

QUESTIONS AND ANSWERS REGARDING RFP NO. 4411-07-01
“Wetland Assimilation Feasibility”

CLARIFICATIONS TO RFP

The following information is provided in response to questions received regarding RFP No. 4411-07-01. The answers to the following questions provide clarification of aspects of the RFP for all potential proposers.

Question 1. Section 4.2 Evaluation Criteria - the selection committee will evaluate and rank proposals according to weighted criteria, with price weighted 50%, far more than any other criteria.

This appears to be in conflict with ACT No. 407 of the Regular Session, 2006. Section 2318.1 states that "It is the policy of the State of Louisiana, its political subdivisions and agencies to select providers of design professional services on the basis of competence and qualifications for a fair price and reasonable price. Neither the state nor any of its political subdivisions or agencies may select providers of design services wherein price or price-related information is a factor in the selection."

Please address this apparent conflict. Our concern is that price severely outweighs competence and qualifications.

Answer: In response, the Louisiana Department of Environmental Quality (LDEQ) offers the following information:

- (a) This RFP and the contract to be executed are governed by Title 39 of the Louisiana Revised Statutes. See La. R.S. 39:1482 (A).**
- (b) The “Wetland Assimilation Feasibility” RFP is to secure Consulting Services as defined by R.S. 39:1484, as follows:**

"Consulting service" means work, other than professional, personal, or social service, rendered by either individuals or firms who possess specialized knowledge, experience, and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis, or advice in formulating or implementing programs or services, or improvements in programs or services, including but not limited to such areas as management, personnel, finance, accounting, planning, data processing, and advertising contracts, except for printing associated therewith.

- (c) Consulting services contracts are distinguished from professional services contracts by law. See La. R.S. 39:1484 (A) (4) and (18). As this RFP (and the contract to be executed) does not require the use of an engineer, it is properly categorized as a consulting service contract. Accordingly, the requirements of La. R.S. 38:2318.1 do not apply.**
- (d) Prior to advertisement of RFP No. 4411-07-01, LDEQ requested and obtained approval of the RFP by the Division of Administration, Office of Contractual Review.**

- (e) **The decision was made by LDEQ to weight the price criteria at 50% so that maximum competition could be solicited for this service.**

Question 2. Are LDEQ accredited laboratories considered subcontractors?

Answer: Yes, any work not performed by the prime contractor is considered subcontracted work, including work performed by LDEQ accredited laboratories.

Question 3. Land ownership.

(a) Is landowner research required for just the present owner?...

Answer: Yes.

(b) ...Or is a title abstract required for each property in the discharge location?

Answer: No.

(c)Based upon a review of the RFP, please confirm that land ownership is required to be determined prior to FS Task 1 - Initial Pre-consultation site visit.

Answer: No, a comprehensive list of landowners, landowner map and availability of ownership an/or easement agreements is to be done as part of FS Task 4 - Subtask E. Any landowner use issues, such as accessibility of the wetland property for further study (see (5) of FS Task 1) should be discovered at initial contact with the prospective facility.

(d) If not, please define when land ownership determinations would be required.

Answer: See Answer (c) above.

(e) Please confirm that land ownership determinations are the responsibility of the subcontractor.

Answer: The company awarded this contract will be considered the “prime” contractor. Land ownership determinations are the responsibility of the contractor or his subcontractor, should subcontracting arrangements apply.

(f) It is assumed that current tax records will be sufficient for land owner determinations and contact lists, is this assumption correct?

Answer: Yes, and landowners will need to be contacted to complete Subtask E of Task 4

Question 4. Define loaded mile.

Answer: There are no separate hourly rates to compensate employees *during* travel time related to studies. The per mile rates included in the Schedule of Prices shall be ‘loaded’ to include all applicable direct and indirect travel-related costs, including but not limited to, employee time, fuel costs, transport of applicable supplies/materials/equipment, as well as other travel-related costs.

Question 5. Is the construction of “boardwalks” to access the area required for the baseline? If so, is it the responsibility of the contractor to construct the boardwalks?

Answer: No, construction of boardwalks is not a requirement.

Question 6. If independent audits are not available, what type of financial info is required?

Answer: The RFP did not require “audited” financials. As stated in the Section 3.3, Required Elements for Financial Information, “Proposers must submit, at a minimum:

- (a) Financial Statements reviewed by an independent CPA firm for the past three years;**
- (b) notes to the Financial Statements; and**
- (c) the CPA firm’s Audit Report for each year.**

If the company has been in business for less than three years, proposers may substitute the following for this requirement:

- (a) Financial Statements reviewed by an independent CPA firm for each complete year in business and an interim Financial Statement compiled by an independent CPA firm for the current year;**
- (b) notes to the Financial Statements; and**
- (c) the CPA firm’s Auditor’s Report for the corresponding Financial Statements.**

Question 7. It is assumed that the successful contractor will be responsible for all subcontracting and paying for laboratory services as part of the provided fixed fee cost, is this assumption correct?

Answer: This assumption is correct. All necessary analytical costs shall be built into the appropriate lump sum. LDEQ anticipates that analytical costs shall be comparable among sites for such studies within the discharge levels outlined in the RFP.

Question 8. Assuming that a LELAP accredited laboratory will be chosen as a subcontractor, is it necessary to submit detailed qualifications on that lab, or can it be assumed that LELAP accreditation carries the qualifications?

Answer: Evidence of current LELAP accreditation in proposals shall be sufficient.

Question 9. The RFP for Wetland Assimilation Feasibility study posted by the LDEQ (RFP No:4411-07-01), describes an evaluation approach in the scope of work requested. Is the LDEQ open to a submission that proposes a different approach?

Answer: Due to the proposal evaluation process, LDEQ is unable to consider a different approach to the work.

Question 10. The Statement of Work is essentially a request to support municipalities in conducting conceptual-level design work for a POTW wetland treatment system. Such studies require experience in a variety of topics related to sewage treatment facility design/operation, wetland treatment siting, hydrology, hydraulics, nutrient fate/transport, etc. While this type of work must incorporate expertise from several sub-disciplines, overall it is a well-established discipline within the field of Environmental Engineering and is taught as such at Louisiana State University. The State of Louisiana currently requires licensing of Environmental Engineers and the offering of environmental engineering services is covered under state professional engineering codes. DEQ's request does NOT appear to

conform to state requirements for qualifications-based procurement of engineering services. We respectfully request that DEQ review of the Statement of Work and consult with the Louisiana State Board of Registration for Professional Engineers and Land Surveyors on the applicability of state rules regarding the procurement of engineering services.

Answer: The primary emphasis of this RFP is the biological evaluation of the health and quality of the receiving wetland. The RFP is weighted more on the biological aspects of wetland plant species, ecology and hydrology than on engineering aspects. There are requirements for measurement of primary vegetative productivity, species diversity and water quality measurements that require biologist. The RFP does not consider the wetland as a treatment site, but rather an area that is enhanced by the discharge of treated domestic wastewater, therefore the baseline biological criteria must be documented.

To elaborate: the engineering expertise for these types of projects comes into focus once the project is determined feasible (after the feasibility study), at which time, the facility can begin to design the treatment system (if needed) and the outfalls in a manner that ensures that the natural hydrology of the wetlands will be maintained within the scope of the project. The RFP does not pay for the design cost of these projects. However, we have included within the RFP, that at the discretion of the Department, we may fund the biological study, which will entail a year long study of the subject wetlands (the largest part of the previously required Use Attainability Analysis [UAA], which defines the existing health of the wetlands and provides a baseline study [including a treatment area and a control area] with which to compare the annual biological monitoring requirements of the permit)...the intent here was strictly to fund the biological study for very small municipalities lacking the necessary funds for this part of the project, which may be preventing their project from going forward.

That the overall intent of the RFP is an incentive measure to encourage municipalities to consider this type of natural, biological treatment process. The feasibility study will give them an idea of the huge cost saving, low maintenance, do-ability of this type of project...

See also the RFP addendum for more information related to personnel qualifications and experience.

Question 11. FS Task 4, Subtask B - the scope of work is to perform a delineation of the available wetland area. We are requested to provide a unit rate for feasibility study; however this depends greatly on the size (acreage) of the area considered whether it be 10 acres or 100 acres. The typical size is not provided. Therefore we cannot provide an accurate cost estimate. Same for Subtask E- list of landowners. Please advise. Thanks.

Answer: It is the understanding of LDEQ that the acreage of a wetland will correlate sufficiently with the discharge volume and therefore, the unit based on discharge volume as outlined in the RFP will be adequate.