

April 25, 2014

TO: All Offerors

FROM: David H. Lerner
Hydrologist; DNREC Tank Management Section

SUBJECT: Addendum To Invitation To Bid – Contract No. NAT14003-Hydro; Hydrogeological Investigation Services

ADDENDUM #1

Addendum to Contract No: NAT14003-Hydro, Hydrogeological Investigation Services; Including Answers to Questions Received from Prospective Vendors and a Revised Appendix D

All other terms and conditions remain the same. If you have any questions, please contact me by telephone at (302) 395-2500 or by email at David.Lerner@state.de.us.

Answers to Questions from Prospective Vendors

1) Are prices to be submitted with the package?

Answer:

No price list is required until after qualified vendors are selected. Once selected, the vendor(s) will be asked to submit a list of prices which will become part of the contract and apply during the contract period. Statement on Page 1 is correct & Page 34 is in error.

2) Table of Contents provided in RFP on page 40, Appendix D, mentions Assurance Form. None is provided in RFP. Should there be one?

Answer:

The Assurance Form Requirement will be removed from Appendix D. Please see the revised Appendix D located at the bottom of this Addendum. Appendix D of this addendum shall replace the previous Appendix D.

3) Should Attachments 3, 4, 6, and 7 be included on Page 40 Table of Contents?

Answer:

Yes, Attachments 3, 4, 6, and 7 must be included as specified in the revised Appendix D located at the bottom of this Addendum. Appendix D of this addendum shall replace the previous Appendix D.

- 4) [Consultant] is looking for clarification regarding Attachment D as provided in the RFP for Contract Number Nat14003-Hyro. [Consultant] understands that Attachments 3 through 7 need to be included, however I do not see mention on Attachment D for their location. [Consultant] also sees that it states “Assurance Form”, but [Consultant] does not see that included in the RFP

Answer:

Yes, Attachments 3, 4, 6, and 7 must be included as specified in the revised Appendix D located at the bottom of this Attachment. Appendix D of this addendum shall replace the previous Appendix D. The Assurance Form Requirement will be removed from Appendix D. Please see the revised Appendix D located at the bottom of this Addendum. Appendix D of this addendum shall replace the previous Appendix D.

- 5) What company currently holds this contract?

Answer:

The following Environmental Consultants were part of the previous Hydrogeological Investigation Services Contract (Contract #: 07-002-TMB), which expired on March 31, 2014 included:

- Environmental Alliance
- EA Engineering, Science & Technology
- Groundwater & Environmental Services (GES)
- Kleinfelder
- URS

- 6) Is there a way to find out who the incumbents are on this contract?

Answer:

The following Environmental Consultants were part of the previous Hydrogeological Investigation Services Contract (Contract #: 07-002-TMB), which expired on March 31, 2014 included:

- Environmental Alliance
- EA Engineering, Science & Technology
- Groundwater & Environmental Services (GES)
- Kleinfelder
- URS

- 7) In the Appendix (page 39, 1st and 7th bullet), what is the difference between the two requests for references? Does the first request refer to full project summaries for any client including the State of DE? Is there a limit on how many years old?

Answer:

Bullet #7 should be eliminated & Bullet #1 is revised to read “**Contact Information for at least three (3) references that are not currently employed by the State of Delaware.** Use Attachment 5, Business References Form, to list references. Within Attachment 5, list separately any State of Delaware contracts held within the last five years.”

- 8) [Consultant] typically selects our subcontractors (i.e. drillers, disposal firms, labs, MIP) for each task order based on our understanding of the site-specific needs. In the proposal, do we need to disclose any and all subcontractors – and include an Attachment 6 Subcontractor Information form for each – we may use throughout the duration of the contract? Or, can we provide a list of subcontractors by service with which we have relationships and include the Attachment 6 at the task order phase?

Answer:

Vendors providing a response to this RFP may provide the DNREC-TMS with a list of potential subcontractors they may use during the course of the contract in lieu of submitting Attachment 6 for multiple vendors providing the same services. Vendor(s) selected for this contract, will be required to submit a list of subcontractors with a completed Attachment 6 when they submit a site-specific project proposal.

- 9) [Consultant] wishes to limit its liability to negligent acts and/or omissions of [Consultant] and its employees. Will DNREC entertain modifying its Indemnification provision to insert “negligent” before “acts and omissions” and before “performance”?

Answer:

Modifications to the Request for Proposal language will not be accepted by DNREC.

- 10) **Section number:** I: Overview
Paragraph number: 3
Page number: 1

Test of passage being questioned: This section states, “Following receipt of the proposals in response to the RFP, the State of Delaware DNREC intends to select multiple qualified vendors to enter into contracts with DNREC to provide specified professional services for State-funded projects.” **Please provide a list of the incumbent contractors and a breakdown of the work awarded to each incumbent contractor.**

Answer:

Based on a review of available DNREC-TMS records, the site-specific project award breakdown is as follows for **Contract #: 07-002-TMB** (April 2007 through March 2014):

- EA Engineering, Science and Technology – Twelve (12) projects
- Environmental Alliance – Fourteen (14) projects
- Groundwater & Environmental Services (GES) – Five (5) projects
- Kleinfelder – Six (6) projects
- URS – Eight (8) projects

- 11) **Section number:** III. Required Information
Paragraph number: 1
Page number: 3 and 4

Text of passage being questioned: This paragraph states, “The following information shall be provided in each proposal in the order listed below. Failure to respond to any

request for information within this proposal may result in rejection of the proposal at the sole discretion of the State.” The information required and the order of how the required information needs to be presented differs from what is presented in the evaluation criteria presented on page 14 and the Appendix D proposal checklist and table of contents shown on page 40. **Please clarify which information is required to be submitted and in what order the state seeks this information.**

Answer:

The Assurance Form Requirement will be removed from Appendix D. Please see the revised Appendix D located at the bottom of this Addendum. Appendix D of this addendum shall replace the previous Appendix D.

12) **Section number:** Attachment 5

Paragraph number: 2 (after the bullets)

Page number: 30

Text of passage being questioned: This paragraph asks, “Please do not list any State Employee as a business reference. If you held a State contract within the last 5 years please list the contract.” **Does the term “State Employee” refers to employees of just Delaware or does include employees of any of the 50 states? Should offerors list State contracts held within the last five years in addition to the three required business references?**

Answer:

First Question – Yes, it only refers to State of Delaware employees.

Second Question – Yes, using Attachment 5, State of Delaware contracts held within the last five years should be referenced in addition to the three (3) required business references. State of Delaware employees may not be used as business references.

13) **Section number:** Appendix C, Section 3 LUST Project Experience

Paragraph number: 2 (paragraph after the bulleted items)

Page number: 38

Text of passage being questioned: This evaluation criteria requires that the offeror, “List or tabulate all LUST site projects in Delaware, including start date and status (i.e., closure attained, active investigation, in remediation stage). List or tabulate separately LUST site projects in other states.” **Our company has completed thousands of LUST site projects. Is a summary of this experience or a list of projects within the past 3-5 years acceptable?**

Answer:

Yes, providing DNREC-TMS with a list of projects completed within the past three (3) to five (5) years is acceptable.

14) **Section Number:** Appendix A

Paragraph Number: 3

Page Number: 34

Text of Passage: One (1) electronic copy of the vendor proposal saved to CD or DVD media disk, or USB memory stick. **Copy of electronic price file shall be separate from all other files on the electronic copy.**

Question: Reference is made to the submission of an electronic price file, but there is no request for pricing in the RFP. Please clarify if a price file is required. If yes, does DNREC have a format for the price file?

Answer:

No, an electronic price file is NOT required to be submitted with the response to the RFP. Once selected, the vendor(s) will be asked to submit a list of prices which will become part of the contract and apply during the contract period.

15) Section #: Appendix D

Paragraph #: Table

Page #: 40

Text of Passage: Proposal Checklist and Table of Contents

Appendices

- 7) Resumes of Key Personnel Who Will Work on Delaware Projects
- 8) Copies of Applicable Certifications/Licenses, such as P.G. or P.E.
- 9) Contact Information for at Least Three Business References
- 10) Proof of Delaware Business License
- 11) Proof of Insurance
- 12) Non-Collusion Statement
- 13) Assurance Form**

Question: Both sections contain a list of appendices to be submitted with our proposal. Would DNREC please clarify which list identifies the correct list of items to be provided in our proposal?

Answer:

The required list of appendices to be submitted is shown on the revised Appendix D located at the bottom of this Addendum. Appendix C's intention is to explain DNREC's scoring process in more detail than could be displayed in the table on Page 14 under "**RFP Evaluation Process**"

16) Section: Appendix C

Paragraph# Appendices

Page#: 38 & 29

Text of Passage being questioned: Appendices are as follows:

- Resumes of key personnel (1 page/person); include only personnel who will work on Delaware projects
- Copies of applicable certifications or licenses, such as Professional Geologist/Engineer
- Contact information for at least three (3) references
- State of Delaware Business License

- Certificate of Insurance and/or copies of insurance policies. Minimum coverage requirements are detailed in Special Provisions section of this document
- Completed Non-Collusion Statement
- Completed RFP Exception Form
- Completed Confidentiality Form
- Completed Business Reference Form providing references for those who are not State of Delaware contacts
- Completed and signed copy of the Subcontractor Information Form for each subcontractor
- Completed Employing Delawareans Report

Question: Both sections contain a list of appendices to be submitted with our proposal. Would DNREC please clarify which list identifies the correct list of items to be provided in our proposal?

Answer:

The required list of appendices to be submitted is shown on the **revised Appendix D** located at the bottom of this Addendum. Appendix C's intention is to explain DNREC's scoring process in more detail than could be displayed in the table on Page 14 under "**RFP Evaluation Process**"

17) **[Consultant's]** legal group reviewed the terms and conditions of the Hydrogeological Investigation Services RFP (NAT14003-Hydro) and had only the one comment below (in bold).

"I read through the RFP and wanted to point out that the indemnification on page 18 requires that we indemnify Delaware for our performance, and includes an obligation that we indemnify regardless of whether the claims are based upon the State's acts. The Corporate Approval Policy requires that we limit our obligation to indemnify to the extent of our negligent acts, errors or omissions."

Here is what **[Consultant]** would propose as an alternative: **"... to the extent arising out of the vendor's, its agents and employees' negligent performance of work or services in connection with the contract, regardless of whether such suits, actions, claims or liabilities are based upon acts or failures to act attributable, whole or part, to the State, its employees or agents."**

Answer:

Modifications to the Request for Proposal language will not be accepted by DNREC.

18) Is there an overhead cap for this contract? **[Consultant]** understands that, in the past, some Delaware agencies have had overhead caps of 125% or 135%...

Answer:

No. However, the State of Delaware reserves the right to negotiate with selected vendors upon submittal and review of price lists for the contract period.

REQUEST FOR PROPOSAL (RFP) FOR PROFESSIONAL SERVICES HYDROGEOLOGICAL INVESTIGATION SERVICES

ISSUED BY THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL (DNREC)
CONTRACT NUMBER NAT14003-Hydro

APPENDIX D (Revised) PROPOSAL CHECKLIST AND TABLE OF CONTENTS

Please check off each item included in the proposal and indicate the page number in your proposal. This form should be used as the table of contents for your proposal.

Requirements for RFP Submission	Check Off	Page #
1) Introductory Letter		
2) Proposal Check List & Table of Contents		
3) Description of Qualifications and Resources of Firm		
4) Description of LUST Project Experience		
5) Description of Experience with Remediation Feasibility Analyses & Testing		
6) Example of LUST Site Investigation Report or Site Data Package (indicate if supplied in electronic form)		
Attachments & Appendices		
7) Resumes of Key Personnel Who Will Work on Delaware Projects		
8) Copies of Applicable Certifications/Licenses, such as P.G. or P.E.		
9) Proof of Delaware Business License		
10) Proof of Insurance		
11) Attachment 2: Completed Non-Collusion Statement		
12) Attachment 3: Completed RFP Exceptions Form		
13) Attachment 4: Confidentiality & Proprietary Information (if applicable)		
14) Attachment 5: Contact Information for at Least Three Business References		
15) Attachment 6: Completed & Signed Subcontractor Information Form or List of Potential Subcontractors (if applicable)		
16) Attachment 7: Completed Employing Delawareans Report Form		
17) Attachment 8: Completed OMWBE Application (if applicable)		