

**STATE OF MAINE**  
**Department of Environmental Protection**  
*Division of Petroleum Management*



**RFP# 201805094**

**Pre-Qualified Vendor List for**  
**Natural Resource Damage Assessments (NRDA)**  
**Ecology & Economic Analysis**

<b>RFP Coordinator</b>	<p><i>All communication regarding this RFP <u>must</u> be made through the RFP Coordinator identified below.</i></p> <p><b>Name:</b> Butch Bowie <b>Title:</b> Oil &amp; Hazardous Materials Specialist II  <b>Contact Information:</b> <a href="mailto:butch.c.bowie@maine.gov">butch.c.bowie@maine.gov</a></p>
<b>Submitted Questions Due</b>	<p><i>All questions <u>must</u> be submitted to the RFP Coordinator identified above by:</i></p> <p><b>Date:</b> <b>Thursday, June 7, 2018</b>, no later than 4:00 p.m., local time</p>
<b>Proposal Submission</b>	<p><b>Submission Deadline:</b> <b>Tuesday, June 19, 2018</b>, no later than 4:00 p.m., local time</p> <p><i>Proposals <u>must</u> be submitted electronically to the following address:</i></p> <p><b>Electronic (email) Submission Address:</b> <a href="mailto:Proposals@maine.gov">Proposals@maine.gov</a></p>

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**PUBLIC NOTICE**

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**State of Maine  
Department of Environmental Protection  
RFP# 201805094  
Pre-Qualified Vendor List for  
Natural Resource Damage Assessments (NRDA)  
Ecology & Economic Analysis**

The State of Maine is seeking proposals for the services and expertise of qualified contractors to assist the Department and other State Trustee agencies in collecting data, reviewing data, assessment design and planning, estimating damages, restoration project assessment, and other expert assistance in support of Natural Resource Damage Assessments (“NRDA”).

A copy of the RFP, as well as the Question & Answer Summary and all amendments related to this RFP, can be obtained at the following website: <http://www.maine.gov/purchases/venbid/rfp.shtml>

Proposals must be submitted to the State of Maine Division of Procurement Services, via e-mail, to the following email address: [Proposals@maine.gov](mailto:Proposals@maine.gov). Proposal submissions must be submitted no later than 4:00 pm, local time, on **Tuesday, June 19, 2018**, when they will be opened. Proposals will be opened at the Burton M. Cross Office Building, 111 Sewall Street - 4<sup>th</sup> Floor, Augusta, Maine. Proposals not submitted to the Division of Procurement Services’ aforementioned email address by the aforementioned deadline will not be considered for contract award.

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## **RFP DEFINITIONS/ACRONYMS**

The following terms and acronyms shall have the meaning indicated below as referenced in this RFP:

1. **RFP:** Request for Proposals
2. **State:** State of Maine
3. **Department:** Department of Environmental Protection
4. **State Trustees:** The Commissioner of the Maine Department of Environmental Protection, or the Commissioner's authorized designee; the Commissioner of the Maine Department of Conservation, or the Commissioner's authorized designee; the Commissioner of the Maine Department of Inland Fisheries and Wildlife, or the Commissioner's authorized designee; and the Commissioner of the Maine Department of Marine Resources, or the Commissioner's authorized designee
5. **NRDA:** Natural Resource Damage Assessments
6. **HAZWOPER:** Hazardous Waste Operations and Emergency Response

**State of Maine - Department of Environmental Protection**  
*Division of Petroleum Management*  
**RFP# 201805094**  
**Pre-Qualified Vendor List for**  
**Natural Resource Damage Assessments (NRDA)**  
**Ecology & Economic Analysis**

**PART I INTRODUCTION**

**A. Purpose and Background**

The Department of Environmental Protection (Department) is seeking proposals to update the list of pre-qualified contractors/consultants to assist the Department and other State Trustee agencies in collecting data, reviewing data, assessment design and planning, estimating damages, restoration project assessment, and other expert assistance regarding Natural Resource Damage Assessments (“NRDA”) 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).

Maine state law establishes liability for responsible parties for natural resource damages related to oil and other hazardous substance discharges and tire stockpiles.

A NRDA may be conducted in the event of a release of oil or hazardous matter within the State of Maine or to the waters of the State causing injury to Maine’s natural resources and/or resulting in a loss of use or services provided by the injured resource and the Bureau determines assistance is needed to perform a damage assessment.

A list of pre-qualified contractors to assist with assessment work when damages occur was last updated in 2015; this list now requires updating. Any contractors/consultants on previous lists must submit a proposal in response to this RFP if they wish to be considered for inclusion in this updated list of pre-qualified contractors.

**B. General Provisions**

1. From the time this RFP is issued until award notification is made, all contact with the State regarding this RFP must be made through the aforementioned RFP Coordinator. No other person/ State employee is empowered to make binding statements regarding this RFP. Violation of this provision may lead to disqualification from the bidding process, at the State’s discretion.
2. Issuance of this RFP does not commit the Department to issue an award or to pay expenses incurred by a Bidder in the preparation of a response to this RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
3. All proposals should adhere to the instructions and format requirements outlined in this RFP and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Department. Proposals are to follow the format and respond to all questions and instructions specified below in the “Proposal Submission Requirements” section of this RFP.
4. Bidders shall take careful note that in evaluating a proposal submitted in response to this 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 RFP and the selected Bidder's proposal, including all appendices or attachments, shall be the basis for the final contract, as determined by the Department.
6. Following announcement of an award decision, all submissions in response to this RFP will be considered public records available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) (1 M.R.S. §§ 401 et seq.).  
<http://www.mainelegislature.org/legis/statutes/1/title1sec401.html>
7. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to this RFP.
8. The State of Maine Division of Procurement Services reserves the right to authorize other Departments to use the contract(s) resulting from this RFP, if it is deemed to be beneficial for the State to do so.
9. All applicable laws, whether or not herein contained, shall be included by this reference. It shall be the Bidder's responsibility to determine the applicability and requirements of any such laws and to abide by them.

### **C. Eligibility to Submit Bids**

All interested parties are invited to submit bids in response to this Request for Proposals.

Field activities in support of injury assessments may be conducted concurrent with, and in the same location as, oil and hazardous matter remedial activities. Personnel who may come into contact with oil or hazardous materials must have current qualifications to work in such settings pursuant to OSHA regulations concerning Hazardous Waste Operations and Emergency Response (HAZWOPER). Personnel without proof of current HAZWOPER training/certification will be prohibited from working at sites where oil and hazardous matter remedial activities are occurring and this restriction will be addressed in any contracts granted pursuant to this RFP.

### **D. Contract Term**

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

Contract Renewal: Following the initial term of the contract, the Department may opt to renew the contract for 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 this RFP, is defined as follows:

<b>Period</b>	<b>Start Date</b>	<b>End Date</b>
Period of Performance	7/1/2018	6/30/2023

This RFP offers an annual enrollment for new vendors to be included on the pre-qualified vendor list. Once selected, vendors do not need to reapply during an annual enrollment. Proposals will be accepted from vendors not currently on the Pre-Qualified Vendor List by the first business day of February

(starting in 2019) each year this RFP is active. Proposals submitted during an annual enrollment will be evaluated and the vendors will be notified of the decision within 30 days.

#### **E. Number of Awards**

As noted previously in this RFP, the Department intends to make multiple contract awards that will establish a list of pre-qualified vendors. Only those vendors who are placed on the pre-qualified list (as a result of this RFP) will be able to perform specific, future assignments under these contracts. This RFP is not set up to perform any one specific assignment, but to service future, indefinite needs.

Once the pre-qualified list is established, the Department will notify all pre-qualified vendors when specific services are needed. This notification process shall be referred to as a “mini-bid” process. Each vendor on the pre-qualified list will be given a description of the particular services needed and asked to respond with information on how that vendor proposes to provide the particular services, along with the cost for those services. The Department will then select one vendor based on the availability, scheduling, methodologies, and costs submitted during the “mini-bid” process. Please note, the costs proposed under this RFP process will form the foundation of each vendor’s future “mini-bid” responses – that is, a vendor may not propose rates in the “mini-bid” that is above what is proposed in response to this RFP process (but a vendor may propose a rate lower, if it so chooses).

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

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

The MEDEP intends to create a list of prequalified vendors to provide direct services for expert assistance regarding Natural Resource Damage Assessments (“NRDA”). Pre-qualified vendors may be requested to collect and review data, design and plan assessments, estimate damages, evaluate restoration proposals, and other expert assistance regarding NRDA.

Examples of the Qualifications and Expertise Sought include the following:

- Economic analyses commonly used in NRDA and/or Net Environmental Benefit Analysis (“NEBA”) processes to estimate damages and scale restoration projects.
- Ecotoxicology and ecological risk analysis
- Human toxicology and human health risk analysis
- Measuring/demonstrating impacts to wildlife caused by a release
- Measuring/demonstrating impacts to human health caused by a release
- Measuring/demonstrating lost uses and services caused by a release
- Development of conceptual site models and contaminant exposure pathway analyses
- Report Writing



## PART III KEY RFP EVENTS

### A. Questions

#### 1. General Instructions

- a. 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.
- b. Bidders and other interested parties should use **Appendix F** – Submitted Questions Form – for submission of questions.
- c. The Submitted Questions Form must be submitted by e-mail and received by the RFP Coordinator, identified on the cover page of this RFP, as soon as possible but no later than the date and time specified on the RFP cover page.
- d. 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: <http://www.maine.gov/purchases/venbid/rfp.shtml>. 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.

### B. Amendments

All amendments released in regard to this RFP will also be posted on the following website: <http://www.maine.gov/purchases/venbid/rfp.shtml>. 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.

### C. Submitting the Proposal

1. **Proposals Due:** Proposals must be received no later than 4:00 p.m. local time, on the date listed on the cover page of this RFP, at which point they will be opened. Proposals received **after** the 4:00 p.m. deadline will be **rejected** without exception.
2. **Delivery Instructions:** Email proposal submissions are to be submitted to the State of Maine Division of Procurement Services, via email, to the email address provided on the RFP Cover Page.
  - a. Only proposals received by email will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
  - b. Bidders are to insert the following into the subject line of their email submission: **“RFP# 201805094 Proposal Submission”**
  - c. Bidder’s proposals are to be broken down into multiple files, with each file named as it is titled in bold below, and include:
    - **File #1:** *PDF format preferred*
      - Completed - Proposal Cover Page (**Appendix A**)
      - Debarment, Performance and Non-Collusion Certification (**Appendix B**)
      - Appeal Deposit Refund Form (**Appendix G**)

- **File #2:** *PDF format preferred*  
Organization Qualifications and Experience (**Appendix C** and all related/required attachments)
- **File #3:** *PDF format preferred*  
Proposed Services (and all related/required attachments) – *PDF format preferred*
- **File #4:** *Excel format preferred*  
Cost Proposal (**Appendix D** and all related/required attachments)
- **File #5:** *PDF format preferred*  
Maine Business and Economic Impact Consideration (**Appendix E**)

## **PART IV PROPOSAL SUBMISSION REQUIREMENTS**

This section contains instructions for Bidders to use in preparing their proposals. The Bidder's proposal must follow the outline used below, including the numbering and section and sub-section headings as they appear here. Failure to use the outline specified in this section, or to respond to all questions and instructions throughout this document, may result in the proposal being disqualified as non-responsive or receiving a reduced score. The Department, and its evaluation team for this RFP, has sole discretion to determine whether a variance from the RFP specifications should result in either disqualification or reduction in scoring of a proposal. Rephrasing of the content provided in this RFP will, at best, be considered minimally responsive. The Department seeks detailed yet succinct responses that demonstrate the Bidder's experience and ability to perform the requirements specified throughout this document.

### **A. Proposal Format**

1. All pages of a Bidder's proposal should be numbered consecutively beginning with number 1 on the first page of the narrative (this does not include the cover page or table of contents pages) through to the end, including all forms and attachments. For clarity, the Bidder's name should appear on every page, including Attachments. Each Attachment must reference the section or subsection number to which it corresponds.
2. The Bidder is asked to be brief and concise in responding to the RFP questions and instructions.
3. The Bidder may not 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.
4. Include any forms provided in the submission package or reproduce those forms as closely as possible. All information should be presented in the same order and format as described in the RFP.
5. It is the responsibility of the Bidder to provide all information requested in the RFP package at the time of submission. Failure to provide information requested in this RFP may, at the discretion of the Department's evaluation review team, result in a lower rating for the incomplete sections and may result in the proposal being disqualified for consideration.
6. The Bidder should complete and submit the "Proposal Cover Page" provided in **Appendix A** of this RFP and provide it with the Bidder's proposal. It is important that the cover page show the specific information requested, including Bidder address(es) and other details listed. The proposal cover page shall be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.
7. The Bidder should complete and submit the "Debarment, Performance and Non-Collusion Certification Form" provided in **Appendix B** of this RFP. Failure to provide this certification may result in the disqualification of the Bidder's proposal, at the discretion of the Department.

### **B. Proposal Contents**

#### **Section I Organization Qualifications and Experience**

##### **1. Overview of the Organization**

The Bidder is to complete **Appendix C** (Qualifications and Experience Form) describing their qualifications and skills to provide the requested services in this RFP. The Bidder is also to 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.

##### **2. Organizational Chart**

Provide an organizational chart of the bidder's organization. The organization chart must include

the project being proposed. Each position must be identified by position title and corresponding to the personnel job descriptions and the Staffing Plan provided.

### **3. Litigation**

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 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. If no litigation will be included, write “none” on submitted attachment.

### **4. Financial Viability**

Provide the following financial information based on the previous 12-months or most recent calendar year:

- a. Current Ratio
- b. Working Capital
- c. Equity to Liability
- d. Debt to Equity
- e. Return on Assets

### **5. Licensure/Certification**

Provide documentation of any applicable licensure/certification or any specific credentials required to provide the proposed services.

### **6. Certificate of Insurance**

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 II Proposed Services**

### **2. 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 the methods and resources you will use and how you will accomplish the tasks involved. Also, describe how you will ensure expectations and/or desired outcomes as a result of these services will be achieved. If subcontractors are involved, clearly identify the work each will perform.

## **Section III Cost Proposal**

### **1. General Instructions**

- a. The Bidder must submit a cost proposal that covers the entire period of the initial contract. Please use the expected “Initial Period of Performance” dates stated in PART I, D.
- b. The cost proposal shall include the costs necessary for the Bidder to fully comply with the contract terms and conditions and RFP requirements.
- c. No costs related to the preparation of the proposal for this RFP or to the negotiation of the contract with the Department may be included in the proposal. Only costs to be incurred after the contract effective date that are specifically related to the implementation or operation of contracted services may be included.

### **2. Cost Proposal Form Instructions**

The Bidder should fill out **Appendix D** (Cost Proposal Form), following the instructions detailed here and in the form. 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.

#### **Section IV Maine Business and Economic Impact Consideration**

Using **Appendix E** (Maine Business and Economic Impact Consideration Form), the Bidder (Bidder identified on the “Proposal Cover Page” of proposal submission - **Appendix A**) is required to describe the Bidder’s investment in the State of Maine as reported on the most recently completed IRS form W-2. Consideration of this information in making contract award decisions is required in accordance with Executive Order 2017-003, which states “Evaluators of competitive bids for goods and services shall give consideration to the investment in the State by business enterprises as a best-value criterion.” The State reserves the right to verify this information at any time during the evaluation process or after.

## PART V PROPOSAL EVALUATION AND SELECTION

Evaluation of the submitted proposals shall be accomplished as follows:

### A. Evaluation Process - General Information

1. An evaluation team, comprised of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP, and in accordance with the most advantageous financial and economic impact considerations (where applicable) for the State.
2. Officials responsible for making decisions on the selection of a contractor shall ensure that the selection process accords equal opportunity and appropriate consideration to all who are capable of meeting the specifications. The goals of the evaluation process are to ensure fairness and objectivity in review of the proposals and to ensure that the contract is awarded to the Bidder whose proposal 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, and the Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Interviews/presentations are not required, and changes to proposals will not be permitted during any interview/presentation process. Therefore, Bidders should submit proposals that present their rates and other requested information as clearly and completely as possible.

### B. Scoring Weights and Process

1. **Scoring Weights:** The score will be based on a 100-point scale and will measure the degree to which each proposal meets the following criteria.

#### **Section I. Organization Qualifications and Experience (40 points)**

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

#### **Section II. Proposed Services (20 points)**

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

#### **Section III. Cost Proposal (30 points)**

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

- a. Cost of Bid Scenarios (25 points)
- b. Bidder's Rate Sheet (5 points)

#### **Section IV. Maine Business and Economic Impact Consideration (10 points)**

Includes all elements addressed above in PART IV, B, Section IV.

2. **Scoring Process:** The review team will use a consensus approach to evaluate and score Sections I & II above. Members of the review 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 III & IV, the Cost Proposal and Maine Business and Economic Impact Consideration sections, will be scored as described below.
3. **Scoring the Cost Proposal:** The total cost proposed for conducting all the functions specified in this RFP will be assigned a score according to a mathematical formula. The lowest bid will be awarded 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

The Rate Sheet (5 points) will be evaluated by the same consensus approach described above and assigned a score.

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

- 4. Scoring the Maine Business and Economic Impact Consideration:** The Maine Business and Economic Impact Consideration for this RFP will be scored based on the information provided by Bidders in **Appendix E** (Maine Business and Economic Impact Consideration Form) compared to the point allocations below:

<b>Maine Business Analysis</b>	<b>Points</b>
Average Percentage of Maine Business Impact - 1 to 74%	2 points
Average Percentage of Maine Business Impact - 75 to 100%	4 points

<b>Maine Economic Impact</b>	<b>Points</b>
Sum of Maine Economic Analysis - \$1 to \$1,000,000	2 points
Sum of Maine Economic Analysis - \$1,000,001 to \$10,000,000	4 points
Sum of Maine Economic Analysis - over \$10,000,000	6 points

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

**C. Selection and Award**

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

#### **D. Appeal of Contract Awards**

Any person aggrieved by the award decision that results from this RFP may appeal the decision to the Director of the Bureau of Real Estate Management in the manner prescribed in 5 MRSA § 1825-E and 18-554 Code of Maine Rules, Chapter 120 (found here: <http://www.maine.gov/purchases/policies/120.shtml>). The appeal must be in writing and filed with the Director of the Bureau of Real Estate Management, 9 State House Station, Augusta, Maine, 04333-0009 within 15 calendar days of receipt of notification of contract award.

The appeal procedures mentioned above are available upon the original determination of selection to the pre-qualified vendor list, but not during subsequent competitive procedures (“mini-bids”) involving only the pre-qualified vendor list participants.

#### **E. Removal from Pre-Qualified Vendors List**

The Department may remove a pre-qualified vendor from the pre-qualified list at any time, upon giving 30 days’ written notice to the pre-qualified vendor, if the Department determines that during the pre-qualification term:

- a. The pre-qualified vendor failed or refused to perform its contractual obligations,
- b. The pre-qualified vendor’s performance was unsatisfactory including, but not limited to, the quality and timeliness of services provided, or

The vendor no longer has the ability to perform the services specified in this RFP.



## **PART VI CONTRACT ADMINISTRATION AND CONDITIONS**

### **A. Contract Document**

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

Rider A: Specification of Work to be Performed

Rider B: Method of Payment and Other Provisions

Rider C: Exceptions to Rider B

Rider D: Debarment for Federal Funds

Rider E: EPA Performance Partnership Grant Terms & Conditions

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

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

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

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

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

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

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

3. The 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 this RFP may need to be adjusted, if necessary, to comply with mandated requirements.
4. In providing services and performing under the contract, the successful Bidder(s) shall act as an independent contractor and not as an agent of the State of Maine.

### **B. Standard State Agreement Provisions**

#### **1. Agreement Administration**

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

- b. In the event that an acceptable contract cannot be negotiated with the highest ranked Bidder, the Department may withdraw its award and negotiate with the next-highest ranked Bidder, and so on, until an acceptable contract has been finalized. Alternatively, the Department may cancel the RFP, at its sole discretion.

**2. Payments and Other Provisions**

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

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

1. Appendix A – Proposal Cover Page
2. Appendix B – Debarment, Performance and Non-Collusion Certification
3. Appendix C – Qualifications and Experience Form
4. Appendix D – Cost Proposal Form
5. Appendix E – Maine Business and Economic Impact Consideration
6. Appendix F – Submitted Question Form

**State of Maine**  
**Department of Environmental Protection**  
**PROPOSAL COVER PAGE**  
**RFP# 201805094**  
**Pre-Qualified Vendor List for**  
**Natural Resource Damage Assessments (NRDA)**  
**Ecology & Economic Analysis**

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

- 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 agreement with the Department should they be 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.*

<b>Name (Print):</b>	<b>Title:</b>
<b>Authorized Signature:</b>	<b>Date:</b>

**APPENDIX B**

**State of Maine  
 Department of Environmental Protection  
 DEBARMENT, PERFORMANCE and NON-COLLUSION CERTIFICATION  
 RFP# 201805094  
Pre-Qualified Vendor List for  
Natural Resource Damage Assessments (NRDA)  
Ecology & Economic Analysis**

<b>Bidder's Organization Name:</b>	
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*By signing this document, I certify to the best of my knowledge and belief that the aforementioned organization, its principals and any subcontractors named in this proposal:*

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

**Failure to provide this certification may result in the disqualification of the Bidder's proposal, at the discretion of the Department.**

Name (Print):	Title:
Authorized Signature:	Date:

**State of Maine**  
**Department of Environmental Protection**  
**QUALIFICATIONS & EXPERIENCE FORM**  
**RFP# 201805094**  
**Pre-Qualified Vendor List for**  
**Natural Resource Damage Assessments (NRDA)**  
**Ecology & Economic Analysis**

<b>Bidder's Organization Name:</b>	
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<b>Present a brief statement of qualifications, including any applicable licensure and/or certification. 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.</b>

**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 the “Scope of Services” portion of this RFP. For each of the project examples provided, a contact person from the client organization involved should be listed, along with that person’s telephone number and email address. Please note that contract history with the State of Maine, whether positive or negative, may be considered in rating proposals even if not provided by the Bidder.**

<b>Project One</b>	
<b>Client Name:</b>	
<b>Client Contact Person:</b>	
<b>Telephone:</b>	
<b>E-Mail:</b>	
<b>Brief Description of Project</b>	

<b>Project Two</b>	
<b>Client Name:</b>	
<b>Client Contact Person:</b>	
<b>Telephone:</b>	
<b>E-Mail:</b>	
<b>Brief Description of Project</b>	

**APPENDIX C (continued)**

<b>Project Three</b>	
<b>Client Name:</b>	
<b>Client Contact Person:</b>	
<b>Telephone:</b>	
<b>E-Mail:</b>	
<b>Brief Description of Project</b>	



APPENDIX D

**State of Maine**  
**Department of Environmental Protection**  
**COST PROPOSAL FORM**  
**RFP# 201805094**  
**Pre-Qualified Vendor List for**  
**Natural Resource Damage Assessments (NRDA)**  
**Ecology & Economic Analysis**

<b>Bidder's Organization Name:</b>	
<b>Proposed Cost:</b>	\$

Instructions:

Bidders must complete the Hypothetical Cost Scenario below and include their current company Rate Sheet. Bidders should include any additional rates not listed in their Rate Sheet, but necessary for their organization to accurately complete the hypothetical scenario. The Rate Sheet will be fixed for the term of the initial contract.

**Hypothetical Cost Scenario:**

Review a voluminous NRDA plan and damage estimate prepared by a 3rd party in response to chronic discharges of petroleum and hazardous substances including metals to a tidal class B surface water body and provide a written report summarizing your organization's expert analysis of the NRDA plan and damage estimate. In addition to a written description of your approach to this task, include the number of staff that would be assigned to this project and their qualifications. Include a cost breakdown outlining estimated staff time for document review, data collection, face to face meetings, conference calls, site visits, equipment, and other costs necessary for completion of this task.

**APPENDIX E**

**State of Maine**  
**Department of Environmental Protection**  
**MAINE BUSINESS AND ECONOMIC IMPACT CONSIDERATION FORM**  
**RFP# 201805094**  
**Pre-Qualified Vendor List for**  
**Natural Resource Damage Assessments (NRDA)**  
**Ecology & Economic Analysis**

<b>Bidder's Organization Name:</b>	
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**Instructions**

Each Bidder is to complete the table in the excel spreadsheet below to quantify the Bidder's investment in the State of Maine. Consideration of this information in making contract award decisions is required in accordance with Executive Order 2017-003, which states "Evaluators of competitive bids for goods and services shall give consideration to the investment in the State by business enterprises as a best-value criterion.



RFP MBEIC.xlsx

**APPENDIX F**

**State of Maine**  
**Department of Environmental Protection**  
**SUBMITTED QUESTIONS FORM**  
**RFP# 201805094**  
**Pre-Qualified Vendor List for**  
**Natural Resource Damage Assessments (NRDA)**  
**Ecology & Economic Analysis**

<b>Organization Name:</b>	
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RFP Section & Page Number	Question

\* If a question is not related to any section of the RFP, state "N/A" under "RFP Section & Page Number".  
\*\* Add additional columns, if necessary.