

**SOLID & HAZARDOUS WASTE DIVISION
STORAGE TANK PROGRAM
GUIDANCE DOCUMENT #2**

SUBJECT: **PROFESSIONAL SERVICES PROCUREMENT PROCESS**

SCOPE: This document provides guidance for selection of and procuring services from consulting firms for Storage Tank Program (STP) remediation projects.

INTRODUCTION: The goal of the STP is to select consulting firms qualified in the design and operation of remediation systems to mitigate impacts to soil and groundwater from leaking aboveground and underground storage tank systems. The STP selects consulting firms to complete site assessment, identify remedial alternatives, design remedial actions, perform construction management during system installation, perform operation and maintenance (O&M), and complete decommissioning and closeout when goals have been achieved.

GUIDELINES:

1. Prequalification Process

The STP maintains a list of prequalified firms eligible to provide consulting services for the program. The list is continuously open for a firms to submit a Statement of Qualifications (SOQ). The SOQs are reviewed by the three district supervisors or their designee. Firms are scored based on the minimum criteria set forth in the SOQ requirements document (located on the STP website). Annually, the STP sends an SOQ update request to all firms on the prequalified list. Firms are required to submit updates, as requested, to remain on the prequalified list. Firms that are not on the prequalified list at the time a project is advertised are not eligible to submit a Statement of Interest (SOI) for the project.

2. Selection Committee

The STP Project Manager serves as the selection committee chairperson. He/she selects two committee members. The selection committee shall consist of three STP personnel. If resources are available, one person from each of the three program districts will serve on the committee. Up to two committee members from the same district may be allowed with prior approval from the STP Manager. At least one selection committee member must be a Professional Engineer licensed in Wyoming or a Professional Geologist licensed in Wyoming.

The STP Manager and the selection committee may meet, as necessary, to review selection procedures. The STP Manager and committee members shall reach an understanding of the qualifications sought for the project. The purpose of the meeting is to discuss the project, arrive at a common understanding of scoring criteria, and disclose any conflicts of interest (see Section 9). A review of the weights assigned to the scoring items in the scoring sheets may be conducted and revisions made, if necessary, for the specific project. If appropriate, committee members may conduct a field review of the project.

3. Notice for Services

The STP Manager sends a Request for SOI notice to firms on the STP Prequalified Remediation Design Consultants list (located on the STP website). The Request for SOI is put into pdf format and emailed to the prequalified firms. Receipt of

the Request is returned via email from the firms. The notice includes the SOI scoring sheet, SOI required content, and SOI due date. The SOI notice contains a brief description of the project, and it describes any unusual site conditions or any other special circumstances. Site descriptions prepared by the Project Manager are emailed with the SOI request.

Firms are given the opportunity to review site files and related reports by appointment with the designated Project Manager prior to submitting an SOI. The STP Manager receives and forwards the submitted SOIs to the selection committee.

4. Short Listing

Prequalified firms may submit an SOI for any requested SOI. However, a firm will not be considered in the SOI evaluation process if it has two or more STP remediation projects under design. Under design means that a firm has not provided the STP with final plans and specifications for existing project(s) by the date on the new SOI request. In cases where a firm has been awarded a project but a contract has not been signed, that project will be considered as a project under design. The WDEQ/SHWD Administrator may waive this requirement for the following reasons:

A. The STP determines very few interested firms have the necessary experience, qualifications, or available personnel required for the specific project.

B. One or both of the existing contracts is/are considered substantially complete by the STP even though plans and specifications have not received final approval.

Upon review of the firms being considered, committee members shall disclose to the STP Manager and other committee members any potential conflicts of interest in accordance with Section 9.

Each member of the selection committee will receive one copy of each SOI submitted for a specific project and the rating sheet. The STP Manager will provide scores to the committee for "location" and "work previously awarded." These two items are required by Purchasing to provide extra points for Wyoming firms and equitable distribution of work amount all firms. Two extra points will be awarded to Wyoming firms, which may result in a total score of 12 for the "location" element on the rating form. The points will be determined by the STP Manager based on comparison of the SOIs received.

The committee members will independently review and score each firm based on evidence of applicable qualifications presented in the SOI. In case of any ties, the ties must be broken by the committee member. Each committee member may use the firm's SOQ to determine the firm's qualifications for the project. Committee members may interview other committee members or other STP personnel regarding past performance of any firms submitting an SOI.

Upon completion of independent review and scoring by each committee member, each member will submit his/her original rating sheets to the STP Manager. Each committee member may retain a copy of their rating sheet for future reference.

The STP Manager shall record the individual scores from each committee member. The scores given by each committee member will be normalized by assigning a

ranking number based on the points each firm was given by the committee member. For each committee member, the firm receiving the most points will receive a ranking of one; the firm receiving the second most points will receive a ranking of two; and so forth. The rankings from all three committee members for each firm will be totaled to determine the firms that will be invited to submit proposals. Ties shall be broken by using the sum of the total scores.

The STP Manager will provide each member a copy of the totaled scores and ranking. Committee members shall not receive a copy of other member's rating sheets. A minimum of three (if three SOIs were received) and up to five firms with the lowest cumulative ranking score may be short listed for further consideration (see Section 5). If there are significant abnormalities or inconsistencies between individual committee member's scores, the STP Manager may seek clarification from the committee members.

The STP Program Manager will email the final shortlist to all firms submitting an SOI and to the committee. The email will include a summary of the scores received, comments, and rankings for all firms. Committee member names shall not be revealed. SOI results are made available so firms can use the information to increase their chances of being short listed on future projects.

5. Request for Proposal (RFP)

A project-specific Request for Proposal (RFP) will be sent to the short-listed firms (Section 4 above). The invitation shall include a complete copy of the RFP document including a description of minimum proposal content, contract language, RFP selection committee scoring sheet, and a list of project-specific technical information available (i.e., SSI reports, third party investigations, prior WDEQ actions, etc.). The RFP shall request an original and three copies each of a technical proposal and a cost proposal. The technical and cost proposals must be submitted separately.

Firms shall be given a minimum of three weeks after notification in writing that they are one of the short-listed firms to prepare a proposal. The cost proposal shall be prepared following a standard format specified in the RFP document. The submittals shall not be available for public review until a contract has been signed with the successful firm.

An STP site visit will not be conducted. Firms are encouraged to visit project sites before submitting a proposal. Sampling of existing wells by firms preparing a proposal is not allowed due to potential liability issues.

6. Proposal Review and Interviews

Copies of the technical and cost proposals will be distributed by the STP Manager for review by the committee members. The technical and cost proposals are independently scored by the committee members using the project-specific Proposal Review Scoring Form. Firm interviews are scheduled by the Project Manager. The interview will be attended by the selection committee, the firm's project manager, project engineer, project geologist, and other key firm personnel who will work on the project.

The interview process will be limited to 2 hours, allowing the first 90 minutes for a presentation from the firm and 30 minutes for questions from the committee. The interview shall address (at a minimum) project-specific qualifications, ability to furnish required professional services, use of alternative methods for furnishing required

professional services, approach, and costs. During each interview, each committee member shall be given an equal period of time to ask questions.

7. Selection of Firm by Committee

Following the last interview, the selection committee members may meet to discuss the interviewed firms. The purpose of the meeting is to share individual knowledge and perspectives on the technical aspects of the proposals and interview. Committee members shall avoid discussion that might begin to rank the firms or unduly influence other members' perspectives.

After the meeting, if held, the selection committee members shall independently score each firm using the project-specific Proposal Review Scoring Form and shall rank each firm based upon the total score. A ranking of 1 shall be assigned to the highest score, 2 to the next highest score, and so forth. In cases of ties in total score, the individual committee member must break his/her tie and re-rank the firms. The completed form shall be submitted to the STP Manager.

The STP Manager shall sum the rankings. The firm with the lowest cumulative ranking score shall be considered to be the firm most qualified for contract negotiations. The firm receiving the second lowest score shall be the alternate. Ties shall be broken by using the sum of the total scores. In accordance with direction from the Attorney General's Office, after final scores are submitted to the STP Manager, committee members shall destroy their copies of the rating sheets for both the SOI and the proposal. After the final scores are summarized, the STP Manager shall destroy the rating sheets for both the SOI and the proposal.

8. Contract Negotiations and Consultant Approval

The STP Project Manager will begin contract negotiations with the selected firm. The cost proposal from the firm recommended by the committee will be compared with the cost proposals from the remaining firms. If additional expertise and/or experience are needed for a particular project, additional program personnel may be utilized in the negotiation process.

After review of the cost proposals, the STP Project Manager may request a meeting with the committee-recommended firm to discuss the cost proposal. If a justified cost cannot be obtained from the committee-recommended firm, contract negotiations will be terminated. If this occurs, the Project Manager, after consultation with the STP Manager, will begin negotiations with the alternate firms in order of finish until a satisfactory contract is negotiated. The STP shall then move forward with the selected firm.

The STP Manager shall obtain approval from the WDEQ/SHWD Administrator and WDEQ Director before an announcement of the committee's recommendation is made. The WDEQ Director has final approval of professional services contracts.

Division of Administration and Information (DA&I)/Purchasing shall receive a notice of the final selection decision from the STP Manager. All contracts are subject to final award by DA&I/Purchasing.

All short-listed firms shall be notified by the Project Manager of the selection process results. Firms wishing to understand the selection decision may review the technical and cost proposals after a contract has been signed with the selected firm.

At the conclusion of the negotiations process, the STP Manager will prepare a contract and obtain the required contract execution from the WDEQ/SHWD Administrator, WDEQ Director, and Attorney General's Office.

9. Conflicts of Interest

Individuals serving on the selection committee must disclose, at the beginning of the process, any potential conflicts of interest. An individual may be excluded from participation on the committee if a conflict of interest, real or apparent, would be involved. A conflict of interest exists if an individual has a financial or some other interest in any firm being considered for contract service, where this interest could influence or bias the individual's performance on the committee. A potential conflict of interest may include past employment, a family member or relative being employed by the firm, a past or current business or financial arrangement with a firm, or assisting a firm to market and compete for consulting services. It is the individual's determination as to whether or not a potential conflict may interfere with his/her ability to serve on the selection committee. Upon disclosure of real or apparent conflicts of interest, the STP Manager shall decide if an individual should continue to participate on a selection committee.

10. Attachments

An example SOI Rating Form and Proposal Rating Form are attached. The forms have been prepared to meet W.S. § 9-2-1031 Selection Procedures. W.S. § 9-2-1031 requires consideration of the following during each selection process:

- A. Ability of professional personnel
- B. Past performance
- C. Willingness to meet time requirements
- D. Location (2 extra points are awarded to Wyoming firms)
- E. Current and projected work loads
- F. Volume of work previously awarded to the firm by the STP
- G. Equitable distribution of contracts among qualified firms

Additionally, points will be given for project-specific criteria identified by the STP Project Manager and provided in the SOI and RFP. W.S. § 9-2-1031 allows consideration of costs during the final selection (RFP/interview stage).

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PROCUREMENT OF PROFESSIONAL SERVICES**

ATTACHMENTS

