**STATE OF MAINE**

**Department of Environmental Protection**

*Bureau of Remediation and Waste Management*



**RFP# 202402031**

**Hazardous Waste Operations and Emergency Response (HAZWOPER)**

**8-hour Refresher Training and 40 Hour Initial Training**

|  |  |
| --- | --- |
| **RFP Coordinator** | *All communication regarding the RFP must be made through the RFP Coordinator identified below*.**Name:** Nina Caputo **Title:** Emergency Response Training Coordinator**Contact Information:** nina.m.caputo@maine.gov |
| **Submitted Questions Due** | *All questions must be received by the RFP Coordinator identified above by:***Date:** Thursday March 14, 2024, no later than 11:59 p.m., local time |
| **Proposal Submission Deadline** | *Proposals must be received by the Division of Procurement Services by:***Submission Deadline:** Thursday March 28, 2024, no later than 11:59 p.m., local time.*Proposals must be submitted electronically to:* Proposals@maine.gov |

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PUBLIC NOTICE

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**State of Maine**

**Department of Environmental Protection**

**RFP# 202402031**

**Hazardous Waste Operations and Emergency Response (HAZWOPER)**

**8-hour Refresher Training and 40 Hour Initial Training**

The State of Maine is seeking proposals for conducting 8-hour safety refresher trainings in compliance with 29 CFR 1910.120 (HAZWOPER) for Department staff that work at Hazardous Substance and Petroleum release sites. The Department is also seeking proposals to offer an initial 40-hour HAZWOPER up to four times per year on an as requested basis.

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

Proposals must be submitted to the State of Maine Division of Procurement Services, via e-mail, at: Proposals@maine.gov. Proposal submissions must be received no later than 11:59 p.m., local time, on Thursday March 28, 2024. Proposals will be opened the following business day. Proposals not submitted to the Division of Procurement Services’ aforementioned e-mail address by the aforementioned deadline will not be considered for contract award.

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**RFP TERMS/ACRONYMS with DEFINITIONS**

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

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **Department** | Department of Environmental Protection |
| **RFP** | Request for Proposal |
| **State** | State of Maine |
| **OSHA** | Occupational Health and Safety Administration |
| **HAZWOPER** | Hazardous Waste Operations and Emergency Response |
| **BLS** | Bureau of Labor Standards, Maine Department of Labor |
| **CERCLA** | Comprehensive Environmental Response, Compensation and Liability Act |
| **RCRA** | Resource Conservation and Recovery Act |
| **UST** | Underground Storage Tank |
| **PID** | Photoionization Detector |
| **GHS** | Globally Harmonized System |
| **PPE** | Personal Protective Equipment |
| **OCSs** | On-Scene Coordinators |
| **PMs** | Project Managers |
| **CFR** | Code of Federal Regulations |

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

**RFP# 202402031**

**Hazardous Waste Operations and Emergency Response (HAZWOPER)**

**8-hour Refresher Training and 40 Hour Initial Training**

**PART I INTRODUCTION**

1. **Purpose and Background**

The Department of Environmental Protection (Department) is seeking proposals to provide **HAZWOPER 8-hour refresher training** and initial 40-hour HAZWOPER training as defined in this Request for Proposals (RFP) document. This document provides instructions for submitting proposals, the procedure and criteria by which the Provider(s) will be selected and the contractual terms which will govern the relationship between the State of Maine (State) and the awarded Bidder(s).

The Department’s mission to protect public health, safety and the environment requires Department staff to be on sites that fall under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), Underground Storage Tanks (UST), Uncontrolled Sites, Brownfields and Department of Defense remediation sites. Minimum safety training requirements under Maine Bureau of Labor Standards (and federal OSHA) include taking and maintaining competencies and training under [29 CFR 1910.120](https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.120).

To continue the Department’s mission of oversight and technical assistance on these regulated sites, the Department must ensure compliance with federal and state law by participating in annual refresher training.

1. **General Provisions**
	1. From the time the RFP is issued until award notification is made, all contact with the State regarding the RFP must be made through the RFP Coordinator. No other person/ State employee is empowered to make binding statements regarding the RFP. Violation of this provision may lead to disqualification from the bidding process, at the State’s discretion.
	2. Issuance of the RFP does not commit the Department to issue an award or to pay expenses incurred by a Bidder in the preparation of a response to the RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
	3. All proposals must adhere to the instructions and format requirements outlined in the RFP and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Department. Proposals are to follow the format and respond to all questions and instructions specified below in the “Proposal Submission Requirements” section of the RFP.
	4. Bidders will take careful note that in evaluating a proposal submitted in response to the RFP, the Department will consider materials provided in the proposal, information obtained through interviews/presentations (if any), and internal Departmental information of previous contract history with the Bidder (if any). The Department also reserves the right to consider other reliable references and publicly available information in evaluating a Bidder’s experience and capabilities.
	5. The proposal must be signed by a person authorized to legally bind the Bidder and must contain a statement that the proposal and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the bid opening.
	6. The RFP and the awarded Bidder’s proposal, including all appendices or attachments, will be the basis for the final contract, as determined by the Department.
	7. Following announcement of an award decision, all submissions in response to this RFP will be public records, available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) ([1 M.R.S. § 401](http://www.mainelegislature.org/legis/statutes/1/title1sec401.html) et seq.).
	8. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to the RFP.
	9. All applicable laws, whether or not herein contained, are included by this reference. It is the Bidder’s responsibility to determine the applicability and requirements of any such laws and to abide by them.
2. **Eligibility to Submit Bids**

Public agencies, private for-profit companies, and non-profit companies and institutions are invited to submit bids in response to this Request for Proposals. Bidders must meet the requirements outlined in [29 CFR 1910.120(e)(5)2](https://www.osha.gov/laws-regs/interlinking/standards/1910.120%28e%29%285%29), Qualifications for trainers.

1. **Contract Term**

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

Contract Renewal: Following the initial term of the contract, the Department may opt to renew the contract for two renewal periods, as shown in the table below, and subject to continued availability of funding and satisfactory performance.

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

|  |  |  |
| --- | --- | --- |
| **Period** | **Start Date** | **End Date** |
| Initial Period of Performance | 4/1/2024 | 3/31/2026 |
| Renewal Period #1 | 4/1/2026 | 3/31/2028 |
| Renewal Period #2 | 4/1/2028 | 3/31/2029 |

1. **Number of Awards**

The Department anticipates making one (1) award as a result of the RFP process.

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

* 1. **General:**  The following general provisions apply to the below tasks:
		1. **Refresher and Initial Safety Training:**  The Department has approximately 125 positions that receive, from other providers, initial twenty-four (24) or forty (40) hour HAZWOPER training under the 29 CFR 1910.120 standard. The selected bidder (Provider) will provide these workers with their required annual Eight (8) Hour Refresher Training & Supervisor Refresher Training. The selected Provider will tailor training to these workers based on their general job function, as described in the task statements, below. The Provider will also provide initial Forty (40) Hour HAZWOPER Training sessions up to four (4) times a year. Both Initial and Refresher trainings could be offered in 3 locations: the Augusta, Bangor, and Portland DEP campuses.
		2. **Work Orders:** The planning meeting, each specific class, and annual meeting will be commissioned by Work Orders, a sample of which is attached as **Appendix F**.
		3. **Course Materials:** The Provider will provide a written text, course presentations, and final exam covering the subject matter for each course. The Provider will make text material and course presentations available to students in electronic and paper format for use outside of class. The Provider will provide course material to the Department for approval 4 weeks prior to the first course is scheduled to take place. The Provider will maximize case studies and hands on modules to the extent practicable.
		4. **Responsibilities:** The Department will be responsible for advertising the training, registering students, providing a registration list to the Provider, providing an adequate training room, providing a PowerPoint projector & screen for the training, and providing monitoring equipment (4Gas, PID and Dräger) as requested for demonstration purposes. The Provider shall provide paper and electronic handouts, as needed, a laptop, and all other equipment for the training.
		5. **Exams:** The Provider will develop a thirty (30) question open book exam and issue the exam at the end of each training session with a passing grade of 80% required. The Provider will be available for post class assistance to those students who do not obtain a passing grade. The student will be responsible for re-taking and ultimately passing the exam with the training provider and the student’s supervisor.
		6. **Certification:**  A course certificate will be supplied by Provider to the Department for all staff successfully completing the refresher course. The Provider shall submit course completion certificates in an electronic format to the Department’s RFP Coordinator within 30 days of completion of all courses. Should any student fail to meet the criteria for earning a certificate, the Provider will notify the Department and supply the student’s name and reason for failing.
		7. **Annual Completion Date:** The initial meeting outlined in Task 1 should be completed each year by April 25th. The seven sessions outlined in Tasks 2 and 3 below are to be completed each year by June 15th unless mutual agreement is reached between the Department and the Provider on an alternative date. The session outlined in Task 4 should be completed by June 15th. The 4 potential sessions outlined in Task 5 will have shifting deadlines, and therefore need only be completed within two months of request for services. The Annual Review should be completed by November 1st.

* 1. **Task 1: Initial Planning Meeting:**  The Provider will meet with Emergency Response Training Coordinator at the Department’s Augusta Office within 10 working days of contract final approval to discuss training objectives, audiences, DEP health and safety policies, and training syllabus.
	2. **Task 2: On Scene Coordinators (OSCs) Refresher Training:**  The first group of about 55 Department workers, work at hazardous substance or petroleum contaminated sites as on-scene coordinators (OSC). OSCs investigate and remediate sites after emergency removal activities are concluded, but where contaminant levels may still exceed OSHA standards. These workers must have a working knowledge of how to measure contaminant levels, select and use personnel protective equipment, develop site safety plans, and implement those plans. The Provider will deliver three (3) OSC 8-hour safety refresher courses meeting the criteria specified in 29 CFR 1910.120(e)2 and (e)8 per year to these previously certified workers. The training will be at the Augusta Regional Office and must include, at a minimum:
		1. A review of relevant State and OSHA general and HAZWOPER standards, including:
			1. A review of applicable laws
			2. OSHA Competent Person (Supervisor) and their responsibilities
			3. Health monitoring requirements
			4. Hazard Communication /GHS/ Chemical Hazard Labeling and Ranking System
		2. Applicable DEP Policies (as provided by the contract administrator)
		3. Chemistry & Risk Evaluation for the Environmental Worker
		4. Development and implementation of Site Safety Plans
		5. Confined Space identification and entry protocols, including respirator protection protocols
		6. Site Control / Incident Command System
		7. Job Hazard Analysis
		8. Monitoring Site Conditions & Action Levels, including:
			1. Hands on air monitoring (4-Gas, PID and Dräger)
			2. Selection of action levels
		9. Selection of Personnel Protective Equipment (PPE)
		10. Field Decontamination procedures for PPE and equipment
		11. Bloodborne Pathogens
		12. General Construction Safety, including
			1. Dig Safe
			2. Working near utilities including in ground and over-head
			3. Working near heavy equipment
			4. Traffic Control
			5. Excavation safety protocols
		13. General worker safety including
			1. Dogs, ticks, poisonous plants etc.
			2. General PPE, weather & clothing selection
			3. Difficult people / situations
			4. Water Safety
			5. Ergonomics overview in the office and driving
			6. Driver safety
			7. Office safety including fire excavation procedures
		14. Critique of Incidents
		15. Other training recommended by the Provider and approved by the Contract Administrator.

* 1. **Task 3: Project Managers (PMs) Refresher Training:** A second group of about 70 workers are project managers (PMs), geologists, chemists, engineers and other technical staff that will oversee contaminated site investigation and remediation at sites or areas of sites where contaminant levels are known to be below OSHA standards. These workers must have an awareness level of the need to measure contaminant levels and select personnel protective equipment. They must have a working knowledge of developing and implementing site safety plans. Each year the Provider will deliver four (4) worker safety 8-hour refresher courses, one in the Bangor Regional office, two in the Augusta Regional Office and one in the Portland Regional Office. The students will have previously received the 40 or 24-hour HAZWOPER certification. The training must meet the criteria specified in 29 CFR 1910.120(e)2 and (e)8. The training must include, at a minimum:
		1. A review of relevant State and OSHA general and HAZWOPER standards, including:
			1. A review of applicable laws
			2. OSHA Competent Person (Supervisor) and their responsibilities
			3. Health monitoring requirements
			4. Hazard Communication /GHS/ Chemical Hazard Labeling and Ranking System
		2. Applicable DEP Policies (as provided by the contract administrator)
		3. Chemistry & Risk Evaluation for the Environmental Worker
		4. Development and implementation of Site Safety Plans
		5. Confined Space identification and entry protocols
		6. Site Control / Incident Command System
		7. Job Hazard Analysis
		8. Monitoring Site Conditions and action levels
		9. Selection of Personnel Protective Equipment (PPE)
		10. Field Decontamination procedures for PPE and equipment
		11. Bloodborne Pathogens
		12. General Construction Site Safety, including
			1. Dig Safe
			2. Working near utilities including in ground and over-head
			3. Working near heavy equipment
			4. Traffic Control
			5. Excavation safety protocols
		13. General worker safety including
			1. Dogs, ticks, poisonous plants etc.
			2. General PPE, weather & clothing selection
			3. Difficult people / situations
			4. Water Safety
			5. Ergonomics overview in the office and driving
			6. Driver safety
			7. Office safety including fire excavation procedures
		14. Critique of Incidents
		15. Other training recommended by the Provider and approved by the Contract Administrator
	2. **Task 4: Supervisor Safety Refresher:**  One (1) time every two years, the Provider will also deliver a management and supervisor safety refresher course meeting the criteria in 29 CFR 1910.120(e)2 and (e)4 to about 25 supervisors and managers at the Augusta Regional Office. Staff in this training will have taken one of the above refresher training courses. The training must include, at a minimum:
		1. A review of relevant State and OSHA HAZWOPER and manslaughter standards, including OSHA Competent Person (Supervisor) and their responsibilities
		2. Applicable Maine State & DEP Safety Policies & Procedures (as provided by the contract administrator)
		3. Protocols for establishing Division and Unit Safety Protocols
		4. Site Safety Plans
		5. Health Monitoring Requirements and systems
		6. Recent case studies
	3. **Task 5**: **Initial HAZWOPER 40-Hour Class**: Up to four (4) times a year, the Provider may be called upon to provide an initial 40-Hour HAZWOPER class for general industry in accordance with 29 CFR 1910.120(e)(2). The training must include, at a minimum:
		1. Job titles of personnel and alternates responsible for site safety and health, what knowledge and responsibilities they will have, and how to work with them as a Project Manager/On-Scene Coordinator/Incident Commander (supervisory)
		2. Safety, health and other hazards present on hazardous waste and substance sites
		3. Levels of personal protective equipment and hazard-based selection/use
		4. Work practices by which the employee can minimize risks from hazards
		5. Safe use of engineering controls and equipment on the site
		6. Medical surveillance requirements, including recognition of symptoms and signs which might indicate overexposure to hazards
		7. The contents of paragraphs (G) through (J) of general site safety and health plan set forth in paragraph (b)(4)(ii) of Section 1910.120

The Provider must conduct these trainings within two months of the Department’s request.

* 1. **Task 6: Annual Review:**  Upon completion of each year of courses, the Provider will meet with the Department to review the course for possible improvements, which will be incorporated into the next years’ session as needed.

**PART III KEY RFP EVENTS**

1. **Questions**
	1. **General Instructions:** It is the responsibility of all Bidders and other interested parties to examine the entire RFP and to seek clarification, in writing, if they do not understand any information or instructions.
		1. Bidders and other interested parties should use **Appendix E** (Submitted Questions Form) for submission of questions. The form is to be submitted as a WORD document.
		2. The Submitted Questions Form must be submitted, by e-mail, and received by the RFP Coordinator identified on the cover page of the RFP as soon as possible but no later than the date and time specified on the RFP cover page.
		3. Submitted Questions must include the RFP Number and Title in the subject line of the e-mail. The Department assumes no liability for assuring accurate/complete/on time e-mail transmission and receipt.
	2. **Question & Answer Summary:** Responses to all questions will be compiled in writing and posted on the following website no later than seven (7) calendar days prior to the proposal due date: [Division of Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). It is the responsibility of all interested parties to go to this website to obtain a copy of the Question & Answer Summary. Only those answers issued in writing on this website will be considered binding.
2. **Amendments**

All amendments released in regard to the RFP will also be posted on the following website: [Division of Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). It is the responsibility of all interested parties to go to this website to obtain amendments. Only those amendments posted on this website are considered binding.

1. **Submitting the Proposal**
	1. **Proposals Due:** Proposals must be received no later than 11:59 p.m. local time, on the date listed on the cover page of the RFP.
		1. Any e-mails containing original proposal submissions or any additional or revised proposal files, received after the 11:59 p.m. deadline, will be rejected without exception.
	2. **Delivery Instructions:** E-mail proposal submissions are to be submitted to the State of Maine Division of Procurement Services at Proposals@maine.gov.
		1. Only proposal submissions received by e-mail will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
			1. Proposal submission e-mails that are successfully received by the proposals@maine.gov inbox will receive an automatic reply stating as such.
		2. E-mails containing links to file sharing sites or online file repositories will not be accepted as submissions. Only e-mail proposal submissions that have the actual requested files attached will be accepted.
		3. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. Please check with your organization’s Information Technology team to ensure that your security settings will not encrypt your proposal submission.
		4. File size limits are 25MB per e-mail. Bidders may submit files separately across multiple e-mails, as necessary, due to file size concerns. All e-mails and files must be received by the due date and time listed above.
		5. Bidders are to insert the following into the subject line of their e-mail proposal submission: **“RFP# 202402031 Proposal Submission – [Bidder’s Name]”**
		6. Bidder’s proposal submissions are to be broken down into multiple files, with each file named as it is titled in bold below, and include:
* **File 1 [Bidder’s Name] – Preliminary Information:**

*PDF format preferred*

**Appendix A** (Proposal Cover Page)

**Appendix B** (Debarment, Performance and Non-Collusion Certification)

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

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

*PDF format preferred*

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

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

*PDF format preferred*

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

* **File 4 [Bidder’s Name] – Cost Proposal:**

*PDF format preferred*

**Appendix D** (Cost Proposal Form) and all required information and attachments stated in PART IV, Section IV.

**PART IV PROPOSAL SUBMISSION REQUIREMENTS**

This section contains instructions for Bidders to use in preparing their proposals. The Department seeks detailed yet succinct responses that demonstrate the Bidder’s qualifications, experience, and ability to perform the requirements specified throughout the RFP.

The Bidder’s proposal must follow the outline used below, including the numbering, section, and sub-section headings. Failure to use the outline specified in PART IV, or failure to respond to all questions and instructions throughout the RFP, may result in the proposal being disqualified as non-responsive or receiving a reduced score. The Department, and its evaluation team, has sole discretion to determine whether a variance from the RFP specifications will result either in disqualification or reduction in scoring of a proposal. Rephrasing of the content provided in the RFP will, at best, be considered minimally responsive.

Bidders are not to provide additional attachments beyond those specified in the RFP for the purpose of extending their response. Additional materials not requested will not be considered part of the proposal and will not be evaluated. Include any forms provided in the submission package or reproduce those forms as closely as possible. All information must be presented in the same order and format as described in the RFP.

**Proposal Format and Contents**

**Section I Preliminary Information** (File #1)

* 1. **Proposal Cover Page**

Bidders must complete **Appendix A** (Proposal Cover Page). It is critical that the cover page show the specific information requested, including Bidder address(es) and other details listed. The Proposal Cover Page must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

* 1. **Debarment, Performance and Non-Collusion Certification**

Bidders must complete **Appendix B** (Debarment, Performance and Non-Collusion Certification Form). The Debarment, Performance and Non-Collusion Certification Form must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

* 1. **Eligibility Requirements**

Bidders must provide documentation to demonstrate meeting eligibility requirements stated in PART I, C. of the RFP. This documentation includes: certifications that indicate understanding and command of the HAZWOPER regulations and requirements.

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

* 1. **Overview of the Organization**

Bidders must complete **Appendix C** (Qualifications and Experience Form) describing their qualifications and skills to provide the requested services in the RFP. Bidders must include three examples of projects which demonstrate their experience and expertise in performing these services as well as highlighting the Bidder’s stated qualifications and skills. Bidder must include all relevant credentials/certifications and qualifications to train under 29 CFR 1910.120.

* 1. **Subcontractors**

If subcontractors are to be used, Bidders must provide a list that specifies the name, address, phone number, contact person, and a brief description of the subcontractors’ organizational capacity and qualifications.

* 1. **Organizational Chart**

Bidders must provide an organizational chart.  The organizational chart must include the project being proposed.  Each position must be identified by position title and corresponding to the personnel job descriptions.

* 1. **Litigation**

Bidders must attach a list of all current litigation in which the Bidder is named and a list of all closed cases that have closed within the past five (5) years in which the Bidder paid the claimant either as part of a settlement or by decree.  For each, list the entity bringing suit, the complaint, the accusation, amount, and outcome.

* 1. **Financial Viability**

Bidders must provide the following information for each of the past three tax years:

* + 1. Balance Sheets
		2. Income (Profit/Loss) Statements
	1. **Licensure/Certification**

Bidders may provide documentation of any applicable licensure/certification or specific credentials that are related to providing the proposed services of the RFP. This documentation may include: applicable trainer credentials/certifications that are required to provide the requested safety-training services in accordance with 29 CFR 1910.120.

* 1. **Certificate of Insurance**

Bidders must provide a certificate of insurance on a standard ACORD form (or the equivalent) evidencing the Bidder’s general liability, professional liability and any other relevant liability insurance policies that might be associated with the proposed services.

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

* 1. **Services to be Provided**

Discuss the Scope of Services referenced above in Part II of this RFP and what the Bidder will offer. Give particular attention to describing how you will engage with the students you are training and the instructional methods and resources you will employ to convey the safety refresher information in a new and dynamic manner. Also, describe how you will cultivate a safety mind set in students and an ingrained knowledge of the subject material for use in real world settings. If subcontractors are involved, clearly identify their qualifications and the work each will perform.

**Section IV Cost Proposal** (File #4)

* 1. **General Instructions**
		1. Bidders must submit a cost proposal that covers the period starting 4/1/2024 and ending on 3/31/2026. These are the expected “Initial Period of Performance” dates stated in PART I, D.
		2. The cost proposal must include the costs necessary for the Bidder to fully comply with the contract terms, conditions, and RFP requirements.
		3. No costs related to the preparation of the proposal for the RFP, or to the negotiation of the contract with the Department, may be included in the proposal. Only costs to be incurred after the contract effective date that are specifically related to the implementation or operation of contracted services may be included.
	2. **Cost Proposal Form Instructions**

Bidders must fill out **Appendix D** (Cost Proposal Form), following the instructions detailed here and in the form. If there are additional costs associated with the tasks detailed in Part II of this RFP that are no covered in the Cost Proposal Form in Appendix D, please submit these costs with a detailed description on a separate piece of paper.

Failure to provide the requested information, and to follow the required cost proposal format provided, may result in the exclusion of the proposal from consideration, at the discretion of the Department.

**PART V PROPOSAL EVALUATION AND SELECTION**

Evaluation of the submitted proposals will be accomplished as follows:

1. **Evaluation Process – General Information**
	1. An evaluation team, composed of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP.
	2. Officials responsible for making decisions on the award selection will ensure that the selection process accords equal opportunity and appropriate consideration to all who are capable of meeting the specifications. The goals of the evaluation process are to ensure fairness and objectivity in review of the proposals and to ensure that the contract is awarded to the Bidder whose proposal provides the best value to the State of Maine.
	3. The Department reserves the right to communicate and/or schedule interviews/presentations with Bidders, if needed, to obtain clarification of information contained in the proposals received. The Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Changes to proposals, including updating or adding information, will not be permitted during any interview/presentation process and, therefore, Bidders must submit proposals that present their rates and other requested information as clearly and completely as possible.
2. **Scoring Weights and Process**
	1. **Scoring Weights:** The score will be based on a 100-point scale and will measure the degree to which each proposal meets the following criteria.

**Section I. Preliminary Information (No Points –Eligibility Requirements)**

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

**Section II. Organization Qualifications and Experience (35 points)**

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

**Section III. Proposed Services (40 points)**

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

**Section IV. Cost Proposal (25 points)**

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

* 1. **Scoring Process:** For proposals that demonstrate meeting the eligibility requirements in Section I, the evaluation team will use a consensus approach to evaluate and score Sections II & III above. Members of the evaluation team will not score those sections individually but, instead, will arrive at a consensus as to assignment of points for each of those sections. Sections IV, the Cost Proposal, will be scored as described below.
	2. **Scoring the Cost Proposal:** The total cost proposed for conducting all the functions specified in the RFP will be assigned a score according to a mathematical formula. The lowest bid will be awarded 25 points. Proposals with higher bids values will be awarded proportionately fewer points calculated in comparison with the lowest bid.

The scoring formula is:

(Lowest submitted cost proposal / Cost of proposal being scored) x 25 = pro-rated score

No Best and Final Offers: The State of Maine will not seek or accept a best and final offer (BAFO) from any Bidder in this procurement process.  All Bidders are expected to provide their best value pricing with the submission of their proposal.

* 1. **Negotiations:** The Department reserves the right to negotiate with the awarded Bidder to finalize a contract. Such negotiations may not significantly vary the content, nature or requirements of the proposal or the Department’s Request for Proposal to an extent that may affect the price of goods or services requested. The Department reserves the right to terminate contract negotiations with an awarded Bidder who submits a proposed contract significantly different from the proposal they submitted in response to the advertised RFP. In the event that an acceptable contract cannot be negotiated with the highest ranked Bidder, the Department may withdraw its award and negotiate with the next-highest ranked Bidder, and so on, until an acceptable contract has been finalized. Alternatively, the Department may cancel the RFP, at its sole discretion.
1. **Selection and Award**
	1. The final decision regarding the award of the contract will be made by representatives of the Department subject to approval by the State Procurement Review Committee.
	2. Notification of conditional award selection or non-selection will be made in writing by the Department.
	3. Issuance of the RFP in no way constitutes a commitment by the State of Maine to award a contract, to pay costs incurred in the preparation of a response to the RFP, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel or any other costs incurred by the Bidder.
	4. The Department reserves the right to reject any and all proposals or to make multiple awards.
2. **Appeal of Contract Awards**

Any person aggrieved by the award decision that results from the RFP may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in [5 M.R.S.A. § 1825-E](http://www.mainelegislature.org/legis/statutes/5/title5sec1825-E.html) and [18-554 Code of Maine Rules Chapter 120](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-120).  The appeal must be in writing and filed with the Director of the Bureau of General Services, 9 State House Station, Augusta, Maine, 04333-0009 within 15 calendar days of receipt of notification of conditional contract award.

**PART VI CONTRACT ADMINISTRATION AND CONDITIONS**

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

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

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

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

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

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

* 1. Payments and Other Provisions

The State anticipates paying the Contractor on the basis of net 30 payment terms, upon the receipt of an accurate and acceptable invoice. An invoice will be considered accurate and acceptable if it contains a reference to the State of Maine contract number, contains correct pricing information relative to the contract, and provides any required supporting documents, as applicable, and any other specific and agreed-upon requirements listed within the contract that results from the RFP.

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

**Appendix A** – Proposal Cover Page

**Appendix B** – Debarment, Performance, and Non-Collusion Certification

**Appendix C** – Qualifications and Experience Form

**Appendix D** – Cost Proposal Form

**Appendix E** – Submitted Question Form

**Appendix F** – Sample Work Order

**APPENDIX A**

**State of Maine**

**Department of Environmental Protection**

**PROPOSAL COVER PAGE**

**RFP# 202402031**

**Hazardous Waste Operations and Emergency Response (HAZWOPER)**

**8-hour Refresher Training and 40 Hour Initial Training**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |
| **Chief Executive - Name/Title:** |  |
| **Tel:** |  | **E-mail:** |  |
| **Headquarters Street Address:** |  |
| **Headquarters City/State/Zip:** |  |
| ***(Provide information requested below if different from above)*** |
| **Lead Point of Contact for Proposal - Name/Title:** |  |
| **Tel:** |  | **E-mail:** |  |
| **Headquarters Street Address:** |  |
| **Headquarters City/State/Zip:** |  |

* This proposal and the pricing structure contained herein will remain firm for a period of 180 days from the date and time of the bid opening.
* No personnel currently employed by the Department or any other State agency participated, either directly or indirectly, in any activities relating to the preparation of the Bidder’s proposal.
* No attempt has been made, or will be made, by the Bidder to induce any other person or firm to submit or not to submit a proposal.
* The above-named organization is the legal entity entering into the resulting contract with the Department if they are awarded the contract.
* The undersigned is authorized to enter contractual obligations on behalf of the above-named organization.

*To the best of my knowledge, all information provided in the enclosed proposal, both programmatic and financial, is complete and accurate at the time of submission.*

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

**APPENDIX B**

**State of Maine**

**Department of Environmental Protection**

**DEBARMENT, PERFORMANCE, AND NON-COLLUSION CERTIFICATION**

**RFP# 202402031**

**Hazardous Waste Operations and Emergency Response (HAZWOPER)**

**8-hour Refresher Training and 40 Hour Initial Training**

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

*By signing this document, I certify to the best of my knowledge and belief that the aforementioned organization, its principals and any subcontractors named in this proposal:*

1. *Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from bidding or working on contracts issued by any governmental agency.*
2. *Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:*
	1. *Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or contract.*
	2. *Violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.*
3. *Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (b) of this certification.*
4. *Have not within a three (3) year period preceding this proposal had one or more federal, state, or local government transactions terminated for cause or default*.
5. *Have not entered into a prior understanding, agreement, or connection with any corporation, firm, or person submitting a response for the same materials, supplies, equipment, or services and this proposal is in all respects fair and without collusion or fraud. The above-mentioned entities understand and agree that collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.*

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

**APPENDIX C**

**State of Maine**

**Department of Environmental Protection**

## QUALIFICATIONS and EXPERIENCE FORM

**RFP# 202402031**

**Hazardous Waste Operations and Emergency Response (HAZWOPER)**

**8-hour Refresher Training and 40 Hour Initial Training**

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

|  |
| --- |
| **Present a brief statement of qualifications. Describe the history of the Bidder’s organization, especially regarding skills pertinent to the specific work required by the RFP and any special or unique characteristics of the organization which would make it especially qualified to perform the required work activities. You may expand this form and use additional pages to provide this information.** |
|  |

**APPENDIX C (continued)**

|  |
| --- |
| **Provide a description of projects that occurred within the past five years which reflect experience and expertise needed in performing the functions described in Part II – Scope of Services to be Provided of the RFP. Please note that contract history with the State of Maine, whether positive or negative, may be considered in rating proposals even if not provided by the Bidder.***If the Bidder has not provided similar services, note this, and describe experience with projects that highlight the Bidder’s general capabilities.*  |

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

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

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

**APPENDIX D**

**State of Maine**

**Department of Environmental Protection**

**COST PROPOSAL FORM**

**RFP# 202402031**

**Hazardous Waste Operations and Emergency Response (HAZWOPER)**

**8-hour Refresher Training and 40 Hour Initial Training**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |
| **Proposed Cost:** | **$**  |

Instructions:

Bidders to include all costs associated with each task for the period of the initial period of performance including course materials, equipment and travel costs. Tasks 1, 2, 4 and 5 will all occur at the DEP Office located at 28 Tyson Dr. in Augusta, Maine. Each year two of the Task 3 classes will be held at the DEP Office in Augusta, one will be held at the Eastern Maine Regional DEP Office located at 106 Hogan Rd. in Bangor and one will be held at the Southern Maine Regional DEP Office located at 312 Canco Rd. in Portland, Maine.

| **Task** | **Sub Cost** **per Task** |
| --- | --- |
| **Task 1: Initial Planning Meeting** (1 at start of contract) |  |
| **Task 2: On Scene Coordinators (OSCs) Refresher Training** (3 per year during initial contract period) For bidding purposes, include cost for 1 class. |  |
| **Task 3: Project Managers (PMs) Refresher Training** (4 per year at multiple locations during initial contract period). For bidding purposes, include cost for 1 class. |  |
| **Task 4: Supervisor Safety Refresher:** One (1) time every two years, in the initial contract period. For bidding purposes, include cost for 1 class. |  |
| **Task 5: Initial HAZWOPER 40-Hour Class (**up to 4 per year).For bidding purposes, include cost for 1 class. |  |
| **Task 6: Annual Review Meeting** (1 at end of year) |  |
| **Total Proposed Cost\*** |  |
| \* This amount will be used in the scoring cost formula detailed in Part V of this RFP. |

 **APPENDIX E**

**State of Maine**

**Department of Environmental Protection**

**SUBMITTED QUESTIONS FORM**

**RFP# 202402031**

**Hazardous Waste Operations and Emergency Response (HAZWOPER)**

**8-hour Refresher Training and 40 Hour Initial Training**

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

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

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

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

**State of Maine**

**Department of Environmental Protection**

**SAMPLE WORK ORDER**

**RFP# 202402031**

**Hazardous Waste Operations and Emergency Response (HAZWOPER)**

**8-hour Refresher Training and 40 Hour Initial Training**

WORK ORDER

Work Order No: 1

Date: 1/11/2024

Department’s Description of Work (Attach pages as needed)

See the attached excel document to see the schedule and roster for the 2023 HAZWOPER classes. This details the number of classes and students the Provider will be expected to accommodate. This also demonstrates that some students will be attending virtually; the Provider should incorporate any additional costs because of this into their estimates.

The attached document does not include any notice of the initial planning meeting, the review meeting, or the potential 40-hour initial HAZWOPER class The Provider should include any costs associated with these in their bid.

Provider’s Cost:

Provider Signature:

 Name / Title Date

Accepted & Commissioned by Department

Department Signature:

 Nina Caputo, Agreement Administrator Date