

October 8, 2007

**LDEQ ANSWERS TO PROPOSERS QUESTIONS
RFP No. 5701-08-01
“Underground Storage Tank Compliance Evaluation Inspections”**

LDEQ’s answers to the following questions are intended to provide information to potential proposers’ questions to RFP No. 5701-08-01.

Questions and answers that may potentially result in the disclosure of information from proposals of competing bidders will not be published.

Question 1: What is the reasoning for requiring Audited financial statements and audited reports in order to be able to bid on these projects? Why can't we obtain a bond?

LDEQ’s answer: Proposers are directed to RFP Part III, Section 3.3, which does allow provision of a bond, as well as other evidence of financial status.

Question 2: Is there an incumbent for this work? If there is an incumbent what is the company name?

LDEQ’s answer: The name of the current contractor for “Underground Storage Tank Compliance Evaluation Inspections” is Southern Environmental Management & Specialties, Inc. (SEMS, Inc.).

Question 3: Has funding for this work already been put aside?

LDEQ’s answer: Funding for this project is included in the department’s budget.

Question 4: What city is this project in? Or is it a state project?

LDEQ’s answer: RFP Part I, Section 1.1 states:

The Louisiana Department of Environmental Quality (LDEQ) requires the services of a well qualified contractor to conduct Underground Storage Tank (UST) Compliance Evaluation Inspections (CEI) at 300-700 UST facilities throughout Louisiana to determine compliance with Federal and State UST Regulations.

Specific sites are to be assigned after award.

Question 5: Can you please send me all specific requirements and specifications for meeting goals of successful bidders for Underground Storage tank Compliance evaluation Inspections.

LDEQ's answer: All specific requirements and specifications are included in the RFP. It is the responsibility of the proposers to read the RFP and put their proposal together based on the information provided in the RFP.

Question 6: In the inspection section of the RFP section D; Spill and Overfill for New UST systems; #1 Asks for the date installed. If we do not have this data available or the site manager does not know, without proper documentation, how are we to answer this question?

LDEQ's answer: Write "Unknown" in the space provided in the Checklist and describe in the report narrative.

The UST-REG-02 has a space for the date that the Spill equipment was installed.

If this information is not on the UST-REG-02 Form (Section VIII.A), Check "No" for Section O, #1 on the checklist and describe in the report narrative.

Question 7: In the inspection section of the RFP Section D; Spill and Overfill for New UST Systems; #2 asks for the Date Installed. If we do not have this data available or the site Manager does not know, without proper documentation, how are we to answer this question?

LDEQ's answer: Write "Unknown" in the space provided in the Checklist and describe in the report narrative.

The UST-REG-02 has a space for the date that the Overfill equipment was installed.

If this information is not on the UST-REG-02 Form (Section VIII.B), Check "No" for Section O, #1 on the checklist and describe in the report narrative.

Question 8: In the inspection section of the RFP Section H; Release Prevention Operation and Maintenance Item #2 Are the Cathodic Protection systems inspected by qualified Testers? How are we to know who is a qualified inspector?

LDEQ's answer: LAC 33:XI.103.Definitions has a definition for "Cathodic ProtectionTester".

Question 9: Item # 5 Does the inspection meet the requirements of a code of practice developed by a nationally recognized association? What inspection are you referring to? And is the inspection supposed to be a NACE certified inspection by a NACE certified technician?

LDEQ's answer: LAC 33:XI.503.A.2.b refers to the cathodic protection system inspections – either the testing of the anodes or the testing of the impressed current system, depending on the type of cathodic protection system installed. LAC 33:XI.599.Appendix A – Industry Codes and Standards lists the different types of acceptable test methods. LAC 33:XI.503.A.2 requires that cathodic protection systems are tested by a qualified “cathodic protection tester”. The tester does not have to be certified by NACE, the tester has to meet the definition for “Cathodic Protection Tester” in LAC 33:XI.103.Definitions.

Question 10: Item #9 Are all records of UST system repairs being retained for the operating life of the UST System? How are our technicians going to know if repairs were made if there are no records?

LDEQ's answer: Notification must be made to LDEQ prior to performing a UST system repair, except in emergency conditions (LAC 33:XI.507.A.1). If notification was made, the UST Installation / Renovation / Upgrade Notification form should be filed in EDMS, this would document that the notification was made. Either an updated UST-Reg-02 form or a facility representative's statement that a repair was made could be used to document that repairs occurred.

If you cannot determine that repairs were actually made, then you cannot cite this as an area of concern.

Question 11: Section J Release Detection Record Keeping

Item # 1 As outlined in 705.A.1, does the facility maintain all written performance claims and documentation provided by the release detection vendor throughout the operating life of the equipment? How is the inspector to know if the station has all records from the beginning of the installation of the equipment?

LDEQ's answer: Consider the facility in compliance if they have the third party certification at the time of the inspection.

Question 12: Section L Release Detection Methods for tanks

6. Statistical Inventory Reconciliation (SIR) (701.A.7) Section c Did the SIR analysis report include the following information: Subsection ii – the name of the company and individual who performed the analysis (701.A.7.b.ii). What if there is no individual and/or company mentioned? How do we respond if there is part of the survey correct?

LDEQ's answer: Check the corresponding “No” box on the checklist and list it as an area of concern in the report narrative.

Question 13: Many of the insurance requirements in this RFP appear to be related to, or carried over from previous LDEQ RFPs involving the installation or operation of remediation systems, work which is traditionally performed by remediation contractors. Most consultants do not carry a separate "pollution liability" policy because we are not contractors and, for this RFP, will not operate or hire the operation of remediation equipment. Consulting services are professional in nature and being such are covered under professional liability policy that includes Contractors Pollution Legal Liability (CPL) coverage. This type of policy will not allow for the naming of LDEQ or any other client as additional insured. Additionally, the insurer will typically not allow the items described in Attachment 5, 15.D.4, 15.H, and 15.J. Requesting this type of coverage excludes consultants from responding to this RFP, although the scope of work is easily within the expertise of many consulting firms. Why is this coverage required?

LDEQ's answer: Pollution liability insurance is required to cover environmental exposure that would otherwise be excluded under a general liability policy. Environmental exposure in this project could possibly result by an action of the consultant during the inspection.

The State of Louisiana, Division of Administration, Office of Risk Management advises agencies to be named as an additional insured to all liability coverages except workers' compensation and business automobile liability. Since a professional liability insurer is likely to be unwilling to include an additional insured endorsement, special insurance specifications are necessary. The DEQ understands that an insurer will allow the items described in Attachment 5, 15.D.4, 15.H, and 15.J.

Question 14: Why is a payment bond required? This type of bond is not typically required for professional services. Is it required if no subcontractors are proposed?

LDEQ's answer: The requirement of a payment bond will be waived if the proposal does not include the use of subcontractors, suppliers or other vendors who supply labor, materials or equipment to the project.