

**WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID & HAZARDOUS WASTE DIVISION (WDEQ/SHWD)
STORAGE TANK PROGRAM (STP)**

**REQUIREMENTS FOR STATEMENT OF QUALIFICATIONS
PROFESSIONAL SERVICES (UPDATED AUGUST 2013)**

INTRODUCTION:

The Wyoming Department of Environmental Quality, Solid & Hazardous Waste Division, Storage Tank Program (STP) is accepting Statements of Qualifications (SOQ) from engineering/ environmental firms interested in providing professional services to the STP. Professional services are required for remediation of sites contaminated by releases from leaking aboveground and underground storage tanks. Professional services to be performed include additional site assessment (i.e, design and implementation of a drilling and sampling program to define extent of contamination), selection and design of remedial alternatives, construction management during installation of remedial alternatives, operation and maintenance (O&M) of remedial alternatives, and closeout/decommissioning of systems after state cleanup levels have been achieved.

Four copies of the SOQ shall be submitted for review and evaluation by the STP. The SOQ must provide the information requested in Section B of this document. Include sufficient information to demonstrate the experience of the firm and the education/experience of key personnel that will actually complete the work. Firms meeting the minimum program requirements stated herein will be added to the prequalified list of design firms. Firms not prequalified on the date a Statement of Interest (SOI) is advertised **will not** be eligible to submit an SOI.

Firms on the prequalified list will be solicited by the STP to provide an SOI for site-specific projects. The request for SOI will include a description of the project, the number of sites, location, known types of contamination, SOI scoring sheet, and any known unusual site circumstances. The SOI will be limited to fifteen (15) pages that contain the firm's interest in the specific project and important qualities the firm can provide on the project. *See Section N for limitations on concurrent projects.*

Up to three prequalified firms that submit an acceptable SOI will be selected to submit technical and cost proposals. Selection will be made using a project-specific scoring sheet. The selected firms will be provided a Request for Proposals (RFP) for the project and allowed a minimum of three weeks to submit technical and cost proposals. The STP will not conduct a formal site visit; however, firms are encouraged to make a site visit prior to submitting a proposal. Upon receipt of the proposals, the STP committee will evaluate the technical proposals, interview the firms, and enter into contract negotiations with the highest ranking firm. If a contract cannot be negotiated with the highest ranked firm, the firm that ranked second will be given the opportunity to negotiate a contract for the project.

Because federal funding is used by the STP for remedial actions, all procurement procedures shall meet applicable state and federal regulations. The issuance of these requirements for submittal of an SOQ in no way constitutes a commitment by the STP to award any contract.

A. CONSULTANT QUALIFICATIONS REQUIRED:

Consultants must exhibit experience, expertise, knowledge, and ability to complete the following tasks:

1. Design and implement additional site assessment to determine extent of contamination (i.e., drilling, soil and groundwater sampling).
2. Design hydrocarbon remediation systems for both soil and groundwater.
3. Assist the STP with bidding and contractor selection for system construction and equipment supply.
4. Perform construction administration and oversight during installation of remediation systems.
5. Operate and maintain installed remediation systems.
6. Administer system removal when state soil and/or groundwater standards have been achieved.

Consultants must document experience and qualifications in the fields of hydrocarbon and hazardous substance fate and transport analyses; design and preparation of engineering plans and specifications for groundwater, vadose zone and soil remediation systems; structural engineering; surface restoration; remote measurement and control systems; electrical systems unique to remediation system design; wastewater treatment related to permit discharge requirements from remediation systems; permitting requirements for remediation systems; and knowledge of applicable fire protection and electrical codes. System design experience is necessary for typical remediation technologies, including soil vapor extraction, air sparging, chemical oxidation, bioremediation, groundwater pump and treat, air stripping, air emissions remediation, and other current state-of-the-art contaminated soil and groundwater remedial systems.

Additionally, consultants must have experience and expertise in management methodologies during remedial system installation, including bid assistance to the STP. Consultants must be familiar with O&M activities associated with the designed remediation systems. Consultants must demonstrate professional qualifications and technical expertise in the following areas:

1. Mitigate immediate health and safety hazards, such as hazardous substance vapor exposures in enclosed spaces where people work and/or live, contaminated drinking water supplies, imminent hazardous substance release to surface water, etc.
2. Design and implement drilling and sampling programs to delineate the limits and types of contaminants at a site.
3. Select and design systems that limit the migration of petroleum hydrocarbons on the water table.
4. Select and design systems that remove petroleum hydrocarbons and/or hazardous substances from unsaturated and/or saturated soils.
5. Select and design systems that remove petroleum hydrocarbons and/or hazardous substances dissolved in groundwater.
6. Prepare detailed reports, geologic cross sections, and maps.
7. Prepare detailed plans and specifications for installation, construction, and implementation of selected remediation/recovery systems. Assist the STP during bidding and contractor selection.

8. Function as on-site engineering manager during remedial system construction.
9. Prepare operation and maintenance manuals.
10. Perform operation and maintenance of remedial systems.
11. Perform closeout when state remediation standards are met, including preparation of decommissioning bid documents.
12. Provide equipment and monitor the work place to protect workers from safety and health hazards in compliance with all Wyoming Occupation Health and Safety Division (WOHS) regulations. On-site workers (consultants, sub-consultants, and sub-contractors) must submit copies of certifications demonstrating compliance with 29 CFR 1910.120 (e), including 40-hour occupational health and safety training, 8-hour supervisory course for supervisors/managers, and current 8-hour annual refresher training for all on-site workers.

B. STATEMENT OF QUALIFICATIONS CONTENT:

The SOQ shall be presented in the same format or sequence as presented on the attached Scoring Sheet, and it must contain, at a minimum, a description of the following:

1. Familiarity and experience of firm and personnel likely to be assigned to perform tasks as they relate to the above Section A, Consultant Qualifications Required. Include a discussion of the firm's specific experience with current state-of-the-art and innovative remediation technologies. Specific project experience and years of experience performing similar work must be provided.
2. Education and specialized training (including health and safety) of personnel likely to be assigned to work on storage tank remediation projects (for both on-site and project management personnel); copies of each employee's initial 40-hour OSHA training certificate; copy of supervisor's 8-hour OSHA training certificate(s); and a copy of each employee's current 8-hour annual refresher OSHA training certificate, as appropriate. Resumes of key personnel that will likely be performing the work and training certificates of personnel that will be on site should be included as an attachment to the SOQ. **NOTE:** Copies of OSHA training certificates **MUST BE** submitted for a contractor to be considered responsive. No contractor will be listed on the pre-qualified list prior to submittal of required training certificates.
3. Familiarity of the firm with applicable federal and state laws, regulations, and procedures as they relate to the work (do not address State procurement or contract issues).
4. Include a copy of the firm's Quality Assurance/Quality Control (QA/QC) Plan relating to groundwater and soil sampling, analyses, and chain of custody procedures. The QA/QC Plan should be provided as an attachment to the SOQ.
5. Include a copy of the consultant's general Occupational Health and Safety Plan, which could be modified to meet storage tank remediation project-specific needs. The Plan should be provided as an attachment to the SOQ.

6. Include references (contact names, telephone numbers, e-mail addresses, etc.) and descriptions of similar projects to establish the firm's professional reputation and character and to demonstrate performance and professionalism with similar or like activities.
7. Include documentation verifying the firm's compliance with applicable Wyoming Secretary of State business registration. Include documentation verifying that the firm is registered with the Wyoming State Board of Registration for Professional Engineers and Professional Land Surveyors. Include documentation (copies of certificates) verifying employees registered in the State of Wyoming as Professional Engineers, Professional Land Surveyors, and Professional Geologists. Copies of certificates must be submitted. **Design firms must have both a Registered Professional Engineer in the State of Wyoming and a Registered Professional Geologist in the State of Wyoming to be considered qualified.** These individuals must seal reports and plans and specifications and shall be responsible for the report content and plans and specifications, certifying that the work was done under his/her supervision. Work requiring geological insight, interpretation, and application of knowledge of geologic principles that would be expected of a geologist but not readily known to the general public constitutes the practice of geology and must be sealed by a Wyoming Registered Professional Geologist. **NOTE:** Copies of certificates **MUST BE** submitted in order for a contractor to be considered responsive. No contractor will be listed on the prequalified list prior to submittal of required certificates. If a firm does not have Wyoming registered professionals on staff, identify the professionals that will be contracted to oversee the work performed.
8. The Wyoming Preference Act (W.S. § 16-6-201 through W.S. § 16-6-206) applies to drilling and construction-related work completed by the STP. The firm will be required to sign an affidavit indicating that the firm is aware of the Act.

C. EVALUATION CRITERIA AND PROCESS:

The following general evaluation process will be used by the STP for consultant prequalification:

1. The merits of each SOQ will be evaluated in accordance with the general and specific criteria described herein. **All** items requested in Section B must be provided. Additional information must be provided, upon request, for evaluating the firm's ability to provide the services required in Section A.
2. Failure of the firm to provide any information or documents requested in these sections will result in the firm not becoming prequalified.
3. The objective, when evaluating the SOQ, is to prequalify firms that submit SOQs responsive to the STP needs and requirements. The requirements presented herein represent the minimum performance necessary for a complete SOQ.
4. Each of the six sections on the attached scoring sheet will be evaluated separately. A firm must receive a minimum of 75% (average score of three committee members) of the total possible points on **EACH** section in order to be prequalified as a design firm. The numerical values shown below will be assigned to each respective section listed in

Section B and will be used to evaluate the SOQ. The points listed are the maximum allowed for that section, with lesser amounts given depending upon qualifications.

5. An STP committee of three people will review all SOQs. An average total score for each section will be used to determine acceptance of the firm's qualifications.

SECTION	MAXIMUM POINTS AVAILABLE	MIN. AVG. POINTS REQUIRED
1. Firm and personnel experience	240	180
2. Personnel education and training	100	75
3. Familiarity with federal/state laws/regulations	50	37.5
4. QA/QC for sampling/analysis	50	37.5
5. Occupational Health & Safety Plan	50	37.5
6. References and additional information	100	75

In order for a firm to be listed on the STP prequalified engineering design list for storage tank remediation projects, a firm must receive the minimum points (average of points given by three committee members) indicated above in **EACH** section.

D. INQUIRIES:

Firms may make written inquiries to obtain clarification of requirements. Inquiries about these requirements should be directed in writing, facsimile, or E-mail (no phone calls) to the address given below. Responses to inquiries will be provided within five working days.

Wyoming Department of Environmental Quality,
 Solid & Hazardous Waste Division
 122 West 25th Street, Herschler Building - 4W
 Cheyenne, WY 82002
 ATTN: Ms. Karen L. Halvorsen, P.E.
 Storage Tank Program Manager
 Fax: 307-777-7244
 E-mail: karen.halvorsen@wyo.gov

E. SUBCONTRACTORS AND/OR JOINT VENTURES:

Planned use of consultant/subconsultant/subcontractor joint ventures shall be clearly explained in the SOQ. The use of subcontractors not listed in the SOQ may be allowed subject to STP approval prior to award of a specific contract. The firm selected for a project shall be responsible for contract performance whether or not subcontractors are used.

F. STP RIGHT TO WAIVE INFORMALITIES:

The STP reserves the right to waive informalities and minor irregularities when reviewing SOQs.

G. CLARIFICATION OF SOQs:

A Firm submitting an SOQ may be required, at the request of the STP, to provide oral or written clarification of particular information within its SOQ. Such clarification shall be at the discretion of the STP.

H. PROPRIETARY INFORMATION:

Any restrictions on the use of data contained within an SOQ must be clearly stated in the SOQ. Proprietary information should be segregated from the remainder of the SOQ to insure proper handling, since SOQs will be available for public review after STP review. Proprietary information submitted will be handled in accordance with Wyoming statutes and applicable WDEQ policies and/or procedures.

I. MATERIAL OWNERSHIP:

All materials submitted regarding the SOQ become the property of the STP. The SOQ may be reviewed by any person after final evaluation has been made. The STP has the right to use any or all environmental remediation system ideas presented in reply to this request, subject to limitations outlined in WDEQ proprietary policies and regulations. Disqualification of a firm does not eliminate this right.

J. INCURRED COSTS:

The STP is not liable for any costs incurred by prospective firms prior to the signing of a contract.

K. ACCEPTANCE OF SOQ CONTENT:

The SOQ contents of a successful firm may become contractual obligations if future purchasing action(s) follow. Failure of the successful firm to accept these obligations in a contractual agreement, purchase order, delivery order, or similar purchasing instrument may result in cancellation of the award, and such firm may be removed from future contract solicitations.

Future changes of personnel not included in the SOQ for prequalification may be allowed with prior approval by the STP. A formal request and justification must be made to the STP when personnel changes are required.

L. EQUAL EMPLOYMENT OPPORTUNITY:

Upon signing a contract, the firm will be required to comply with all applicable local, state, and federal laws, rules, and regulations involving nondiscrimination on the basis of race, color, religion, national origin, age, or sex.

M. PROCUREMENT REQUIREMENTS:

Firms that accomplish work for the STP will be required to comply with the following federal rules, laws, or requirements:

1. Copeland "Anti-Kickback" Act (18 USC 874).
2. Small Business in Rural Areas Program (P.L. 100-590).
3. Non-use of Suspended and/or Debarred Firms (Executive Order 12549).
4. Disclosure of Lobbying Activities (31 USC 1352).

5. Americans with Disabilities Act.
6. Wyoming Fair Employment Act (27-9-105a (1987)).

N. LIMITATIONS ON CONCURRENT PROJECTS:

Prequalified firms may submit an SOI for *any* Request for Statements of Interest issued by the STP. However, a firm's SOI will not be considered if the firm has **two** storage tank program remediation projects under design that have not received final STP approval of plans and specifications on the date SOIs are due. The STP Program Manager may waive this requirement if very few interested firms have the necessary experience, qualifications, and available personnel required for the specific project, or one or both of the existing design contracts are considered substantially complete by the STP even though plans and specifications have not received final approval. Firms in doubt as to whether or not this clause applies to them may request clarification before the SOI due date.

This limitation is necessary to adhere to State procurement statutes that require equitable distribution of contracts among qualified firms.

O. SOVEREIGN IMMUNITY:

By soliciting firms, the State of Wyoming does not waive its sovereign immunity and fully retains all immunities and defenses pursuant to W.S. 1-39-104(a) and all other state law.

P. CONTRACT CONDITIONS:

The generic Request for Proposal (RFP) document for storage tank remediation projects is available upon request, and it will be provided to prequalified firms. The RFP outlines requirements for proposals and includes required contract elements. Prospective providers should be aware of these conditions and be advised that these terms are **not** negotiable. A selected provider may be bypassed in favor of the second highest ranked firm if the selected provider fails to accept or meet the standard/generic contract conditions, as outlined in the generic RFP document. Providers that are unable or unwilling to meet these stated conditions should not submit an SOQ for review. Providers that are qualified for the STP prequalified list and unable or unwilling to accept the standard contract conditions will be removed from the prequalified list. The STP reserves the right to modify these conditions during the procurement process, as necessary, to meet State procurement requirements.

Q. INSURANCE REQUIREMENTS:

If awarded a contract, the firm shall file a Certificate of Insurance with WDEQ and A&I Procurement verifying each type of coverage required below.

(i) Worker's Compensation and Employers' Liability Insurance. The firm shall provide proof of workers' compensation coverage for all its employees who are to work on the project described in this Contract. Firm's insurance shall include Employer's Liability "Stop Gap" coverage in an amount not less than Five Hundred Thousand Dollars (\$500,000.00) per employee for each accident and disease. The firm shall also supply to A&I Procurement proof of worker's compensation and employer's liability insurance on each and every subcontractor before allowing that subcontractor on the job site. Proof of Worker's Compensation insurance may be in the form of a "Letter of Good Standing" from the Wyoming Workers' Compensation Division (307-777-6763). If the firm is not a Wyoming firm, firm shall provide proof of good standing from the Worker's Compensation Division in the state where the firm resides.

(ii) Commercial General Liability Insurance. The firm shall provide coverage, during the entire term of the Contract, against claims arising out of bodily injury, death, damage to or destruction of the property of others, including loss of use thereof, and including underground, collapse and explosion (XCU) and products and completed operations, in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) general aggregate

(iii) Business Automobile Liability. The firm shall maintain, during the entire term of the Contract, automobile liability insurance in an amount not less than Five Hundred Thousand Dollars (\$500,000.00) per occurrence.

(iv) Professional Liability or Errors and Omissions Liability Insurance. The firm shall provide proof of professional liability insurance or errors and omissions liability insurance to protect the State and the WDEQ from any and all claims arising from the firm's alleged or real professional errors, omissions, or mistakes in the performance of professional duties in an amount not less than Five Hundred Thousand Dollars (\$500,000.00).

(v) Unemployment Insurance. The firm shall be duly registered with the Employment Security Commission, Unemployment Compensation Division. The firm shall provide a "Letter of Good Standing" from the Department of Employment (307-235-3200) indicating that the firm is in compliance with the Wyoming Employment Security Law. Firm shall provide a similar "Letter of Good Standing" on each and every subcontractor before beginning work under this Contract. If the firm is not a Wyoming firm, firm shall provide similar proof of good standing from the state in which the firm resides.

(vi) WDEQ as Additional Insured. All insurance policies, except worker's compensation, unemployment compensation, and Professional Liability shall name WDEQ as an additional insured, and shall contain a waiver of subrogation against WDEQ, its agents and employees. Firm shall provide, upon request, a copy of an endorsement providing this coverage.

(vii) WDEQ's Right to Reject. The State reserves the right to reject a certificate of insurance, if the firm's insurance company is widely regarded in the insurance industry as financially unstable. This includes, but is not limited to, insurance companies with an "Omit" rating in the A.M. Best insurance rating guide.

(viii) WDEQ's Right to Contact Insurer. WDEQ shall have the right to consult with the firm's insurance agent for disclosure of relevant policy information. Relevant information includes, but is not limited to:

- (a) Exclusions endorsed, and
- (b) Claims in progress that could significantly reduce the annual aggregate limit.

(ix) With the exception of Professional Liability, "Claims made" policies will not be accepted by WDEQ.

R. REMOVAL OF FIRMS FROM THE PREQUALIFIED LISTING:

Firms that do not submit SOIs when announced by the STP, should indicate, in writing, their continued interest in remaining on the prequalified list. A written statement is not required for every SOI request, but one should be submitted at least annually. Submittal of an SOI shall constitute written notice of continued interest by the firm.

Firms performing work for the STP are evaluated by the STP Project Manager at project milestones. An unsatisfactory performance evaluation will be discussed with the firm's Project Manager. The reason for an unsatisfactory evaluation and a list of steps that should be taken by the firm to obtain a satisfactory evaluation will be discussed. If the firm does not take the necessary action(s) to resolve the problems, the firm will be removed from the prequalified list. If such action is necessary, the contract may be terminated.

Firms that are in dispute with any subcontractor on any STP project will be removed from the prequalified list until the dispute is resolved.

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**STORAGE TANK PROGRAM
PROFESSIONAL SERVICES
STATEMENT OF QUALIFICATIONS
SCORING SHEET**

Firm Name: _____

Committee Member: _____

1. EXPERIENCE OF THE FIRM AND PERSONNEL THAT WILL LIKELY BE ASSIGNED TO THE PROJECT IN THE FOLLOWING CATEGORIES (240 points possible; 180 average minimum points required)

Specific project experience and years of experience performing similar work.

- (20) A. _____ Mitigation of immediate health and safety hazards, such as hazardous substance vapor exposures in enclosed spaces where people work and/or live, contaminated drinking water supplies, imminent hazardous substance release to surface water, etc.
- (20) B. _____ Design and implementation of drilling and sampling programs to delineate the limits and types of contamination at a site.
- (20) C. _____ Selection and design systems that limit the migration of petroleum hydrocarbons on the water table.
- (20) D. _____ Selection and design systems that remove petroleum hydrocarbons and/or hazardous substances from unsaturated and/or saturated soils.
- (20) E. _____ Selection and design systems that remove petroleum hydrocarbons and/or hazardous substances dissolved in groundwater.
- (20) F. _____ Preparation of detailed reports, geologic cross sections and maps.
- (20) G. _____ Preparation of detailed engineering plans and specifications for installation, construction, and implementation of selected remediation/recovery systems. Assist during bidding and contractor selection.
- (20) H. _____ On-site engineering management during construction of remediation/recovery systems.
- (20) I. _____ Preparation of detailed operation and maintenance manuals.
- (20) J. _____ Operation, maintenance, and repair of remediation systems.
- (20) K. _____ Decommissioning and closeout.

- (20) L. _____ Provide equipment and monitor work place to protect workers from occupational health and/or safety hazards in compliance with all Wyoming Occupational Health and Safety Division (WOHS) regulations.

2. EDUCATION AND TRAINING OF PERSONNEL THAT WILL LIKELY BE ASSIGNED TO THE WORK (100 points possible; 75 average minimum points required)

- (100) A. _____ Education and training of project management personnel and personnel likely to be assigned to perform actual project tasks, including site assessment, remediation system selection and design, construction management, O&M of remediation systems, decommissioning/closeout.

3. FIRM FAMILIARITY WITH FEDERAL/STATE LAWS, REGULATIONS, & PROCEDURES (50 points possible; 37.5 average minimum points required)

- (25) A. _____ Familiarity of the firm with applicable State laws, regulations, and procedures.

- (25) B. _____ Familiarity of the firm with applicable Federal laws, regulations, and procedures.

4. QA/QC FOR SAMPLING ANALYSIS (50 points possible; 37.5 average minimum points required)

- (25) A. _____ Copy of QA/QC Plan relating to groundwater and soil sampling, analyses, and chain of custody procedures.

- (25) B. _____ Discussion of coordination needed between firm and laboratory to insure QA/QC Plan is followed.

5. OCCUPATIONAL HEALTH AND SAFETY PLAN (50 points possible; 37.5 average minimum points required)

- (50) A. _____ Copy of Occupational Health and Safety Plan and a statement from firm that it is aware of Wyoming Occupational Health and Safety Division Rules and Regulations and 29 CFR 1910.120 requirements and will comply with them.

6. REFERENCES ON SIMILAR PROJECTS (100 points possible; 75 average minimum points required)

- (100) A. _____ List of client references for **SIMILAR** projects, including contact name and telephone number, to verify firm's professional reputation, character, and ability to provide services requested.

7. REQUIRED DOCUMENTATION (Points are not given for this Section. Copies of certificates must be included with the SOQ for a firm to be considered responsive and added to the pre-qualified list.)

Documentation Included - Circle One

Yes No The firm’s current compliance with all applicable Wyoming Secretary of State business registration requirements. Submit copies of certificate of registration, or pending application, with the Secretary of State. A firm not required to register with the Secretary of State (non-corporations) should include this information in its SOQ.

Yes No The firm’s current compliance with the State Board of Registration for Professional Engineers and Professional Land Surveyors. Submit copies of certificate of registration for both the firm and employees registered as Professional Engineers in the State of Wyoming. Submit copies of certificate of registration for employees registered as Professional Geologists in the State of Wyoming. Submit only those registrations for employees that will be working on STP projects. Indicate if professionals are employees of the firm or will be contracted to complete the work.

Yes No Copies of 40-hour and current 8-hour annual refresher OSHA training certificates for each employee likely to be assigned to work on STP projects and copies of 8-hour supervisor’s training certificates for key personnel who supervise work activities.

SCORING SUMMARY

Section	Total Score	Minimum Score Required (75% of possible)
1	_____	<u>180</u>
2	_____	<u>75</u>
3	_____	<u>37.5</u>
4	_____	<u>37.5</u>
5	_____	<u>37.5</u>
6	_____	<u>75</u>