

October 3, 2014

TO: ALL OFFERORS

FROM: Amy E. Bryson
Hydrologist, DNREC-Tank Management Section

SUBJECT: ADDENDUM TO INVITATION TO BID - CONTRACT NO. NAT14004-HFCLOSURE; Heating Fuel Underground Storage Tank (UST) Closure Assistance Program Removal, Closure in Place & Limited Overexcavation Services

ADDENDUM #1

Addendum to Contract No: NAT14004-HFClosure, Heating Fuel Underground Storage Tank (UST) Closure Assistance Program Removal, Closure in Place & Limited Overexcavation Services; Including Answers to Questions Received from Prospective Vendors

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

Answers to Questions from Prospective Vendors

1. Does this project require a DE state certification?

Answer:

Yes. Although a vendor may be selected without a DNREC UST Closure Certification, they must obtain the certification prior to the award of the first site-specific project. Per Section III, Part A. Minimum Requirements, Item #7, "If the vendor is selected and is not currently a DNREC Certified UST Closure Contractor, prior to award of the first contract, all applicable paperwork and fees must be submitted to certify the UST company and on-site supervisors for UST Closure Certification. Applicants must pass the UST Closure Certification Exam with a minimum score of 80% to receive UST Closure Certification."

2. Does the DNREC have a time frame for removing the 350 USTs (i.e. Are they all expected to be removed within a certain period of the contract?)

Answer:

The DNREC does not currently have a backlog of 350 USTs that are scheduled to be removed or closed in place via this contract. Rather, that is an estimated number of USTs that may be removed or closed in place as part of this two year contract. It is possible that the number of UST projects may be less than 350 depending on the public interest in this program. It is possible that the entire \$900,000.00/year budget may not be spent as a result of this program.

3. How many contractors is DNREC looking to select for this program?

Answer:

DNREC does not have a set number of desired contractors. In the past, contracts of this nature have resulted in the selection of between 3 to 6 contractors. Based on the proposal evaluation, the DNREC has the discretion to select a sufficient number of vendors to meet the needs of the program.

4. If we are able to connect homeowners to the program, are we able to remove these tanks, or do they go into the pool of tank removal contractors for DNREC to select?

Answer:

There is no guarantee that projects referred to the Heating Fuel UST Closure Assistance Program (the Heating Fuel Program) will be awarded to the referring contractor. The projects will be assigned to the next contractor due for a project assignment according to the rotational list.

5. If DNREC does select, is it a rotating pool, or are we able to streamline neighborhoods/trade off locations, in order to keep costs down and improve our service? If not, is it in our best interest not to tell the homeowners about the program, because there is a good chance once we stop out, inspect the job, sell our services, we will only be getting a portion of these jobs, especially if the contractors are chosen on a rotating basis.

Answer:

As outlined in Section 1 of the RFP, the projects will be assigned on a rotating basis.

“If DNREC and the vendor are able to reach an agreement on a site-specific project it shall be set forth in an addendum which shall be attached to this contract and made a part hereof. If a vendor rejects an invitation to perform a site-specific project, the next vendor on the list will be invited to perform the site-specific project. The vendor which rejected the project will be placed at the bottom of the vendor list and must wait until they rotate to the top of the vendor list to be invited to perform another site-specific project. This process will continue rotating through the vendor list until such time that DNREC and a vendor are able to reach an agreement on the site-specific project.”

Depending on the number of UST projects in the queue, the DNREC may try to assign projects based on geographic location, but there must be an equal and unbiased opportunity for all contractors.

It should be noted that this is a 2 year pilot for the Heating Fuel Program. The DNREC-TMS will be looking for ways to improve the program during this 2 year contract.

6. A lot of our work is driven by house settlements, where a tank is discovered 1-2 weeks before settlement. What is the timeframe to get these customers into the program? Is this enough time, do they have to escrow money, or delay settlement?

Answer:

The DNREC can only control the program application processing and purchase order issuance portion of the Heating Fuel Program. The DNREC typically can complete these tasks within 1-2 weeks. A quicker turn around may be possible but is not guaranteed. Projects will be assigned in the order they are received.

As outlined in Appendix A, Section 1.1. of the RFP, "All work awarded through this contract must be completed within sixty (60) days of the site-specific project award."

The DNREC cannot control contractor scheduling but it is possible that the contractor could complete the work in an expedited time frame if their schedule allowed.

As such, it is possible that the program will not be able to meet all real estate settlement time frames.

7. Are the homeowners able to select the contractor?

Answer:

No. Projects will be assigned to the contractors by the DNREC on a rotating basis.

8. Will every job be supervised by DNREC? If so, this is another element for us to consider between scheduling our existing work, Miss Utility, weather, etc.

Answer:

Since the program addresses unregulated heating fuel USTs, the DNREC will not attend every UST closure project as part of this program.

9. 95% compaction, page 43, for backfill: Is compaction testing required?

Answer:

Compaction testing is not required.

10. 3" of topsoil, page 43: If we are able to save the existing topsoil, will this be acceptable, instead of bringing in a load of new topsoil for each job?

Answer:

Existing topsoil may be re-used provided there is no evidence that it is petroleum impacted.

11. Looking at the annual budget of \$900,000.00 for both DNREC and the tank closure contractors, removing the tanks looks to be a better cost alternative versus closure in place, simply due to the amount of soil samples collected.

Answer:

This is not a question. Depending on the costs associated with each task (removal vs. closure in place), it is possible that more USTs may be removed than closed in place based on the budget limitations.

12. For closure in place tanks, if we are unable to perform hand soil borings due concrete, asphalt, or other types of refusal, and a geo-probe is needed, who will pay for the geo-probe?

Answer:

Costs associated with soil sample collection (including geoprobe costs, if warranted) must be included in the fixed lump sum cost for UST closure in place in the RFP response. In cases where refusal is encountered, the contractor should contact DNREC. It is possible that an alternative sampling strategy (i.e. samples through the UST bottom or sidewalls) could be implemented.

13. How long will it take to get paid? We have waited 6 months before when we were in the First Fund Program.

Answer:

Invoices are typically paid within thirty (30) days of receipt by the fiscal office with all approvals and funding authorizations. There is the possibility for delays if supporting documentation is missing, the contractor is a new vendor in the state accounting system, or it is the end of the State of Delaware fiscal year.

14. If we encounter contaminated soil, where over excavation is needed, who makes the decision to proceed with removing contaminated soil?
- a. How long will this decision take?
 - b. Can we proceed the same day, or do we need to backfill, and return/mobilize later, based on soil sample result

Answer:

If contamination which appears to warrant over-excavation is observed, the contractor must contact DNREC immediately for approval to proceed with over-excavation. Based on the information provided by the contractor, a DNREC representative will issue approval for over-excavation on a case by case basis. The intention is for this to be an immediate decision so that over-excavation may proceed on the same day as the UST removal without initial UST removal soil sample results. It is possible that another mobilization may be required for loading, transport and disposal of the excavated contaminated soil upon approval from the disposal facility.

15. What if a tank is found to be larger than 1,000 gallons, are we able to charge more for the extra work, backfill material, soil samples, etc.?

Answer:

If an UST is found to be larger than 1,100-gallons in capacity, the contractor should contact the DNREC-TMS immediately and stop all work. USTs larger than 1,100-gallon do not qualify for the Heating Fuel Program. The contractor must submit an invoice for the charges accrued to date that may not exceed the total fixed price lump sum for the UST removal or closure in place.

16. If the tanks are underneath asphalt and concrete, are we able to charge extra, since this will more than likely add an extra day/site visit?

Answer:

No. Fixed price lump sum costs submitted as part of the RFP response must account for potential asphalt and/or concrete repair. The contractor will only be paid the lump sum cost for UST removal and/or UST closure in place as agreed upon in the contract. No additional charges will be paid for asphalt or concrete repair.