

**REQUEST FOR QUALIFICATIONS**

**Federal Brownfield Assessment Grant – Vapor Intrusion (VI) Assessments  
Wisconsin DNR – Remediation and Redevelopment Program  
July 25, 2022**

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**Attachment 1: DNR General Terms and Conditions**

**Attachment 2: EPA Federal Terms and Conditions**

## **1. INTRODUCTION**

The Remediation and Redevelopment (RR) program at the Wisconsin Department of Natural Resources (DNR) has developed this Request for Qualifications (RFQ) to identify one consultant to provide the DNR with professional service for vapor intrusion (VI) assessment at brownfields properties identified by the DNR as VI priority sites. All services shall be conducted in accordance with U.S. Environmental Protection Agency (EPA) regulations in 40 CFR Part 312, applicable sections of the Wisconsin Administrative (Wis. Admin.) Code chs. NR 700 - 758, the DNR Professional Services Agreement (Attachment 1), EPA Terms and Conditions (Attachment 2) and the EPA's federal brownfields grants Administrative and Programmatic Conditions.

In May 2022, the EPA awarded a \$2 million federal brownfields assessment grant to the DNR's RR program. A portion of the grant, \$700,000, will be used to fund professional contractor services for VI assessments at brownfields properties in Wisconsin. The VI priority sites are anticipated to be properties, primarily in the Milwaukee area, where trichloroethylene (TCE) is a contaminant of concern and poses a VI risk to buildings in socially vulnerable areas. The federal brownfield assessment grant covers a 5-year period. All activities conducted under the terms of this initiative will be funded and managed by the RR program.

Interested consultants are required to submit a timely Statement of Qualifications (SOQ) to be eligible for consideration for this work. The consultant selected through this RFQ process will be requested to provide VI assessments on different projects during the federal grant period, with potential for extension if additional funds become available; however, it does not guarantee a minimum number of projects, scope or contract value.

Site-specific contracts will be established with the selected consulting firm on a per-project basis. Site-specific contracts for VI assessment are anticipated at three VI priority sites in northern Milwaukee and at additional sites as funds are available. The total contract value and duration for each project will vary based on specific-site conditions and scope of work.

## **2. SCOPE OF SERVICES**

Priority VI sites selected for VI assessment will be identified by the DNR and local partners. These are anticipated to be properties where TCE is a contaminant of concern and poses a VI risk to buildings in socially vulnerable areas. Sites are anticipated to be near Milwaukee, Waukesha, Oakfield and Madison, Wisconsin. At this time, three initial VI priority sites have been identified in northern Milwaukee.

The DNR will be responsible for getting EPA approval of properties selected for VI assessment. Once a property is approved and assessment funds are available, the DNR will establish separate site-specific contracts with the consultant selected through this RFQ process. For each project, the DNR will request the consultant prepare a scope, schedule and budget (i.e., the "Consultant's Proposal") to execute a site-specific contract (see Section 3.1 for more information). Consultant prepared scopes for VI investigation and mitigation planning will be approved by both the DNR Project Manager (PM) and EPA Project Officer prior to execution of the site-specific contract.

### **2.1. Quality Assurance Project Plan**

The selected consultant must submit a Quality Assurance Project Plan (QAPP) to the EPA within 60 days of selection by DNR, and the QAPP must be approved by the EPA before the consultant may commence the environmental sampling as required by 2 CFR § 1500.11. Consultants who have developed and received EPA approval for QAPPs for federal brownfields site investigation activities will receive preference in the selection process; however, the DNR may consider selecting a consultant that does not have an existing EPA-approved QAPP for federal brownfields assessment grant projects. The DNR will reimburse up to \$5,000 to a consultant to prepare an EPA-approved QAPP for VI assessments at brownfield and/or to address EPA-required revisions to a QAPP at the start of the contract. Incurred costs over \$5,000 will be the responsibility of the consultant. Consultants are required to provide annual QAPP updates for which the DNR will provide reasonable reimbursement.

## 2.2. Scopes of Work

The scope of work for VI assessment may include one or more of the following tasks:

### A. Health and Safety Plan

When field work is needed for a VI assessment, the selected consultant must provide a site-specific health and safety plan (HASP). The DNR is required to file the HASP with the EPA, but the HASP is not reviewed or approved by the DNR or EPA.

### B. Access Agreements

For individual properties where access is needed to complete a vapor investigation, the consultant may be requested to identify the property owners and communicate and obtain a signed access agreement with owners using DNR-provided template and factsheets. (Note, the DNR will work with the Department of Health Services [DHS], local health department and local redevelopment authorities to perform initial proactive outreach and education to the neighborhoods of interest.)

### C. Site-Specific Sampling Plan

Prior to initiating a vapor investigation at a property, a draft of the site-specific sampling plan must be approved by the EPA. The DNR may request the consultant develop a site-specific sampling plan that the DNR can submit to the EPA for approval. The consultant will review available site information and recommend the proposed sample media and locations in the site-specific sampling plan. In some situations, the DNR's request may include specific instructions to the consultant regarding sampling location, methodologies or other site-specific considerations. The site-specific sampling plan should also comply with applicable requirements of Wis. Admin. Code ch. NR 716 and applicable elements the DNR's guidance documents *Addressing Vapor Intrusion at Remediation and Redevelopment Sites in Wisconsin* ("RR-800") and *Guidance for Documenting the Investigation of Human-made Preferential Pathways Including Utility Corridors* ("RR-649").

### D. Field Investigation and Reporting

Once the sampling plan is approved by the EPA, the DNR will provide notice to the consultant that field investigation activities can proceed. The field investigation for VI assessment must comply with applicable requirements of Wis. Admin. Code ch. NR 716, the EPA-approved QAPP, the site-specific sampling plan (as approved), RR-800 and RR-649 and all other applicable regulatory guidelines.

The field investigation may include, but is not limited to the following:

- Install soil borings, monitoring wells, and/or vapor sampling probes and the appropriate protection of sampling locations.
- Survey utility locations and building entry points to identify potential vapor migration pathways and confirm/select sample locations.
- Collect soil, groundwater, soil vapor and/or air samples using procedures in the EPA-approved QAPP. For air/vapor samples, this will include, but is not limited to:
  - Collect air/vapor samples using passive sorbent samplers and/or evacuated Summa canisters, as appropriate for the sample type (e.g., indoor air, soil gas, sub-slab vapor or vapor within manholes or utility conduits).
  - Complete appropriate quality assurance and quality control procedures (QA/QC). For example, sub-slab vapor samples collected using evacuated canisters will require leak testing.
- Submit soil and groundwater samples to a Wis. Admin. Code ch. NR 149 certified laboratory for analysis, and submit soil gas and air samples to a laboratory accredited by The National Environmental Laboratory Accreditation Program (NELAC) Institute (TNI).
- Complete field sampling forms to be submitted to the DNR.
- Abandon borings, monitoring wells and/or vapor sampling probes.

After sampling is complete, the consultant will be required to complete evaluation and reporting of the results. This may include, but is not limited to:

- Evaluate the sampling results relative to applicable regulatory standards, guidelines or public health recommendations.
  - When an acute risk from exposure to vapors is detected, report the results to the DNR immediately upon receipt of the data and work with the DNR, the DHS and local health to communicate with owners/occupants of the building(s) where the acute risk was detected.
  - For all other situations, report the results to the DNR and property owners/tenants within 10-days after receipt of data using notification-templates provided by the DNR.
- Document results in a site investigation status report that complies with applicable requirements of Wis. Admin. Code § NR 716.15.
  - At a minimum, the report must include the sampling and leak-detection procedures, photo documentation of all vapor sampling probes (installed and abandoned), the field data sheets, scaled-figures of sample locations, laboratory data reports and data summary tables. (The DNR anticipates providing the consultant with the format to use for data summary tables.)
  - The report must include conclusions that state if additional assessment and/or mitigation are needed based on the sampling results.

#### **E. Vapor Mitigation (Interim Action) Planning**

When the VI assessment identifies a risk to an occupied building, the DNR may request that the consultant assist with planning for vapor mitigation on the property. (Note, it is anticipated that a radon-type sub-slab depressurization system [SSDS] will most frequently be selected as the mitigation approach at the VI priority sites). Planning and design of the appropriate mitigation measure may include, but is not limited to the following:

- Visually inspect building(s) to identify potential vapor entry points and photo document the condition of the building(s).
- Conduct communication testing to confirm sub-slab connectivity for design of an SSDS and/or to identify vapor entry points.
- Prepare a vapor mitigation (interim action) design report that complies with applicable requirements in Wis. Admin. Code §§ NR 724.11 and 724.13 and elements in RR-800 and RR-649 for DNR review and approval.
- Develop a vapor mitigation performance verification plan that can be used to demonstrate that the mitigation system (once installed) meets the design criteria per Wis. Admin. Code § NR 724.11(7). (Note, that a written plan for DNR review and approval is not typically required for a simple radon-type SSDS per Wis. Admin. Code § NR 708.11(4)(b).)

**Note:** Procurement and installation for vapor mitigation systems or other interim actions cannot be conducted using federal brownfields assessment monies. Interim actions may be possible using other funding sources.

### **2.3. Deliverables**

For all deliverables, the consultant should expect to submit one electronic working copy (e.g., Word, Excel) and one electronic PDF of the draft reports and one electronic PDF of the final reports to the DNR. The DNR will review and provide comments on the draft; the consultant will be expected to finalize all deliverables within 30 days of receiving the DNR's comments. The consultant should also be able to provide hard copies and other electronic data files comprising the reports upon DNR request.

### **3. CONTRACT REQUIREMENTS**

Once a property is approved for VI assessment by the EPA, the DNR will establish a site-specific contract with the consultant on a per-project basis. Each site-specific contract will include the DNR's requested scope of work, the Consultant's Proposal (see Section 3.1), the DNR's standard Professional Services Contract (Attachment 1), the EPA's general Terms and Conditions (Attachment 2) and the EPA's federal brownfields grants Administrative and Programmatic Conditions (available once the cooperative agreement with the DNR is finalized). If the firm cannot agree with DNR and EPA contract provisions, the DNR may choose to select another consultant. The DNR will not negotiate contract language.

#### **3.1. Consultant's Proposal**

Once a property is approved for VI assessment by the EPA, and as funds are available, the DNR will request the consultant to prepare a scope, schedule and budget for DNR review and approval. The scope, schedule and budget (as approved) will comprise the "Consultant's Proposal". In some situations, the DNR's requested scope of work may include specific instructions to the consultant regarding sampling location, methodologies or other site-specific considerations. The Consultant's Proposal must be provided within 15 business days of receiving a request from the DNR. The DNR may request an alternative delivery timeframe for a Consultant's Proposal based on site-specific conditions, and the DNR may approve additional time for a consultant to prepare a proposal, on a case-by-case basis, if more time is requested in writing by the consultant.

Cost-effective and efficient approaches are important to maximizing the amount of VI assessment work that can be completed using the federal brownfields grant monies. The DNR may request adjustments to the Consultant's Proposal prior to approval.

The DNR and the selected consultant may amend the Consultant's Proposal, upon mutual written consent, as needed. Any amendments to the Consultant's Proposal must be approved by the DNR PM.

#### **3.2. Eligible Program Costs**

The consultants that submit their qualifications to the DNR under this RFQ do so recognizing the eligible program costs, including those in EPA's Federal Terms and Conditions found in Attachment 2. The EPA's Fiscal Year 2022 Frequently Asked Questions for Brownfields Assessment, Revolving Loan Funds, and Cleanup Grants also provides information on eligible costs.

#### **3.3. Administrative Costs**

The EPA's Fiscal Year 2022 Frequently Asked Questions for Brownfields Assessment, Revolving Loan Funds, and Cleanup Grants states the following regarding administrative costs, "Section 104(k)(4)(B)(ii) of CERCLA provides that the administrative cost prohibition does not apply to costs for investigation and identification of the extent of contamination and the design and performance of a response action. The Information on Sites Eligible for Brownfields Funding Under CERCLA § 104(k) provides that eligible programmatic costs are expenditures for activities that are integral to achieving the purpose of the grant. It states that eligible programmatic costs include costs for ". . . contractual support if those costs are reasonable and allocable to tasks specified in a grant recipient approved scope of work for carrying out the activities" that are excluded by statute from the reach of the administrative costs. A contractor's indirect costs that are otherwise reasonable) and normally charged to cost reimbursement contracts are programmatic rather than administrative."

#### **3.4. Build America, Buy America**

All applicable activities shall comply with the federal Build America, Buy America provisions of the Infrastructure Investment and Jobs Act (IIJA) (P.L. 117-58, §§70911-70917).

### 3.5. Copyrighted Material

No documents or information that is developed and paid for under this initiative for the DNR may be copyrighted by any environmental consultant. The copyrighted materials conditions in Attachment 1 and Attachment 2 also apply.

### 3.6. Utilization of Disadvantaged Business Enterprises

The State of Wisconsin is committed to the promotion of minority business in the state's purchasing program and a goal of placing 5% of its total purchasing dollars with certified minority businesses and 1% of its total purchasing power with disabled veteran-owned businesses. Authority for this program is found in ss. 15.107(2), 16.75(3M), 16.75(4), and 16.755, Wisconsin Statutes. Minority-owned and disabled veteran-owned business enterprises certified by the Wisconsin Department of Administration (DOA), Supplier Diversity Program should have the maximum opportunity to participate in the performance of its contracts. A searchable listing of certified minority and disabled veteran-owned businesses, as well as the services and commodities they provide, is available at: <http://wisdp.wi.gov/search.aspx>.

The utilization of Disadvantaged Business Enterprises (DBEs) conditions in paragraph 26 of the EPA's Federal Terms and Conditions in Attachment 2 also apply.

### 3.7. Assignment

The selected consultant may not reassign any portion of the work that is awarded as a result of this RFQ, without prior written consent from the DNR.

## 4. STATEMENT OF QUALIFICATIONS (SOQ)

SOQs must include the following elements to be considered responsive to this RFQ.

### **Letter Of Transmittal (maximum of 2 pages)**

This letter should be signed by the proposed Project Manager (PM) and one Principal, and should state the respondent's understanding of the work to be performed and the abilities of the firm and the designated PM to perform the work for the DNR.

### **Title Page (maximum of 1 page)**

The title page should state that it pertains to:

**STATEMENT OF QUALIFICATIONS**  
**Federal Brownfield Assessment Grant – Vapor Intrusion (VI) Assessments**  
**Wisconsin DNR – Remediation and Redevelopment Program**  
**July 25, 2022**

It must include the name of the proposing firm, address, telephone number, name and email address of the proposed PM and the submittal date.

### **Table Of Contents**

The table of contents should identify each section of the SOQ and the beginning page numbers of each section.

### **Sections**

The sections must be presented in the following order with the following headings and adhere to the maximum number of pages identified below.

#### **1. Firm Profile (maximum of 2 pages)**

Describe the range of services that the firm provides directly related to this RFQ. Emphasis should be VI assessments and associated activities.

Include whether the firm has, or recently, received EPA approval of a QAPP for investigation activities at brownfield sites, and state whether this QAPP includes vapor sampling. Include a statement if the firm is willing and able to comply with the Federal Terms and Conditions document found in Attachment 2.

## **2. Project Team Qualifications (maximum of 4 pages)**

Describe the pertinent qualifications of the proposed PM and the proposed project team to be used on the contract. Those qualifications should be related to the applicable portions of Wis. Admin. Code ch. NR 712 and the specific vapor sampling experience of the project team and associated activities (e.g., obtaining access agreements and communicating with the public regarding VI risk and sampling results).

Include a one-page resume for the PM and summarize the key members and strengths of the project team, years of experience for key staff and expected continuity of service. Identify and list any proposed subcontractors and pertinent certifications, including the Wis. Admin. Code ch. NR 149-certified analytical laboratories and TNI-accredited laboratories to be used on this contract. Include any applicable information relevant to achieving DBE goals.

## **3. Project Experience (maximum of 8 pages)**

This section may include project summaries or additional information to demonstrate the project team's experience related to successful execution of work covered in this RFQ. Project summaries should be associated with projects completed since January 1, 2018. Emphasis should be on experience related to:

- success in implementing vapor assessments in Wisconsin following RR-800 and RR-649,
- range and type of sites where team has completed vapor assessments,
- range of vapor sampling techniques used by the project team; specify experience with passive samplers and evaluation/testing for vapors in utility conduits (e.g., sanitary sewers),
- risk communication for access negotiation and to share vapor sampling results, and
- brownfields redevelopment projects and managing grant-funded projects.

## **4. Professional References (maximum 1 page)**

List two non-DNR, professional references and the name, email address and telephone number of a person to contact for each, and list the type of work firm completed for each reference. References should be clients that can attest to quality of work completed that relate to this RFQ.

## **5. Geographic Presence (maximum of 2 pages)**

Provide a map of office location(s) in Wisconsin and/or adjacent states, and identify the location of the PM and project staff proposed for this contract.

## **6. Project Approach (maximum of 4 pages)**

As described above, the consultant selected through this RFQ process will provide the DNR with VI assessments where TCE is likely the contaminant of concern to occupied buildings in socially vulnerable areas. Describe how your PM and project team will interact with the DNR, describe how you will efficiently respond to the DNR's requests for services, how you will cost-effectively accomplish project objectives for type of services included in this RFQ, your firm's capacity and experience to handle multiple concurrent projects and your ability to produce quality documents at reasonable rates that satisfy regulatory requirements. Demonstrate your project team's knowledge and understanding of RR-800 and RR-649 and ability to efficiently begin executing VI assessments upon request with minimal direction from the DNR. Include a copy of the firm's field sampling log or description of parameters typically monitored during a vapor field investigation, which demonstrate the team's knowledge and readiness to perform the work.

## **7. Cost Proposal (maximum of 4 pages)**

Provide a list of the firm's labor rates and identify the billing rates/staff categories for each member of the proposed project team. Provide unit rates to be charged for typical field equipment and travel

expenses. (**Note**, mark-up may not exceed 10% on subcontractors and all overhead expenses must be included within the labor rates and/or the standard unit rates. Straight percentage overhead charges are not allowed on invoices under this contract.) The selected contractors will be expected to keep the rates presented in the Cost Proposal for the duration of the contract unless changes are requested and approved by the DNR.

Provide example budgets for the following scenarios that use the labor rates, unit rates, laboratory rates and subcontractor charges that would be applied if awarded the work. Include estimated hours and unit charges when applicable. (Refer to the Scope of Services above if needed.) Cost proposals should demonstrate efficiency, but should also reflect knowledge of typical level of effort to coordinate and perform vapor assessments and requirements for preparing quality reports.

**Scenario 1: Vapor Assessment at Former Dry Cleaner with Limited Site Investigation**

Assume residential properties are located within 100 feet of a former dry cleaner where chlorinated volatile organic compounds (CVOCs), including TCE is present in groundwater, but the degree and extent of the contamination is undefined and the site investigation has stalled after discovery. The former dry cleaner building is not currently occupied. A sanitary sewer lateral is known to connect from the former dry cleaner to the right-of-way. Assume the site is located 40 miles from your office.

- Develop a sampling plan for DNR to submit to EPA to assess the potential for VI at the former dry cleaner and surrounding residential properties.
- Obtain access to install samples in the right-of-way.
- Complete the field work in accordance with the approved-sampling plan. Assume it includes ten passive soil gas samplers installed within terraces in the right-of-way to a depth of 3 feet and sampled for VOCs, and installation and sampling of five temporary groundwater monitoring wells in the right-of-way. Assume the temporary wells are installed to 25 feet using direct push technology, developed, sampled for VOCs and then abandoned following sampling. Assume the well-development water can be disposed to the sanitary sewer and that there is no other investigative derived waste.
- Prepare a documentation report to summarize the field investigation activities, results and recommendations for next steps based on evaluation of the data. Assume no revisions required for purposes of this cost proposal.

**Scenario 2: Vapor Sampling at a Residential Building**

Assume that the vapor assessment completed under Scenario 1 identified a residential building where TCE (and other CVOCs) pose a VI risk. The building is an owner-occupied single-family residence with a basement.

- Develop a sampling plan for DNR to submit to EPA to investigate VI on the property.
- Communicate and establish an access agreement with the property owner.
- Complete the field work in accordance with the approved-sampling plan. Assume sampling duration and approach to follows RR-800 and RR-649 and includes the following:
  - Install two sub-slab vapor sample ports in the basement floor.
  - Collect one sealed head-space sample from the basement sump and one round of sub-slab vapor samples from the vapor sample ports using Summa canisters submitted to laboratory for TO-15 analysis.
  - Collect two indoor air samples and one outdoor air sample using passive Beacon samplers and submitted to Beacon for VOC analysis.



- Collect a vapor sample from the sanitary sewer cleanout using the procedures recommended in RR-649.
- Evaluate the sampling results and provide the DNR and owner with written notification of the results within 10 days of receipt of the final laboratory report.
- Prepare a documentation report to summarize the field investigation activities, results and recommendations for next steps based on evaluation of the data. Assume no revisions required for purposes of this cost proposal.

## 5. **PREPARING AND SUBMITTING THE SOQ**

### 5.1. **SOQ Submittal Requirements**

Respondents must submit their SOQs in accordance with the following requirements:

- Prepared using Arial, 10-point font, single-spaced with 1-inch margins, size 8.5 by 11-inch.
- Submitted electronically as a PDF via email to [Alyssa.Sellwood@wisconsin.gov](mailto:Alyssa.Sellwood@wisconsin.gov) using the following naming conventions:
  - File Name: **FIRMNAME\_SOQ\_VI\_Assessment.pdf**
  - Email Subject Line: **VI Assessment SOQ: FirmName**
- Received any time prior to the closing date and time. SOQs must be received no later than **4:00 P.M. Central Daylight Time (CDT) on August 10, 2022**. An email will be sent to verify receipt of your submission.

### 5.2. **Do Not Contact**

Do not contact any DNR staff related to this RFQ except for submittal question to the email address below. Unauthorized contact with any DNR personnel will be cause for disqualification of the SOQ.

### 5.3. **RFQ Questions**

The deadline for submitting questions on this RFQ is **4:00 pm CDT on August 2, 2022**. Questions must be submitted in writing to Alyssa Sellwood via e-mail at [Alyssa.Sellwood@wisconsin.gov](mailto:Alyssa.Sellwood@wisconsin.gov). Questions submitted by telephone will not be accepted.

### 5.4. **RFQ Copies and Response to Questions**

Copies of the RFQ and answers to the written questions will be posted on the RR Program's Public Notices webpage at <https://dnr.wisconsin.gov/topic/brownfields/publicnotices.html>. Response to questions for this RFQ will be posted by **August 5, 2022**. It is the responsibility of the respondent, prior to submitting a response to the RFQ, to periodically check the RR Program's Public Notices to ensure that all addenda for this RFQ have been downloaded, and that all of the information requested has been included in the SOQ response.

### 5.5. **Incurred Costs**

Those vendors submitting SOQs do so entirely at their own expense. There is no expressed or implied obligation by the DNR to reimburse any individual or firm for any costs incurred in preparing or submitting responses, for providing additional information when requested by the DNR, or for attending and/or participating in any follow-up interviews and negotiation sessions.

### 5.6. **Confidential Matters**

If any information submitted in the SOQ is considered confidential or proprietary, the respondent must identify this information by completing and including the Designation of Confidential and Proprietary Information (DOA-3027) with their proposal. A copy of form DOA-3027 is available at <https://doa.wi.gov/Forms/DOA-3027DesignationofConfidentialandProprietaryInformation.doc>.

## 6. SCHEDULE AND PROCEDURES

### 6.1. Calendar of Events

Key dates in the selection process are listed below. Dates are subject to change, except the deadline for questions and the SOQ due date.

- July 25, 2022- RFQ available date
- **August 2, 2022 - Deadline for submitting written questions (4:00PM CDT)**
- August 5, 2022 - Date for DNR to post answers to questions
- **August 10, 2022 – SOQ Due Date (4:00PM CDT)**
- August 25 – September 12, 2022 – Interviews with top ranked respondents
- September 23, 2022 – Selected consultant notified
- October 1, 2022 – Contract commencement date

### 6.2. Award Criteria

The SOQs will first be reviewed to determine if the mandatory requirements are met. Failure to meet mandatory requirements may result in an RFQ being rejected. Accepted SOQs will be evaluated by a review committee based on the criteria summarized below.

Firm Profile and EPA-Approved QAPP	5 %
Project Manager and Team Qualifications	25 %
Project Experience and References	20 %
Geographic Presence	5 %
Project Approach	20 %
Cost Proposal	25 %

### 6.3. Interviews

The DNR estimates that interviews will be conducted with top ranked respondents to evaluate the PM and project team's ability to provide the services requested by this RFQ. The contractor's PM and one additional representative must be present at this interview.

### 6.4. Negotiations

After interviews and final evaluations are completed, the DNR may, at its sole option, open work scope and cost negotiations with two or more of the top-ranked respondents prior to award. The DNR also reserves the right to open negotiations with one or more alternate respondents if negotiations with one or more of the previously selected respondents are not successful. The DNR will not negotiate contract terms and conditions.

### 6.5. Rejection

The DNR reserves the right to reject any and all proposals, to waive any informality in the proposals that are received, to accept or reject any or all items in the proposal, and to award contracts to two or more environmental consulting firms in whole or in part. Moreover, the DNR reserves the right to make no selection if the proposals are deemed to be outside the fiscal constraint or not in the best interests of the DNR.

### 6.6. Award

The DNR will select the respondent whose SOQ best meets the DNR's needs as defined in this RFQ. Contractual commitments are contingent upon the availability of funds, and the number of sites identified for site assessments. All contracts are subject to the approval of the DNR's legal counsel, and the DNR Secretary's office prior to execution. Once awarded, the contracts will be the final expression of the agreement between the parties and may not be altered, changed or amended except by mutual agreement, in writing.

**ATTACHMENT 1**

**ATTACHMENT 2**