only in the Cost Proposal. **A copy of the Cost Proposal should be submitted in a separate envelope from the remainder of the proposal.** Any proposal that does not adhere to these requirements may be deemed non-responsive and rejected on that basis. **Please note that should your firm negotiate a contract with the O/O as a result of this Proposal Solicitation, the unit costs that your firm submits in response to this solicitation will be required to be followed during the workplan approval process for the first twelve 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 any needed remediation equipment will have to be purchased. Include the system startup costs. Include the cost of the as-built report, except for professional engineering services.
- iii. If appropriate, 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 15 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.**

Offerors 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 data shall be collected from the site. Responsive 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. 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. The schedules for operation, maintenance, and monitoring analyses for the remediation system must be addressed in the proposal.

Responsive 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 offeror'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 TABS**

- a) Table of Contents
- b) Technical Proposal Summary (*limited to 1 page*)
- c) Technical Proposal (*Tab C is 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 offeror shall include a Technical Proposal Summary (Tab "b"), limited to one page, to provide the Evaluation Committee with an overview of the technical features of the proposal.

The offeror 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.

Offerors 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. SCOPE OF WORK

##### 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. Any additional expenses requested on performance-based work may be paid only if incurred because of force majeure.
2. The PSTB reserves the right to reject any modifications to the approved workplan.
3. 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.

##### B. SITE INFORMATION

1. The Contractor shall review the site-specific information for each site and conduct the work described therein following the requirements outlined in this document.
2. Specific questions regarding this solicitation should be submitted in writing to the PSTB SM. Inquiries may be faxed and must reference the specific project. In all cases, no verbal communication will override written communications and only written communications are binding.

##### C. 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.

##### D. 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.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.

## V. PROPOSAL EVALUATION CRITERIA

All offerors that are deemed to be qualified based on a review of the Statement of Qualifications will have their proposals evaluated on the basis of technical qualifications, technical approach, and cost competitiveness. Final scores shall be the sum of points awarded in each of these categories.

**Technical Merit Score (Technical Qualifications + Technical Proposal) – 700 points**  
**Cost Effectiveness Score – 300 points**

### A. TECHNICAL PROPOSAL: Maximum of 650 points

<b>A</b>	<b><i>Quality of Proposal</i></b>	<b><i>45 Total Points</i></b>
A.1	Does the proposal discuss each of the required elements?	15
A.2	Is the proposal written and organized clearly, is it written to facilitate blind review of the technical aspects of the proposal?	15
	Are maps and other diagrams clear and accurate?	15
<b>B</b>	<b><i>Demonstrated technical understanding of site conditions</i></b>	<b><i>100 Total Points</i></b>
B.1	Does the proposer demonstrate a clear understanding of site conditions and existing data?	50
B.2	Does the proposal adequately discuss additional data that needs to be collected?	50
<b>C</b>	<b><i>Cleanup Strategy</i></b>	<b><i>380 Total Points</i></b>
C.1	Is the proposed remedy generally consistent with known site conditions ?	100
C.2	Does the proposal provide a discussion of remediation options considered and why the selected strategy is likely to be effective and efficient?	100
C.3	Does the proposal provide a logical plan for implementing the various components of the proposed remedy?	60
C.3	Does the proposal adequately describe the types of equipment that would be deployed at the site, including a discussion of sizing and appropriateness?	50
C.4	Are necessary permits and authorizations discussed (OSE, GWDP, etc.)?	50
C.5	Does the proposal include a reasonable timetable for implementing the remedy?	20

<b>D</b>	<b><i>Implementation Strategy (if appropriate)</i></b>	<b><i>100 Total Points</i></b>
D.1	Does the proposal describe an appropriate start-up, operation and maintenance, and monitoring /reporting strategy?	100
<b>E</b>	<b><i>Other Considerations including Safety and Disruptions</i></b>	<b><i>25 Total Points</i></b>
E.1	Does the proposal consider disruptions of businesses, roads, and other impacts to surrounding areas (noise, traffic, transportation of flammable or hazardous fluids, etc.)?	25

B. TECHNICAL QUALIFICATIONS SCORE: Maximum of 50 points

C. COST PROPOSAL: (For Short-Listed Submitters) Maximum of 300 points

The cost point value of each proposal will be determined using the following formula:

$$\text{Technical Factor} \times \text{Cost Factor} \times 300 = \text{Cost Points Awarded}$$

where a submitter's technical factor is defined as Submitter's Technical Points/Highest Awarded Technical Points, and the Cost Factor is the Lowest Proposed Cost/Submitter's Cost.

In accordance with 20.5.17.15.E NMAC, the final total point score received by a non-resident business shall be the score as determined above multiplied by a factor of 0.95.

The evaluation of each offeror's cost proposal will be based on the total proposed cost listed on the cost table for the tasks in Section III.C.3 and Appendix B. The PSTB reserves the right to eliminate proposals with unrealistically low costs.

## VI. 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 offeror in preparation, transmittal, and/or presentation of any proposal or material submitted in response to this solicitation shall be borne solely by the offeror. Any cost incurred by the offeror for set up and demonstration of the proposed equipment and/or system shall be borne solely by the offeror.

### 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 drilling 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. Offeror Qualifications

The Evaluation Committee may make such investigations as necessary to determine the ability of the offeror to adhere to the requirements specified within this solicitation. The Evaluation Committee will reject the proposal of any offeror who is not a responsible offeror 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 offeror 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 offeror'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.

## **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
	<b>Statement of Qualifications – 1 original, 2 copies &amp; 1 CD (Envelope 1)</b>	III.B.1, III.C.1
	Letter of Transmittal	III.C.1
	Description of Key Staff	III.C.1
	Subcontractor information	III.C.1
	Description of Availability and Equipment	III.C.1
	Health and Safety Plan	III.C.1
	NM Construction Industries Division License	III.C.1
	Professional Engineering License	III.C.1
	<b>Technical Proposal - 1 original, 3 copies, 1 CD (Envelope 2)</b>	III.B.2, III.D
	Table of Contents	III.D
	Proposal Summary for Scope of Work	III.D
	Discussion of Site Conditions	III.D
	Cleanup Strategy	III.D
	Operation and Maintenance Strategy	III.D
	Other Considerations including Safety and Disruptions	III.D
	Timetable	III.D
	Other Supporting Materials – maps, diagrams, spreadsheets, etc	III.D
	<b>Cost Proposal – 1 original &amp; 1 CD (Envelope 3)</b>	III.B.3, III.C.3, Appendix B
	<b>Copy of Proposal to Owner/Operator (1 copy)</b>	III.B.4

**APPENDIX B**

**Cost Calculation Table**

The Cost proposal from short-listed submitters must be submitted in a sealed envelope. The details of what is involved in each of the cost criteria below are contained in Section III.C of the solicitation document.

<b><u>Criteria</u></b>	<b><u>Cost</u></b>
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. (if appropriate)	
Four quarters of groundwater monitoring. (assume 15 wells)	
<b><u>Grand Total Cost of All Four of the Above Criteria</u></b>	
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 \*\*\***