**STATE OF MAINE**

**Department of Environmental Protection**

***Bureau of Remediation and Waste Management***

**RFP# 202410189**

**Pre-Qualified Vendor List for**

**Natural Resource Damage Assessment and Restoration (NRDAR)**

|  |  |
| --- | --- |
| **RFP Coordinator** | *All communication, including questions and proposal submission, regarding this RFP must be made using the email address below.***Contact Information:** Ian.D.Isler@maine.gov  |
| **Submitted Questions Due** | *Questions regarding this RFP can be submitted at any time while this RFP is open. All questions must be submitted, by e-mail, to the address identified above. Please include* “RFP# 202410189”*in the subject line of your email.* |
| **Proposal Submission** | *Proposals must be received by the Office of State Procurement Services by:***Submission Deadline: December 6, 2024**, no later than 11:59 p.m., local time*Proposals must be submitted electronically to the following address:***Electronic (email) Submission Address:** Proposals@maine.gov |
| **Biennial****Enrollment** | *After the initial RFP proposal submission deadline, proposal evaluations will be held on a 2-year basis. Biennial proposal submission deadlines will be* ***11:59 p.m. on the******1st business day of December*** *while the RFP is active. Proposals are required to be submitted prior to the submission date and time in order to be considered for that enrollment period.***Electronic (email) Submission Address:** Proposals@maine.gov  |

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**PUBLIC NOTICE**

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**State of Maine**

**Department of Environmental Protection**

**RFP# 202410189**

**Pre-Qualified Vendor List for**

**Natural Resource Damage Assessment and Restoration (NRDAR)**

The State of Maine is seeking proposals to be considered for inclusion on a Pre-Qualified Vendor List 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, collecting field data, and other expert assistance in support of Natural Resource Damage Assessment and Restoration (“NRDAR”).

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/dafs/bbm/procurementservices/vendors/pqvls>

Proposals must be submitted to the State of Maine Office of State Procurement Services, via e-mail, to the following email address: Proposals@maine.gov. Proposal submissions must be submitted no later than 11:59 pm, local time, on December 6, 2024. Proposals will be opened the following business day. Proposals not submitted to the Office of State Procurement Services’ aforementioned email address by the aforementioned deadline will not be considered for contract award.

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

**RFP DEFINITIONS/ACRONYMS**

The following terms and acronyms shall have the meaning indicated below as referenced in this Pre-Qualified Vendor List RFP:

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **Department** | Department of Environmental Protection |
| **HAZWOPER** | Hazardous Waste Operations and Emergency Response |
| **NRDAR** | Natural Resource Damage Assessment and Restoration |
| **PQVL** | Pre-Qualified Vendor List |
| **RFP** | Request for Proposal |
| **State** | State of Maine |
| **State Trustees** | The Commissioner of the Maine Department of Environmental Protection, or the Commissioner’s authorized designee; the Commissioner of the Maine Department of Agriculture, Conservation, and Forestry 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 |

**State of Maine**

**Department of Environmental Protection**

**RFP# 202410189**

**Pre-Qualified Vendor List for**

**Natural Resource Damage Assessment and Restoration (NRDAR)**

# **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 support of Natural Resource Damage Assessment and Restoration (“NRDAR”) 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.

The collection of field data and analysis for injury assessment may be needed 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.

A list of pre-qualified contractors/consultants to assist the Department and other State Trustee agencies in support of Natural Resource Damage Assessment and Restoration was last updated in 2018; 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 proposal shall be signed by a person authorized to legally bind the Bidder and shall 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 selected Bidder’s proposal, including all appendices or attachments, shall 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 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>

1. 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.
2. The State of Maine Office of State 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.
3. 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.

## D. Pre-Qualified Vendor List Term

The Department is seeking a cost-efficient proposal(s) to provide services, as defined in this RFP, for the anticipated Pre-Qualified Vendor List (PQVL) 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 process. Utilization of a PQVL for will begin once the RFP process has been finalized.

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

|  |  |  |
| --- | --- | --- |
| **Period** | **Start Date** | **End Date** |
| Initial Period of Performance | 1/1/2025 | 1/1/2027 |
| Renewal Period #1 | 1/1/2027 | 1/1/2029 |
| Renewal Period #2 | 1/1/2029 | 1/1/2031 |

This RFP offers a biennial enrollment for new vendors to be included on the pre-qualified vendor list. Once selected, vendors do not need to reapply during a biennial enrollment.  Proposals will be accepted from vendors not currently on the PQVL by the first business day of December (starting in 2026) each year this RFP is active.  Proposals submitted during the biennial enrollment will be evaluated and the vendors will be notified of the decision within 30 days.

## E.     Mini-Bid Process and Awards

This RFP seeks to pre-qualify entities or individuals to perform assessment work, including photo documentation, biological inventories, biological sampling, biological monitoring and sampling water, soil, sediment and waste. Use of a “pre-qualified list” means that only those vendors placed on the list (as a result of this RFP) will be asked to bid to perform specific tasks. Entities on the pre-qualified list will be provided an opportunity to bid on specific tasks at the time of need.

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 Department intends to create a list of prequalified vendors to provide direct services for expert assistance regarding Natural Resource Damage Assessment and Restoration (“NRDAR”). Pre-qualified vendors may be requested to collect and review data, design and plan assessments, estimate damages, evaluate restoration proposals, assist the trustees in negotiations with the responsible party, and other expert assistance regarding NRDAR.

Examples of the Qualifications and Expertise Sought include the following:

* Economic analyses commonly used in NRDAR 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

Category of Specialized Expertise

A proposing firm may submit qualifications responsive to the following specialized areas of expertise: (A) Upland and Freshwater Wetland, (B) Freshwater River and Stream, (C) Intertidal and Estuarine, (D) Marine and Large Lakes Representative Tasks or any combination of the (A), (B), (C) or (D) Representative Tasks. Proposing firms may be found qualified to perform field assessment work in one or more specialization (A) – (D), given below:

(A) Upland and Freshwater Wetland Specialization Representative Tasks

The work to be performed may include the following representative tasks:

1. Collect biological, geological (i.e., soil, rock, sediment, benthic macroinvertebrate surveys), and aqueous samples within and adjacent to an impacted upland or freshwater wetland area.
2. Identify and inventory plant and animal species within and adjacent to impacted upland or freshwater wetland areas.
3. Collect data on the occurrence of impact from the release to upland or freshwater wetland flora and fauna.
4. Collect information on the distribution of habitats, the release, and its impact (e.g., photo imagery, remote sensing, GPS and GIS).
5. Collect photographic documentation of injuries to Maine’s natural resources.
6. Writing reports.
7. Assist State Trustee agencies with design of site-specific studies and short- and long-term sampling strategies.

(B) River and Stream Representative Tasks

The work to be performed may include the following representative tasks:

1. Collect biological, geological (i.e., soil, rock, sediment, benthic macroinvertebrate surveys), and aqueous samples within and adjacent to the impacted freshwater river and stream environments.
2. Identify and inventory plant and animal species within and adjacent to impacted freshwater river and stream environments.
3. Collect data on the occurrence of impact to flora and fauna from the release.
4. Collect information on the distribution of habitats, the release, and its impact (e.g., photo imagery, remote sensing, GPS and GIS).
5. Collect photographic documentation of injuries to Maine’s natural resources.
6. Writing reports.
7. Assist State Trustee agencies with design of site-specific studies and short- and long-term sampling strategies.

(C) Intertidal and Estuarine Representative Tasks

The work to be performed may include the following representative tasks:

1. Collect biological, geological (i.e., soil, rock, sediment, benthic macroinvertebrate surveys), and aqueous samples within and adjacent to the impacted intertidal, salt marsh and estuarine environments.
2. Identify and inventory plant and animal species within and adjacent to impacted intertidal, salt marsh and estuarine environments.
3. Collect data on the occurrence of impact to flora and fauna from the release.
4. Collect information on the distribution of habitats, the release, and its impact (e.g., photo imagery, remote sensing, GPS and GIS).
5. Collect photographic documentation of injuries to Maine’s natural resources.
6. Writing reports.
7. Assist State Trustee agencies with design of site-specific studies and short- and long-term sampling strategies.

(D) Marine and Large Lake Representative Tasks

The work to be performed may include the following representative tasks:

1. Collect biological, geological (i.e., soil, rock, sediment, benthic macroinvertebrate surveys), and aqueous samples within and adjacent to the impacted marine or large lake environments.
2. Identify and inventory plant and animal species within and adjacent to impacted marine or large lake environments.
3. Collect data on the occurrence of impact to flora and fauna from the release.
4. Collect information on the distribution of habitats, the release, and its impact (e.g., photo imagery, remote sensing, GPS and GIS).
5. Collect photographic documentation of injuries to Maine’s natural resources.
6. Writing reports.
7. Assist State Trustee agencies with design of site-specific studies and short- and long-term sampling strategies.

# **PART III KEY RFP EVENTS**

## Questions

* 1. **General Instructions:**
		1. 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.
		2. Bidders and other interested parties should use **Appendix E** (Submitted Questions Form) for submission of questions. If used, the form is to be submitted as a WORD document.
		3. Questions 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.
		4. The RFP Number and Title must be included in the subject line of the e-mail containing the submitted questions. 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: <http://www.maine.gov/dafs/bbm/procurementservices/vendors/pqvls> . Bidders should submit questions 7-days prior to the most current proposal submission deadline in order to receive a response 6-days prior to that deadline. All other questions will be addressed after the current deadline. 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.

## Amendments

All amendments released in regard to this RFP will also be posted on the following website: <http://www.maine.gov/dafs/bbm/procurementservices/vendors/pqvls> . 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.

## 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 this RFP. They will be opened the next business day. Proposals received **after** the 11:59 p.m. deadline will be **held until the next open enrollment opening**.
2. **Delivery Instructions:** Email proposal submissions are to be submitted to the State of Maine Office of State Procurement Services, via email Proposals@maine.gov.
3. Only proposals received by email will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
4. 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.
5. 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.
6. 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.
7. Bidders are to insert the following into the subject line of their email submission: **“RFP# 202410189 Proposal Submission Proposal Submission – [Bidder’s Name]”**
8. Bidder’s proposals are to be sent as one document. PDF is preferred but other formats, such as MS Word, will be accepted.
9. Bidder’s proposals must include (in the order below):

- Proposal Cover Page (**Appendix A**)

- Responsible Bidder Certification (**Appendix B**)

- Organization Qualifications and Experience (**Appendix C** and all related/required attachments)

- Copy of applicable licensure or any specific credentials

- Certificate of Insurance

- Company Rate Sheet(s)

# **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**

* 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. **Responsible Bidder Certification**

Bidders must complete **Appendix B** (Responsible Bidder Certification). Responsible Bidder Certification must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

The Proposal must state which representative task group or groups the applicant is seeking to pre-qualify to perform: (A) Upland and Freshwater Wetland, (B) Freshwater Rivers and Streams, (C) Intertidal and Estuarine, (D) Deep water Marine and Large Lakes, or any combination of (A), (B), (C) or (D).

**Section II Organization Qualifications and Experience**

* 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.

* 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. **Licensure/Certification**

Bidders must provide documentation of all applicable licensure/certification and specific credentials required to provide the proposed services of the RFP. This documentation includes:

* 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
	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**

* 1. **Services to be Provided**

Discuss the Scope of Services referenced above in Part II of the 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.

* 1. **Implementation - Work Plan**

Bidders must provide a realistic work plan for the implementation of the program through the first contract period. The work plan must be displayed in a timeline chart, and concisely describe each program development and implementation task, the month it will be carried out, and the person or position responsible for each task. If applicable, Bidders must identify all tasks to be delegated to subcontractors.

**Section IV Cost Proposal**

1. **General Instructions**
2. 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.
3. The cost proposal shall include the costs necessary for the Bidder to fully comply with the contract terms and conditions and RFP requirements.
4. 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.
5. **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.

# **PART V PROPOSAL EVALUATION AND SELECTION**

Evaluation of the submitted proposals shall be accomplished as follows:

## 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.

## 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.

* 1. Cost of Bid Scenarios (25 points)
	2. 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.

* 1. **Scoring Process:** For proposals that demonstrate meeting the eligibility requirements in Section I, the review team will use a consensus approach to evaluate and score the sections 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.
	2. **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.

## 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.

**5.**  Selection to be included on the PQVL is not a guarantee of work.

**6.** Updated documentation pertaining to Certification of Insurance, Certification/Licensure, and Rates will be required to be submitted to the RFP Coordinator by all Providers on the PQVL on a biannual basis.

## 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 General Services in the manner prescribed in 5 MRSA § 1825-E and 18-554 Code of Maine Rules, Chapter 120 (found here: <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 contract award.

Since this RFP results in a PQVL, the appeal procedures mentioned above are available upon the original determination of that vendor list. The appeal procedures will not be available during subsequent competitive procedures involving only the PQVL participants if cost is the sole determining factor.

## Removal from Pre-Qualified Vendors List

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

* 1. The pre-qualified vendor failed or refused to perform its contractual obligations,
	2. The pre-qualified vendor’s performance was unsatisfactory including, but not limited to, the quality and timeliness of services provided,
	3. The pre-qualified vendor no longer has the ability to perform the services specified in this RFP, or
	4. The pre-qualified vendor is continually “unresponsive” to providing any feedback to the Department’s mini-bid solicitations.

#

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

1. Appendix A – Proposal Cover Page
2. Appendix B – Responsible Bidder Certification
3. Appendix C – Qualifications and Experience Form
4. Appendix D – Cost Proposal Form
5. Appendix E – Submitted Question Form

**APPENDIX A**

**State of Maine**

**Department of Environmental Protection**

**PROPOSAL COVER PAGE**

**RFP# 202410189**

**Pre-Qualified Vendor List for**

**Natural Resource Damage Assessment and Restoration (NRDAR)**

|  |  |
| --- | --- |
| **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 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.

The Proposal must state which representative task group or groups the applicant is seeking to pre-qualify to perform by checking the boxes below:

[ ]  (A) Upland and Freshwater Wetland
[ ]  (B) Freshwater Rivers and Streams
[ ]  (C) Intertidal and Estuarine
[ ]  (D) Deep water Marine and Large Lakes

*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**

**RESPONSIBLE BIDDER CERTIFICATION**

**RFP# 202410189**

**Pre-Qualified Vendor List for**

**Natural Resource Damage Assessment and Restoration (NRDAR)**

|  |  |
| --- | --- |
| **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.*
6. *Is not a foreign adversary business entity (*[*https://www.maine.gov/oit/prohibited-technologies*](https://www.maine.gov/oit/prohibited-technologies)*).*
7. *Is not on the list of prohibited companies (*[*https://www.maine.gov/oit/prohibited-technologies*](https://www.maine.gov/oit/prohibited-technologies)*) or does not obtain or purchase any information or communications technology or services included on the list of prohibited information and communications technology and services* [*https://www.maine.gov/oit/prohibited-technologies*](https://www.maine.gov/oit/prohibited-technologies) *(Title 5 §2030-B).*

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

**APPENDIX C**

**State of Maine**

## Department of Environmental Protection

## QUALIFICATIONS & EXPERIENCE FORM

**RFP# 202410189**

**Pre-Qualified Vendor List for**

**Natural Resource Damage Assessment and Restoration (NRDAR)**

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

|  |
| --- |
| **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.** |
|  |

**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.** |

|  |
| --- |
| **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** |
|  |

**APPENDIX C (continued)**

|  |
| --- |
| **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# 202410189**

**Pre-Qualified Vendor List for**

**Natural Resource Damage Assessment and Restoration (NRDAR)**

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

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**

**SUBMITTED QUESTIONS FORM**

**RFP# 202410189**

**Pre-Qualified Vendor List for**

**Natural Resource Damage Assessment and Restoration (NRDAR)**

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

|  |  |
| --- | --- |
| **RFP Section & Page Number** | **Question** |
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*\* If a question is not related to any section of the RFP, state “N/A” under “RFP Section & Page Number”.*

*\*\* Add additional rows, if necessary.*