

Responses to Questions Regarding Request For Proposals Concerning DNR11001-UST_COMPL

As of March 15, 2011

1. Section 7.27 *Subcontracts* states that “Subcontracting is not permitted under this RFP and contract”. Additionally, Section 7.16 *Contractor Personnel* explicitly states that “The Contractor will not be allowed to use Subcontractors”. These statements appear to conflict with Section 7.37 *Disadvantaged Business Enterprises* which elaborates on the need for DBEs, and page 25 of the RFP which includes the Prime Contractor Disadvantaged Business Enterprise (DBE) Compliance Statement. Please clarify whether subcontractors are required on this RFP and contract.
 - Subcontractors are not permitted under this RFP. Because Federal grant funds may be used to support this project, DNREC is required to include the references to the Disadvantaged Business Enterprises in the RFP. DNREC is following the Good Faith Practices when soliciting bids for prime contractors under this contract. Since prime contractors will not be permitted to subcontract the work, DNREC agrees that the majority of items discussed in the Disadvantaged Business Enterprise rules relating to subcontractors are not applicable to this project.

2. Section 1.1 indicates that “DNREC intends to select two companies to perform this work”. Section 5.1 *Contract Review Committee* indicates that “DNREC intends to issue a single award for these services”. Will DNREC select one or two firms to perform the work?
 - DNREC agrees that the wording in these two paragraphs conflict and plans to select one contractor to perform this work. Please note, that this is different than what was stated at the pre-bid meeting. Upon further review of Tank Management Branch records and the regulatory history of heating oil tanks, the project will now consist of inspecting approximately 87 heating fuel underground storage tank facilities instead of 150. DNREC has attached a listing of these facilities that includes their physical location and date of their last inspection.

3. Section 7.12 *Payment* – The last paragraph on this page (Page 16) indicates that the firm must include lump sum pricing for the preparation and revision as necessary of the overall contract final report as described in SOW Section 4.3.2. Section 4.3.2 could not be located. In addition, the Proposal Quotation Page (Pricing) does not include this line item. Is this cost required? If so, where should the cost be included?

- The reference to the SOW 4.3.2 should have been listed as SOW 3.3.6. Section 7.12 refers to payment and the last paragraph is intended to mean that the payment for the Compliance Monitoring Activity will not occur until the inspection report is finalized. Separate pricing is not required for this item, the reference to lump sum pricing refers to that of the compliance activity.
4. Section 3.3.6 *Facility-Specific Final Inspection Reports* – The second sentence in the last paragraph of this section states that “...facility-specific final reports must be completed for each inspection within 14 days following the date of the inspection”. Is this schedule based on business or calendar days?
 - This is based on calendar days.
 5. Is this a DBE set-aside or does the Prime just need to give good faith effort in any subcontractors required.
 - This is not a DBE set-aside. The State of Delaware is required to set goals for meeting federal DBE requirements and practice the Good Faith Efforts. No subcontractors are allowed as stated in question 1.
 6. Does Delaware recognize Service Disabled Veteran Owned Small Business as a Disadvantaged Business Enterprise.
 - Our State Certification of Minority and Women Owned Business does not recognize Service Disabled Veteran Owned Small Business (SDVOSB) but the Federal program does, so Delaware included them in our solicitation of vendors for this project.
 7. Will Delaware accept a binder for professional liability at the time the contract is awarded or does it have to be submitted as part of the vendor’s proposal.
 - Under the Proposal Reply Instructions on Page 45 paragraph 6 lists required forms and documentation that must be submitted as part of the Proposal. The last bullet lists Proof of Professional Liability Insurance as a required item.
 8. Will DNREC publish the sign in sheet from the pre-bid meeting?
 - DNREC will include the sign in sheet from the pre-bid meeting as part of the information emailed out with the Response to Questions document.
 9. Can DNREC provide a geographic spread or breakdown of the USTs per County or on a map.

- As stated in the response to Question 2, upon further review of Tank Management Branch records and the regulatory history of heating fuel tanks, the project will now consist of inspecting approximately 87 heating fuel underground storage tank facilities instead of 150. DNREC has attached a listing of these facilities that includes their physical location and date of their last inspection.

10. What was the last date that these facilities were inspected.

- As stated in the response to Question 2, upon further review of Tank Management Branch records and the regulatory history of heating fuel tanks, the project will now consist of inspecting approximately 87 heating fuel underground storage tank facilities instead of 150. DNREC has attached a listing of these facilities that includes their physical location and date of their last inspection.

11. What happens when a site has been inspected and a contractor gets a call that there are updates for the U-1 for that facility? Is that part of the initial inspection or follow-up activities?

- If it is a software update issue, the cost associated with updating the U-1 would be paid at the project management hourly rate.

12. Will there be a limit on the hours allowed for follow-up inspections and compliance verification?

- No follow-up inspections will be allowed without DNREC's prior approval.
- DNREC considers 2 additional hours over the 2 hours of follow-up work included in the price per inspection as a reasonable estimate of the time needed to conduct compliance verification activities.

13. Can the State provide a copy of the inspection form that contractors will need to fill out? Please provide a sample copy of the inspection form in word format (the form that would be required to be filled out electronically and emailed to DNREC) so that it can be reviewed and questions can be asked.

- DNREC has provided an electronic copy of the checklist found on the U-1 device. Additional questions on the checklist may be asked during the commencement conference and training session once the contract is awarded.

14. Please provide a list of facilities to be inspected and number of tanks at each facility to get a better idea of time needed to conduct an inspection (city & number of tanks would help).

- DNREC is providing a list of names and physical address of facilities that have state regulated heating fuel tanks as stated in the response for Question #2.

15. If a vendor did not attend the pre-bid meeting, are they still eligible to participate in the bid?

- No, the pre-bid meeting was mandatory.

16. Will facility files be available electronically or can they only be reviewed at DNREC's office?

- Paper facility files will mainly be available for review at the DNREC Lukens Drive Office. There may be opportunities for DNREC staff to make files available electronically to the contractor on a facility specific basis depending on the amount of public records that the file contains. A limited amount of electronic records maintained in our database will be downloaded by the contractor and available on the U-1 device.

17. Can the PowerPoint presentation from the pre-bid meeting be emailed to review?

- DNREC will include the Powerpoint presentation as part of the response to questions. Please note that DNREC has added a cover slide that states that information in this response to question document supercedes information found in the Request for Proposals and information disseminated at the Pre-bid meeting.

18. How many inspections per week or month are expected? Is there a maximum number of inspections in a month that DNREC would not like to exceed? 150 sites in 3 years is an average of about 1 inspection per week. Is there any incentive to get all facilities inspected earlier than 3 years?

- As stated in the response to Question 2, upon further review of Tank Management Branch records and the regulatory history of heating fuel tanks, the project will now consist of inspecting approximately 87 heating fuel underground storage tank facilities instead of 150. DNREC has attached a listing of these facilities that includes their physical location and date of their last inspection. DNREC's preference would be to see these 87 facilities inspected within the first year of the contract though we will not offer incentives to accomplish the work earlier than 3 years.

19. Is there an average time frame that it takes to enter the inspection data into the U1 device?

- It depends on the skills of the user, the number of tanks at the facility, and how many non-compliance issues are found. More information can be found in the responded to questions #27 and #28.

20. Will the 150 heating oil sites be divided evenly between the two contractors?

- DNREC reserves the right to determine how many inspections the contractor will perform and intends to only award this contract to one contractor. As stated in the response to Question 2, upon further review of Tank Management Branch records and the regulatory history of heating fuel tanks, the project will now consist of inspecting approximately 87 heating fuel underground storage tank facilities instead of 150. DNREC has attached a listing of these facilities that includes their physical location and date of their last inspection.

21. Will DNREC assign all of the facilities to the contractor at the beginning of the contract period so the contractor can use proximity and degree of difficulty to develop their optimal schedule.
- DNREC will make the facility lists available to the contractor at the start of the project, so the contractor can work out scheduling details.
22. Where should the contractor state their price for the cost of preparing a Health and Safety Plan for the project.
- This pricing should be included as a line item under Project Management. Other items listed under project management are listed under Section 5.0 on Page 35.
23. What is Disadvantage Business Enterprise Good Faith Effort #6 only 1-5 are listed in the RFP?
- Good Faith Effort #6 is “If the prime contractor awards subcontracts, require the prime contractor to take the above steps.” Since this project does not involve subcontractors this condition was not included in the RFP.
24. The RFP states that “Contractors are responsible for costs incurred for disposal of wastes, substances, or materials resulting from or produced by the contractors work? Are these costs typical incurred as part of inspection activities?
- Yes, a small amount is generated and the contractor is responsible for these costs.
25. Does DNREC know how many of the 150 facilities will require follow up inspections after the initial inspection is conducted.
- As stated in the response to Question 2, upon further review of Tank Management Branch records and the regulatory history of heating fuel tanks, the project will now consist of inspecting approximately 87 heating fuel underground storage tank facilities instead of 150. The majority of inspections will not need a follow up inspection. Please note that all follow up inspections must be pre-approved by DNREC. Compliance verification will mainly be done by reviewing documents that will be submitted.
26. Will there be a procedure for the contractors to follow when a facility does not have anyone on-site and their records cannot be accessed?
- DNREC will send a letter to the facility announcing the inspection. The contractor should attempt to call the facility prior to the inspection to verify that the facility is still active. If a facility does not have anyone on-site and records cannot be accessed, the contractor shall mark the items on the checklist as unknown. The resulting request for information letter will ask for these records to be submitted to DNREC.

27. Does downloading information into the U-1 device translate to additional trips to the Lukens Drive Office.

- The U-1 device can hold information for multiple facilities. Prior to conducting the inspection, information pertaining to multiple facilities can be downloaded during a single trip to the Lukens Drive Office. Following the inspection, the information gathered during the inspection must then be uploaded from the U-1 device into the DNREC Environmental Navigator System. The uploading will need to occur regularly to ensure timely issuance of Request for Information Letters and result in regular trips to the Lukens Drive Office. DNREC is willing to explore the possibility of setting up a Dover workstation at the Blue Hen Corporate Center.

28. Can you approximate how much time is required for the U-1 device to upload file info from TMB? If someone came in to get the info for 10 projects for a 2-week period, how much time approximately would be required? And is this about the same for downloading to TMB the inspection info we collect on the U-1?

- Prior to conducting the inspection, information pertaining to multiple facilities can be downloaded during a single trip to the Lukens Drive Office. Following the inspection, the information gathered during the inspection must then be uploaded from the U-1 device into the DNREC Environmental Navigator System. Prior to the inspection DNREC estimates downloading facility information for 10 facilities will likely take ½ an hour. After the inspection the information then needs to be uploaded into the DNREC Environmental Navigator System. This involves assigning citations, updating notes and observations, and generating an RFI letter. This may take up to 20 minutes per facility that was inspected. Less if there were less violations and the user was familiar with the system.

29. Will DNREC allow figures based on tape measured devices plotted on aerial photos or hand sketched base maps? Will survey data or GPS measurements be required?

- DNREC will allow sketched diagrams that are legible, neatly drawn, and give an accurate description of the facility.

30. Please clarify that difference between the weekly and monthly reporting requirements?

- The weekly progress report is a shorter communication than the monthly report and can be submitted via email. It is an informal communication to keep DNREC informed of the contractors activities. Items that should be described in the weekly report include a schedule of upcoming inspections, list of inspection reports that have been submitted for the week, as well as the status of closing out inspections that have already been conducted. The contents of the monthly report are described on page 36 of the RFP in section 5.2.

31. What is the difference between a "State regulated UST" and a "Federally regulated UST"?

- Consumptive Use Heating Fuel USTs greater than 1100 gallons are regulated under State regulations, but not Federal regulations and are considered "State Regulated" USTs.

32. For pricing item #3, do you want ONLY the “field inspection” cost per inspection? Clearly there are PM costs for the contract which could be divided by the # of site 150 to give you a better idea of what the real total price per inspection would be. Or do you want to see the field inspection cost separately in #3 and the PM costs separately in #6?

- For the cost of the inspection DNREC prefers to see the cost of the compliance monitoring activities per the scope of work plus two hours of follow up activities. These activities are further defined in Paragraph 3.3 and associated subparagraphs on pages 31-35 of the RFP.

33. Page 13, item 7.3 –Regarding background checks, would the State conduct the background check or is the Contractor responsible for having an independent agency conduct any background check?

- DNREC will be responsible for paying for the background check. The background check will be conducted by the State Bureau of Identification.

34. Page 50, Section 10, Part A – The state has waived payment and performance bonds for this RFP, has the bid bond requirement been waived too?

- Since this contract is for Professional Services the bid bond discussed on Page 50, Section 10 a. is also waived.

35. Page 16, Item 7.12 – Does the State intend to pay for services performed under this contract via credit card? If so, can the State estimate what percentage of invoices would be paid for in this manner?

- The State reserves the right to pay by the contractor by credit card, ACH transfer, or conventional check. State payment policies are subject to change. At this time, DNREC can not commit to a specific payment method.

36. In order to avoid conflicts of interest, will the State prohibit inspectors, or the firms employing inspectors, from completing the repairs of deficiencies identified during the inspections?

- The State will prohibit firms by adding the following condition to the RFP. On any facility where a contractor or the contractor’s employee performs inspection services pursuant to this contract, the contractor, their employees or any other contractor entity in which the contractor has an interest, shall thereafter be prohibited from performing any maintenance, testing or repair services at the facility for any item which is identified in the inspection report as needing to be addressed to maintain, or to bring it into, compliance with applicable laws.
- This prohibition will remain until the inspection is closed out. To assist DNREC in avoiding potential conflicts of interest, the contractor shall notify DNREC at the commencement of the project of any current or anticipated work at the list of facilities that are associated with this project.

37. In the event the state will not prohibit inspectors from completing repairs, how will the State avoid the perception of conflict of interest by site owners?

- Our Department will prohibit contractors from performing repairs.

38. Regarding the "follow up and legal support" hourly rates requested on the proposal quotation page (page 41), what assumptions regarding personnel (i.e. professional level) and location should be utilized to derive the cost? Does DNREC anticipate needing technical experts that may be located in other regions of the United States?

- The intention is to have the person who conducted the inspection available to participate in meetings and other activities necessary to return the facility to compliance. Additional experts will not be needed.

39. Regarding the travel costs requested for providing legal support on page 41, what assumptions regarding starting location, destination, personnel professional level, number of employees, and duration of trip should be utilized to derive the costs?

- Please assume that the inspector originates from their company location and drives to DNREC office located at 391 Lukens Drive New Castle Delaware 19720. The person who conducted the inspection is person expected to attend the meeting.

40. Should the costs for the project management activities listed in Section 5.0, page 35 be included in the fixed price rate per inspection, or will these activities be authorized at the Project Management Activities hourly rate? If these activities are to be included in the fixed price cost, what activities does DNREC anticipate authorizing using this rate?

- The cost of the project management activities listed in Section 5.0 page 35 will be authorized in the hourly rate for project management.

41. Sect. 3.0 - Is it possible that the site inspections can be done in a "milk run" with more than one site being inspected per day?

- Yes, it is possible to conduct more than one inspection per day. DNREC encourages this practice to conserve resources.

42. If the 150 sites are to be awarded to two contractors, are the sites going to be divided geographically that would allow for speedier inspections?

- As stated in the response to question #2, DNREC plans to select one contractor to perform this work. Please note, that this is different than what was stated at the pre-bid meeting. Upon further review of Tank Management Branch records and the regulatory history of heating oil tanks, the project will now consist of inspecting approximately 87 heating fuel underground

storage tank facilities instead of 150. DNREC has attached a listing of these facilities that includes their physical location and date of their last inspection.

43. Sect. 3.3.6- Will it be possible to be able to remotely upload the data from the U1 device instead of downloading at the Lukens Drive location

- The downloading and uploading of data must take place at the Lukens Drive Office. DNREC will explore the possibility of establishing a work station at the Blue Hen Corporate Center. For more information on this subject, please see the response to questions #27 & #28.

44. Sect. 3.3.6- How long does a typical download from a U1 device take?

- This question has already been answered above. Please see the response to question #28.

45. Are all record reviews to be done at the DNREC's offices, or will records be made available either on-line or by mail?

- Records following an inspection will be available at the Lukens Drive Office. These records also may be made available to the contractor by DNREC via fax, email, or mail at DNREC's discretion on a facility specific basis.

46. Sect 3.3.4 - Are there any sumps that would be considered confined spaces?

- Most sumps meet the OSHA definition of confined space, and some associated with this project may be considered permitted confined spaces. The contractor will have to make this assessment at the facility and take proper action. The contractor will not be expected to enter permitted confined spaces as part of this project.

47. Sect 3.3.4 - Are all sumps accessible using one technician and standard hand tools? Is there any equipment needed to remove manholes/sump covers?

- Some sump lids can be removed using one technician and standard hand tools. There will also be a need for a specialized lid lifting tool which should be provided by the contractor.

48. Will the revised/updated Standard Question list be made available on-line before the bid is due?

- This list will be emailed to the attendees of the mandatory pre-bid meeting.