

**Questions and Answers from optional Bidder's Conference  
Request for Proposal  
Evaluation of Risk-Based Decision Making  
DEEP-WPLR-20131028**

Thank you to all who participated in the Bidder's Conference on 11/25/13 and who sent written questions regarding the above referenced RFP prior to the close of business on that day. The questions and answers to those questions are listed below. Questions have been paraphrased, and some questions were asked or emailed by more than one person in different formats, so have been combined. Verbal questions posed after the conference was over were also captured and will be listed herein. If there is a discrepancy between the answer provided at the conference and this document, please go by this document. Based on the well-thought out questions received, we are looking forward to receiving what we are sure will be very high quality proposals. A list of those that signed in and those who identified themselves on the phone during the Bidder's Conference will be available as a separate document.

**General:**

- 1. Please clarify the requirement to disclose all affiliations of each member of the proposed project team, which includes contracts with a particular party in excess of \$10,000 in any calendar year, etc.**

Disregard that requirement. The first sentence of Item 4, Required Qualifications, requirement #5 on page 7 of the RFP is deleted. The second sentence of that question outlines the requirement: "Explain how each project team member is considered independent and free of any conflict of interest."

- 2. Part 1, Outline of Work, Part B. Purpose: This section indicates the Commissioner is to consider the report and make recommendations for statutory and regulatory changes. However, to what extent would DEEP like to see specific recommendation on such changes? More generally, what are the planned steps after this report to achieving the statutory and regulatory text changes?**

This report will be reviewed and used as the basis to formulate recommendations to the legislature for proposed modifications to statutes and regulations governing Connecticut's risk-based decision making processes, if any are needed. The Commissioner's recommendations are due by October 15, 2014. The legislative process is lengthy and uncertain, but any changes that would be made would likely be in effect on October 1, 2015.

- 3. Has DEEP secured funding for this project and what is the budget for this project?**  
DEEP has not developed a budget for this project since we do not have a clear idea what an undertaking of this nature will cost. The Department of Economic and Community

Development (DECD) will be funding this project. While anticipated costs will be evaluated, the selection committee is not obligated to award the contract under this RFP to the lowest qualified bidder.

**4. What EPA region is Connecticut in?**

Region 1

**5. Can any part of what is submitted in a proposal be marked as confidential?**

All documents received by DEEP are subject to the Freedom of Information Act (FOIA) unless specifically excluded by that Act. Bidders should be circumspect about what they provide and use their judgment knowing that these will become public documents. In addition, bidders should review CGS sec. 1-210 and cite any appropriate FOIA exemptions they believe apply.

**Proposal Format and Selection**

**1. Is there a “set-aside” for minority owned businesses?**

Yes. State funded projects are subject to the requirements of CGS Sec. 4a-60g “Set-Aside program for small contractors, minority business enterprises, individuals with disabilities and nonprofit corporations” unless exempted from these requirements by the Department of Administrative Services Supplier Diversity Program. For contracts using non-exempted funding sources and subcontracting any portion of work, contractors are required to subcontract 25% of the total contract value to small businesses certified by the Department of Administrative Services and are further required to subcontract 25% of that 25% to minority and women small contractors certified as minority business enterprises by the Department of Administrative Services.

**2. Does the 25-page limit for the proposal include the entire package, with references and samples? If the proposal is double-sided, is the 25-page limit actual pages of text?**

The 25-page limit is for the technical part of the proposal. Attachments such as resumes, letters of reference, examples, and required forms do not count toward that page limit. It includes 25 pages of text, not 25 pieces of paper.

**3. The RFP indicates that the cost proposal should be limited to one sheet of paper. Is that true? Is one fixed price expected or should the costs be broken down by tasks? Should all separate costs be included for each task such as labor and overhead in the breakdown?**

The cost proposal should be limited to one sheet but if more sheets are needed please include. The price should be broken down by task with one amount per task.

**4. The RFP asks for recent examples of two recent projects of similar scope and nature. What is meant by “recent” and “similar scope and nature”?**

The RFP asks for recent examples of bidder’s work projects since laws and policies change over time. Judgment should be used to determine how an example is recent

enough to be relevant. Judgment should also be used to determine if an example is similar in scope and nature, based on the described tasks.

**5. Will the selection criteria be made public?**

No. Selection criteria has not been determined and all proposal selection decision-making is considered draft until the contract has been awarded. When a contractor is selected, documentation will be in the file regarding the decision-making process for that selection. Once the contract process is complete, all final documents are subject to FOIA.

**6. Regarding the organization of and participation in public meetings mentioned in the deliverables, will DEEP provide a location for these events? How many meetings are expected? Will DEEP provide meeting minutes?**

DEEP will provide the location which is currently anticipated to be 79 Elm Street in Hartford, CT. Two meetings are expected - one at the beginning and one at the end of the contract period, in accordance with Item 2 on page 6 of the RFP. We anticipate the public meetings will last approximately 3 hours. Whether they are night or day meetings will be discussed with the selected contractor. The contractor will provide minutes of these meetings unless otherwise directed by DEEP. (Note regarding minutes: this is different from what was mentioned at the bidder's conference.)

**7. Regarding monthly status reports, are more frequent reports desirable and should there also be frequent check-ins via teleconference or in person?**

Monthly progress reports are sufficient. Check-ins via teleconference or in person meetings may be held with DEEP and Connecticut Department of Public Health (DPH) staff on an as-needed basis.

**8. Is the work plan referenced in the outline of work the same as the technical tasks – in other words what is to be provided? Does the methodologies section reference “how” the work will be done?**

Yes.

**9. Who should sign the bidder's proposal?**

Any appropriate person in the bidder's firm delegated to make decisions on behalf of the firm is fine.

**10. Does the proposal need to follow the exact format outlined in the RFP?**

It is important that all bidders submit proposals that follow the format outlined in the RFP as closely as possible. The time frame to review all proposals and award a contract is extremely tight so it is important that the selection committee be able to identify quickly that all information has been provided.

**11. Since the deadline for submitting proposals has been extended to December 13, 2013, have the other target dates identified in Item 6, RFP Timeline (page 7 of the RFP) been extended as well?**

Yes. The contractor selection and contract negotiations is now anticipated to commence on or about December 20, 2013. Although the target date for the start of contract has not changed, but will depend heavily on the duration of contract negotiations and the contract approval process with the Attorney General's office.

**12. Are the contract Terms and Conditions negotiable?**

No. These are standard for DEEP. If there are any parts of the T&C that you believe do not, or should not apply, please identify those in your proposal. However, negotiations cannot be delayed by lengthy negotiation of standard terms.

**13. Will the selection criteria be weighted? Does the order of the review criteria reflect their importance?**

Selection criteria will likely be weighted but that hasn't been developed yet. The order of the review criteria does not reflect the importance.

**14. Should the cost proposal be in a separate envelope?**

No. The cost of the proposal will be weighed as one of the criteria.

**15. Is it acceptable for a subcontractor to appear on more than one primary contractor's proposal?**

Yes.

**16. What does "Nationally Recognized" mean?**

There is no definition for this. Judgment should be used and an explanation provided.

**17. Are letters of references required or can references just be listed?**

Letters of reference are not required, however please feel free to submit them.

**18. The Conflict of Interest (item 3 on p. 9 of the RFP) requirement specifies that we must include a disclosure statement concerning any current business relationships (within the last 3 years) that may pose a conflict of interest, as defined by C.G.S. 1-85. This requirement appears to be quite broad in nature and feedback is requested.**

A standard conflict of interest disclosure statement is generally prepared by a firm's legal counsel. Two examples are provided at the end of this document.

**19. From the table provided on page 11 of the RFP, it appears that bidders need to complete forms related to "Bidder Contract Compliance Monitoring Report – Affidavit for Certification of Subcontractors as MBE's, as applicable." Which of these forms should be used?**

The form to be submitted is based on the amount of the contract. The proposal should include the form that is appropriate based on the amount of the bid. The Forms are available on the CHRO website at [http://www.ct.gov/opm/fin/ethics\\_forms](http://www.ct.gov/opm/fin/ethics_forms).

**20. Under the Required Qualifications, is "performing projects/reports of similar scope and nature" for regulatory/public agencies a required qualification?**

This will not be a basis for elimination from consideration but proposals that do not include this will be weighed appropriately.

**21. Who will be evaluating the proposals? Is DECD included?**

The Selection Committee includes representatives from DEEP and DPH. Representatives from DECD are not included on the committee.

**22. Is there a particular format for the proposal, such as the SF300 that is preferred?**

No.

- 23. On page 9 , regarding number of copies.... The top of the page says one original, one conforming hardcopy and an electronic copy. But, further down the page, the RFP requests an original and 4 hardcopies. Please clarify.**

Please submit one original, two hard copies and one electronic copy only.

- 24. See Part 1, Deliverables, bullet a: The degree of public involvement in this process can have a big impact on the project cost and ultimate success in gaining support for any regulatory changes. By the ordering of steps a-e, DEEP appears to ask for a public meeting before the draft document is produced, but not between a draft and final document. Moreover, bullet a indicates we are to “seek feedback on the process,” which indicates willingness to proactively engage stakeholders early in this project with the objective of providing stakeholders some say in the level of engagement they may have throughout the project. Bullet d indicates we are to “present the final report,” which does appear to indicate interest in gaining feedback or dialogue that might address, for example, how report recommendations might be interpreted and applied to specific statutory and regulatory text changes. Please expand on and clarify DEEP’s intent for public participation.**

Correct. The first meeting is to gather information from stakeholders and other interested persons, to ensure that concerns and ideas have been identified up front. The second meeting is simply to present the findings and research. The stakeholders will have plenty of time to be engaged during the legislative process.

- 25. See Part 1, Outline of Work, Part C. Tasks, Task 1: The RFP asks for an assessment of human health and ecological risk assessment “practices and procedures” used by DEEP and the Dept. of Public Health. We are not aware of any comprehensive risk-based regulation or guidance used by these departments; though there are many practices that might be construed as pseudo-risk assessments. Greater clarification on what is sought would help scope the work needed to map out existing processes. Are guidance documents available? Conversely, the second part of the statement referring to the Connecticut Remediation Standards Regulations is quite clear.**

We are asking that the decision-making process be mapped out. The primary documents that are used as the basis of decision making are the statutes and regulations relating to remediation. DEEP and DPH staff will make themselves available to the selected contractor for questions relating to current practices and will provide any available documents at that time. Interviews with staff from the two Departments will be necessary in order to do this if the answers to the questions in the Appendix are not found in statute or regulation.

#### **Technical Questions:**

- 1. What percentage of the characterizations should be based on policy and procedure versus on case studies?**  
Case studies could be useful for illustrative purposes, but because they are site specific they should not be relied upon for standard policy and procedures.
- 2. For the evaluation, what environmental media are to be considered? Soils, surface water/ground water, vapor intrusion, sediment and sediment exposure?**

The evaluation should focus on the environmental media subject to cleanup under the Connecticut Remediation Standard Regulations (RSRs) (which covers groundwater, surface water, soil, and soil vapor), and the Connecticut Water Quality Standards (which covers sediment and surface water).

- 3. Is DEEP open to a probabilistic human health risk assessment methodology that determines the need for remediation based on a comparison of the potential risks of certain percentiles of the distribution of risk for the whole population to more than a single allowable risk benchmark? For example, risks would be judged acceptable if the 50th percentile (or arithmetic average risk) of the population had a cancer risk of less than  $1 \times 10^{-6}$  (one in one million) and the 95th percentile of the population had a cancer risk of less than  $1 \times 10^{-5}$  (one in one hundred thousand) and the Hazard index for the 95th percentile was less than or equal to 1.0?**

Yes. This will need to be fleshed out during the conduct of this study.

- 4. For ecological risk assessment, is DEEP open to basing remedial criteria/remedial action decisions on risks to the local population of a species, not individual animals (unless the species is listed as threatened or endangered)?**

Yes. In accordance with Task 1. of the RFP, bidder's are to evaluate and map out the existing risk-based decision making processes for addressing ecological risk posed by contaminated sites. The evaluation should include an assessment of the practices and procedures used by CT DEEP in developing ecological risk criteria.

- 5. Please clarify what is meant by “adaptive management” (item H. on page 5 of the RFP) in the following task:**

For the purpose of the RFP, the preferred definition of “adaptive management” is as follows: "A framework and flexible decision-making process for ongoing knowledge acquisition, monitoring, and evaluation leading to continuous improvements in management planning and implementation of a project to achieve specified objectives."

- 6. The RFP focuses on risk assessment methodology of the RSRs; however, the RSRs include Pollutant Mobility Criteria and Surface Water Protection Criteria, which include fate and transport components. Please clarify if these are also the focus of the assessment.**

Yes.

### **Sample Certifications from Question #18:**

Sample 1:

“XXX certifies that it is not currently, nor has been in the last three years, in any business relationship that may pose a conflict of interest, as defined by CGS 1-85.”

Sample 2:

“This proposal has been made without connection with any other person, company, or parties making a similar proposal. XXX attests that it is in all respects fair, in good faith, and without collusion or fraud. Furthermore, we certify that to the best of our knowledge no relationship

exist between the State of Connecticut employees having official responsibility for this procurement transaction and members of the XXX Team which would result in those officials, employees, or their immediate family members receiving any financial benefit relating to the award of this contract.”