

Request for Proposals:
Office of Brownfield Remediation and Development Technical Support

Question 1: Do we have to be pre-qualified with DAS and how do I find out if my firm is pre-qualified.

Answer 1: No, firms do not need to be pre-qualified through the DAS.

Question 2: Can you please confirm: as our firm has an LEP on staff, but not a licensed environmental engineer, are we automatically not qualified to submit for this contract?

Answer 2: The awarded firm would be required to have both an LEP and a licensed environmental engineer (P.E.) on staff to assist with the agency.

Question 3: For further clarification please explain what you are requiring with respect to the wording of Article 26. Can you please provide an example?

Answer 3: DECD is requiring submittal of an affidavit which discloses any contracts with a value to the State of fifty thousand dollars or more in any calendar or fiscal year, shall attest in an affidavit as to whether any consulting agreement has been entered into in connection with such contract. Such affidavit shall be required if any duties of the consultant included communications concerning business of such State agency, whether or not direct contact with a State agency, State or public official or State employee was expected or made.

Question 4: Given the scope of services and the enclosed Confidentiality Agreement, if the selected Consultant's client(s) are applicants to the program during the period of service would that be viewed as a conflict of interest and if so how would that be addressed?

Answer 4: Yes, it would be considered a conflict of interest for both the dry cleaning program and other programs. It may be addressed by incorporating a clause specific to particular projects.

Question 5: With regard to Section III, 2, should the estimated hours requested correspond to the level of effort in the Table of Section II?

Answer 5: Yes

Question 6: For number 2 of the Table could that be attendance of more than one individual?

Answer 6: One working level engineer or one project manager may be utilized. (The respondent may propose to use more than one person, but the costs may affect the competitiveness of the proposal.)

Question 7: Because project sites eligible for Section 17 are unknown at this time and applicants will be competing for acceptance into the liability relief program, will DECD make a multiple firm award? Multiple Preferred Consultants will reduce the potential for program delay and conflict of interests due to the DECD's Preferred Consultant having past or new clients involved in the brownfield remediation program as seller, buyer, past owner, municipality, etc.?

Answer 7: No, DECD will not issue multiple awards.

Question 8: Section 1- Introduction: The final sentence of second paragraph indicates the "schedule of values" to be developed by the environmental consulting firm will "be used by the department to standardize the rates charged by engineers and contractors seeking reimbursement through this program." Please clarify the nature of this pricing analysis. Is it time, equipment and materials rate analysis? This requirement would create a situation whereby one environmental consulting firm could set a price ceiling for other engineers and contractors to charge for their services and may possibly be considered illegal price fixing. One company or state agency setting actual price values for hourly labor rates for all engineers and contractors to charge for these professional services limits free market competition, may have the effect of lowering the quality of remediation services, and prevent innovative solutions. Please reconsider this scope item and its impact on the Dry Cleaner Fund program. Consultants can accept "cost reimbursement limits" that are acceptable to DECD so that funds are conserved and any payments for costs to engineers and contractors beyond such arbitrary "cost reimbursement limits" are the responsibility of the party(ies) responsible for remediation of the release.

Answer 8: Yes, the nature of this pricing analysis is for time, equipment and rate analysis.

Question 9: Are any affidavit forms required to be submitted with the Proposal to demonstrate compliance with gift and campaign contribution certification requirements or upon selection?

Answer 9: No, affidavit forms nor campaign contributions will be required as the state contract will not be valued at \$50,000 or more.