

Request for Proposals

Professional Environmental Services to Perform Brownfield Assessments

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Overview

The Nebraska Panhandle Area Development District (PADD), through this Request for Proposals (RFP), is seeking a qualified environmental consulting firm with the capacity to conduct and prepare Phase I and Phase II Assessments, Quality Assurance Project Plans, asbestos and lead based paint inspections, and Sampling and Analysis Plans to provide environmental professional services to implement the PADD's U.S. Environmental Protection Agency (EPA) Community-Wide Brownfields Assessment Coalition Grant in the amount of \$445,400, of which \$346,800 is initially allocated to perform the described scope of work solicited by this RFP.

Background

The Nebraska Panhandle Area Development District (PADD) is a public, non-profit council of governments serving 11 counties and numerous small communities in the Nebraska Panhandle with a mission to improve regional competitiveness, stimulate economic growth, and enhance community vitality and quality of life. PADD and five of its member communities (Mitchell, Scottsbluff, Gordon, Crawford, and Kimball) have joined together to form a coalition to address brownfields in the coalition communities and in PADD's service area in general (a Memorandum of Understanding exists). With PADD as the lead partner, this coalition will bring resources and capacity for brownfields redevelopment to the region, which the small communities otherwise would not be able to obtain.

Located on the High Plains, at the eastern doorstep of the Rocky Mountains and 400 miles from its own state capitol of Lincoln, the Nebraska Panhandle is a rural region with a rich history and beautiful natural landscape. The Panhandle shares borders with Colorado, Wyoming and South Dakota and encompasses a combined land area of 14,181 square miles. It is home to just over 86,900 people. Of the roughly 34 small communities that freckle the region, only four have populations of greater than 5,000. Despite its assets, decades of decline in agricultural and manufacturing employment and subsequent population loss have mired Panhandle communities in blight and dilapidation, which stymies economic opportunity from tourism tied to the area's history.

PADD has been awarded a \$445,400 Community-Wide Brownfields Assessment Grant for hazardous substances (Non-Petroleum). The funding will be used to characterize specific sites with hazardous substances for the purpose of evaluating and understanding these site-specific issues in the context of redevelopment potential.

Summary and General Information

The EPA has awarded PADD a brownfields assessment grant for environmental investigations and remedial planning activities. The focus of grant is assessment of these sites within the coalition communities as well as other small communities served by PADD, with the ultimate goal to facilitate revitalization by creating employment opportunities and renewed growth, while at the same time addressing blight and potential environmental/health issues. The Nebraska Panhandle is a rural region where decades of job loss in agriculture and transportation industries have brought the steady bleeding of population from small communities, leaving behind eyesores and vacancies along Main Streets and commercial corridors. A brownfields inventory completed in 2015-2016, which catalogued 217 community identified sites ranging from 0.2-acre downtown buildings to 70-acre industrial sites, will serve as a pipeline for this assessment grant.

The grant activities solicited under this RFP are separated into and will be performed in four tasks as follows:

1. Perform Phase I and Phase II environmental site assessments
2. Perform asbestos containing materials (ACM) assessment
3. Perform lead based paint assessments
4. Develop an EPA a Quality Assurance Project Plan (QAPP) through completion of the approval process in EPA Region 7

Other grant tasks are being coordinated by PADD and are not part of the Scope of Services solicited by PADD under this RFP include: Grant Management, Community Outreach, and Redevelopment Planning.

PADD has contracted Ayres Associates to assist them in Community Outreach, Redevelopment Planning, and as a Qualified Environmental Professional to guide and review the work product by Environmental Contractor solicited in this RFP for compliance with PADD's goals for the implementation of this grant.

This Request for Proposals (RFP) has been issued to determine the eligibility of responding individuals or organizations ("Applicants") to develop and manage the Project. The RFP and its attached exhibits describe the terms and conditions under which the PADD will select a contractor ("Contractor"). PADD will then enter into negotiations with the Contractor to formalize a Contractor Agreement. Approval for PADD to contract with the selected Contractor is expected to occur at PADD's January 11, 2018 board of directors meeting with a final contract executed at that time or shortly thereafter.

Proposals shall describe the Applicant's qualifications, certifications/registrations a description of past projects which are similar in nature to this Project, an explanation of how the Applicant would perform task services, and cost estimate. If subcontractors are utilized, Applicants must include subcontractor qualifications, certifications/registrations with the RFP. One Contractor will be selected to perform the scope of work outlined in this document.

Proposals are due no later than Thursday, December 14, 2017 by 5:00 MST. See RFP Process section for details regarding submission instructions.

Scope of Services

PADD is seeking the professional environmental services of a qualified environmental consultant for the identified tasks below. The grant completion date is September 30, 2020.

Under the Work Plan and budget approved by the EPA, up to \$346,800 is initially allocated for the Contractor to perform the following services. The Contractor will enter into a Master Services Agreement with PADD. The total value of the contract will be based on the actual scope of work directed by PADD and will be executed with specific Task Orders on a task or site by site basis. An approximate number of sites are provided for illustrative purposes at this time, and may not be indicative of actual quantity of sites assessed.

Perform Site Assessments

Utilizing an existing inventory of sites that will be further evaluated directly by PADD, the Contractor will be directed by PADD to conduct site assessments on selected sites. Sites will be evaluated through performance of Phase I and/or II ESA's. The work will include the following:

- Preliminary assessments (Phase I and Phase II ESAs)
- Health and Safety Plans (HSP)
- Sampling and Analysis Plans (SAP)
- Quality Assurance Project Plans (QAPP)
- Phone calls, and/or meetings with Ayres Associates and PADD will be incidental to this work

Phase I ESA's will be prepared in accordance with accepted engineering principles and practices, including American Society for Testing Materials (ASTM) Practice E1527-13. Each report shall also comply with All Appropriate Inquiries (AAI) Final Rule at 40 CFR Part 312 to qualify for liability protection under CERCLA, and have an associated AAI checklist completed by the Contractor for each property that has a Phase I ESA. PADD will be the primary party to coordinate with the property owners for access agreements. It is initially estimated that up to 35 Phase I ESA's may be completed under this scope.

As a result of the Phase I ESA's, these sites will be subject to a Phase II ESA, inclusive of analytical studies to determine the impact by the site to public health and/or the environment. Prior to undertaking activities involving the collection of environmental samples, the Contractor will prepare and submit a Quality Assurance Project Plan (QAPP) which meets the approval of the U.S. EPA Region 7 Brownfields Program. The QAPP will describe the project, the sampling and analytical strategies, and the methods and procedures that will be used in all Phase II assessments. The QAPP will be submitted at least 30 days prior to the initiation of field activities and approval will be obtained prior to performing any field sampling. The QAPP will be utilized to facilitate the compilation of Site Specific Sampling and Analysis Plans (SAP) to determine the degree of contamination at these sites. Additionally, the QEP will prepare a generic Health and Safety Plan to ensure that the activities of the Phase II will be conducted in a safe manner.

Prepare written reports regarding the environmental characterizations (Phase II ESA; Lead, Asbestos, and Hazardous Material Inspections): The report will contain a description of the work performed, a list of the sampling results, and interpretations of the findings. The report will also include maps and figures illustrating sampling locations, the findings of the investigations, and tables of the data. For Asbestos reports, an estimate of material quantities shall be provided. These reports will be used by PADD to communicate environmental conditions to community officials, property owners, other interested community members, potential developers, and other interested stakeholders, as well as to provide the basis for redevelopment planning. Reports and personnel must comply with applicable Nebraska Department of Environmental Quality (NDEQ and EPA methodology and certifications for licensed professionals. It is initially estimated that up to 12 Phase II Site Assessments may be completed, and up to 22 lead and asbestos reports may be prepared under this scope.

Phase I and Phase II ESA's scope and budget will be negotiated on a site-by-site basis to ensure the size and complexity of each individual site conditions are properly accounted for. Upon an agreed upon scope and budget for each site, an individual Task Order will be prepared authorizing the Contractor to perform the work, which will include an initial SAP prior to the field work and final report deliverable. If the SAP review by the EPA indicates a change in scope, the budget will be adjusted accordingly.

Contractors will submit any Phase II Assessment or Site Investigation SAPs to Ayres Associates prior to sending to EPA or commencing field work. Ayres Associates will review the plans or reports within 5 business days and provide comment and/or approval of the SAP. Upon any revisions, Contractor or PADD will submit the SAP to the EPA for approval.

QAPP and SAP approvals will be the responsibility of, and should be obtained from the EPA, by the environmental Contractor in this solicitation. Any re-submission or non-approval may not be reimbursable by PADD, but may be considered in a case-by-case basis depending on specific circumstances of denial.

RFP Process

The RFP process consists of three phases: 1) Proposals, 2) Selection of Contractor, and 3) Execution of Required Legal Documents. Deadlines and other important dates are as follows:

- Submit proposal by Thursday, December 14, 2017 by 5:00 pm MST.
- PADD and Ayres Associates to determine if proposals are complete (any incomplete proposal will be rejected) within 10 business days of receipt of proposal.
- PADD and contractor to negotiate a contract within 30 calendar days of proposal acceptance.

Proposals

Applicants must submit their Proposals in accordance with the instructions below.

- An application must include all information requested in the RFP and demonstrate that the Applicant possesses relevant experience.
- An application must include all sub-contractor cost and qualifications.
- An Applicant's submission of qualifications will be considered as permission for PADD and/or Ayres Associates to make inquiries concerning the Applicant's prior performance as staff deems necessary.

Selection of Contractor

Submitting a Proposal

The proposal to be submitted must include the following without exceptions:

Format

Responding individuals and firms must submit a detailed proposal including the following:

1. **Cover Letter** – Include the name of a contact person, address, phone number, and e-mail address.
2. **Technical Approach, Experience, and Project Understanding** – A written statement of the consultant's understanding of the project, experience in conducting all scope elements, in addition to a detailed work plan that addresses all elements of the project, describes the consultant's proposed approach and understanding to each task, and justifies the methodology employed.

Specifically, the statement shall also describe the Applicant's capabilities in performing the type of work that will be required by this RFP, including the Applicant's experience, capabilities and resources to perform the following:

Phase I Environmental Assessments
Phase II Environmental Site Assessments
Surface and subsurface Geophysical Investigations

Soil, Groundwater and Waste Sampling
Groundwater Impact Investigations
Asbestos Inspections
Lead Based Paint Inspections

3. **Project Schedule, Estimate of Staff Hours, and Staff Rates** – A breakdown of estimated hours per task and per team member. Staff rates shall be provided, as well as anticipated costs for travel to select sites within our coalition area. Standard billing rates for sub-consultants shall also be included in this Section.
4. **Project Organization and Staffing** – A list of project personnel including role in the project, an organizational chart and resumes detailing the project personnel’s work on related projects. Also include name(s) and telephone number(s) of personnel in your organization authorized to negotiate the contract. Note: Upon negotiation of the final contract, any changes in personnel by the consultant must receive prior approval by the PADD Project Manager.
5. **Similar Projects and References** – Provide specific examples of comparable work completed within the last five years from other local government clients or private organizations where consulting services were rendered (preferably with same project personnel proposed here) with beginning and ending dates. Also provide a minimum of three references with name, address, phone number, and e-mail address of a contact person for each reference.
6. **Signature Requirements** – Proposals must be signed by a duly authorized official of the consultant firm. Consortiums, joint ventures or teams submitting proposals, although permitted and encouraged, will not be considered responsive unless it is established that all contractual responsibility rests solely with one contractor or one legal entity which shall be a subsidiary or affiliate with limited resources. Each proposal should indicate the entity responsible for execution on behalf of the proposal team. All sub consultants must be listed in the proposal.

Form and Content of Submission Documents

Contractors shall submit their Proposals in a sealed package with the following information clearly marked on the outside: name, address, and telephone number of the Applicant; and the title, “PADD Proposal – Environmental Services to Perform Brownfield Assessments.”

Each submission must consist of one original and two (2) copies of the Applicant’s qualifications, including all subcontractor’s qualifications and all documentation requested as described above. Each copy should be clearly labeled with the name of the Applicant on the cover. Applicants are also encouraged to submit a computer disk that includes all submission items.

Proposals Due

One original and two (2) copies of the proposal and one electronic copy in PDF format are required and should be submitted to:

Daniel Bennett
Panhandle Area Development District
1620 Broadway Suite E-10
Scottsbluff, NE 69361
danielb@nepadd.com

Proposals are due no later than Thursday, December 14, 2017, by 5:00 PM MST.

Please Note:

- Proposals received after this date will not receive consideration.
- All costs of developing proposals and any subsequent expenses relating to the contract are the responsibility of the applicant.
- Criteria have been established to guide the evaluation of each consultant's proposal. The top-ranked firms may be asked to make an oral presentation to representatives from the PADD. Furthermore, as mentioned previously, PADD reserves the right to reject any and all proposals.
- PADD reserves the right to modify the selection process or project scope.
- Soliciting proposals and granting exclusive negotiation rights do not commit the PADD to accept any terms of the proposal. Final terms of any agreement will be determined by direct negotiation and all agreements are subject to approval by the governing body of PADD.
- Negotiations may be suspended or terminated at any time that it is determined that additional negotiation would be unproductive.
- Submission of a proposal constitutes express acceptance by the proponent of all provisions of the RFP.

PADD encourages the participation of Minority Business Enterprises (MBE) and Women Business Enterprises (WBE) for this project.

Proposal Evaluation

The brownfields coalition steering committee will serve as the evaluation panel ("Panel") to review applications. The Panel may, at its discretion, notify an Applicant that additional information or clarification is necessary. The selection process may involve phone interviews, contacts with references, and review of other information. The contact person listed in the proposal will be contacted to set-up phone interview date and times with any appropriate project personnel.

An Applicant may be rejected at any time if adverse findings are made with regard to the Applicant or any of its principals and/or subcontractor or related entities.

PADD further reserves the right, in its sole discretion, to reject at any time any or all applications, to withdraw the RFP, to negotiate with one or more Applicants, and/or to terminate negotiations without cause.

The evaluation criteria are noted below:

Evaluation Criteria	Maximum Point Value
Knowledge of regulations, standards, and techniques for brownfields characterization and remediation in the State of Nebraska	15
Experience with brownfield site assessments, including urban, wetland, and riparian sites	15
Experience with environmental investigations assisted with EPA brownfield assessment grants and/or other projects of a similar type, especially projects assisted with public funds	15
Experience with innovative brownfield technologies and techniques, including the Triad approach and GIS mapping techniques	20
Experience with interdisciplinary, team-oriented projects	5
Demonstrated ability to complete assigned tasks on time and within budget	10
Competitive fee structure	20
Maximum Points	100

Execution of Required Legal Documents

Upon selection of the Contractor, the PADD and the Contractor will negotiate a Contractor Agreement. The terms of the Agreement, after execution, shall govern the relationship between the PADD, Ayres Associates, and the Contractor. In the event of any variance between the terms of this RFP and the Agreement, the terms of the Agreement will govern.

Inquiries

Requests for clarifications and/or questions related to this RFP must be submitted in writing, via regular mail or electronic mail, and received no later than Tuesday, December 12, 2017 at 5:00 pm MST. Questions received after that time will not receive a response. No interpretations of the RFP will be made orally. All interpretations will be issued by electronic mail to all parties who receive a copy of the RFP. All inquiries shall be addressed to:

Daniel Bennett
Panhandle Area Development District
1620 Broadway Suite A-10
Scottsbluff, NE 69361
danielb@nepadd.com

Standard Terms and Conditions

Contractor's Agreement

If deemed the most responsive firm to this RFP, the Contractor shall enter into an agreement with the PADD. The contractor, as well as any of its subcontractors or affiliates providing goods or performing work or services under the contract, shall meet the mandatory compliance requirements of the State of Nebraska as set forth by law.

The Scope of Services is anticipated to be performed from January 11, 2018, to August 1, 2020. The agreement may be terminated at an earlier date upon 14 calendar days written notice by either party. The agreement may be extended upon mutual agreement of the parties and approval by the EPA of a request for a No Cost Time Extension.

Business Registration

Contractors shall be registered/certified in the State of Nebraska to perform and oversee the work and shall submit the registrations/certifications of all employees working on the project with the RFP. In addition, all sub-contractors to be utilized in the work (i.e. ACM Inspectors/Abators, Pb base paint inspectors) must provide registration/certification upon submittal of the RFP.

Insurance

Insurance requirements for the work as required by PADD are listed below in Appendix 1.

Compensation

As noted in the Scope of Work, Phase I and Phase II ESA's scope and budget will be negotiated on a site-by-site basis to ensure the size and complexity of each individual site conditions are properly accounted for. Upon an agreed upon scope and budget for each site, an individual Task Order will be prepared authorizing the Contractor to perform the work. If the SAP review by the EPA indicates a change in scope, the budget will be adjusted accordingly.

Invoices for Phase I ESAs and the QAPP shall be sent from Contractor to PADD once each individual Phase I ESA is complete or when the QAPP is submitted. Any addressing of QAPP comments is considered incidental to the agreed upon compensation unless otherwise noted.

Invoices for Phase II ESAs and Asbestos and Lead reports may be invoiced as up to two times, one as a progress payment and one once the Phase II ESA is complete. SAPs are considered incidental to Phase II ESA work and invoicing, unless the work does not commence, in which SAP invoice will be invoiced similar to a Phase I ESA above.

Checks are signed on the second Thursday of every month. Invoices must be received by the first Thursday of the month to be considered for payment within that same month.

For illustrative purposes, the approved Work Plan submitted by PADD to the EPA included the following assumed costs:

- Phase I ESAs: \$2,400/each
- Phase II ESAs ranging from appx. \$15,000 to \$25,000 depending on site size and complexity
- Asbestos surveys and lead based paint assessments ranging from appx. \$2,500 to \$7,000 depending on site size
- QAPP: \$2,000
- SAP: \$2,000
- Health and Safety Plan at \$1,000

Compliance – Laws

The Contractor and any subcontractor or affiliate must comply with all local, state and federal laws, rules and regulations applicable to any contract for the subject project and to any goods delivered, services rendered, or work performed in accordance with the same.

All work shall be performed in conformance with the specifications and terms of standard quality and performance as required by EPA, Nebraska Department of Environmental Quality, and other applicable regulatory agencies.

Causes for Rejection

Submittals pursuant to this Request for Statements of Qualifications may be rejected for any or all of the following reasons:

- a. Applicant is not authorized to do business in the State of Nebraska
- b. Submission is not responsive to the requirements set forth in this Request for Proposals document
- c. Submission contains false or misleading statements or
- d. Any other parameter that the PADD deems appropriate cause for rejection

Appendix 1: Insurance requirements

Insurance requirements

1. Workers' Compensation and related coverages:
 - a. State and Applicable Federal: Statutory
 - b. Employer's Liability: \$100,000 Each Accident
\$100,000 Disease, Each Employee
\$500,000 Disease, Policy Limit

2. Contractor's Commercial General Liability:
 - a. Each Occurrence (Bodily Injury and Property Damage): \$1,000,000
 - b. Personal and Advertising Injury: \$1,000,000
 - c. General Aggregate: \$2,000,000
 - d. Products-Completed Operations Aggregate: \$1,000,000

3. Automobile Liability:
 - a. Bodily Injury and Property Damage, Combined Single Limit: \$2,000,000

4. Umbrella or Excess Liability:
 - a. Each Occurrence \$1,000,000
 - b. General Aggregate: \$1,000,000

5. Contractor's Professional Liability:
 - a. Each Claim \$5,000,000
 - b. Aggregate \$10,000,000

6. The insurance afforded the additional insureds under Contractor's liability policies shall provide primary coverage for all claims covered thereby on a non-contributory basis.
 - a. Owner: Panhandle Area Development District
 - b. Owner's Environmental Professional: Ayres Associates

Appendix 2: Non-discrimination statements

Title VI of the Civil Rights Act of 1964

Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Section 109 of the Housing and Community Development Act of 1974

No person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

Age Discrimination Act of 1975, As Amended (42 U.S.C. 6101, et.seq.)

No person will be excluded from participation, denied program benefits or subjected to discrimination on the basis of age under any program or activity receiving federal funding assistance.