

Rockingham Economic Development Corporation
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REQUEST FOR PROPOSALS
Rockingham Economic Development Corporation
Brownfield Revolving Loan Fund

Contact: Laurel Bistany, Executive Director
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Date of Issue: July 14, 2010

Deadline: August 4, 2010

Date of Selection: August 25, 2010

1.0 Background

The Rockingham Economic Development Corporation (REDC) is a non-profit regional economic development corporation located in Southern New Hampshire. REDC serves 42 communities in Rockingham and Hillsborough counties. The goal of the REDC is to assist new, growing, and challenged businesses in our service region.

For the last four years, REDC has been working with the Rockingham Planning Commission and Southern New Hampshire Planning Commission to inventory, categorize, and prioritize brownfield sites in the region. In 2010, REDC received a Brownfields Cleanup Revolving Loan Fund Grant from the Environmental Protection Agency (EPA) to establish the Rockingham Economic Development Corporation Brownfields Revolving Loan Fund (RLF). This grant will enable REDC to award low-interest loans for environmental cleanup to owners of brownfield properties. Subgrants will also be available to municipal and nonprofit owners of brownfield sites.

Under this contract, REDC is seeking a Consultant to serve as an Environmental Professional on brownfield properties for which a loan or grant has been obtained through the RLF. The Environmental Professional will review work plans and ensure that cleanup projects are being conducted in accordance with state and federal requirements. *IMPORTANT NOTE: The consultant who is hired to be*

Environmental Professional for the RLF may not be in charge of cleanup on any of the sites for which property owners are seeking grants or loans.

2.0 General Terms and Conditions

The prospective consultant replying to this Request for Proposals (RFP) will be or represent a firm, company or corporation possessing experience and expertise in environmental risk assessment and management plans, quality assurance project plans, groundwater and soil sampling, remediation strategies and clean-up programs, and the professional standards thereof, to undertake and successfully complete the Scope of Work outlined in Attachment A.

2.1 Proposal Preparation

The prospective consultant is to follow the instructions contained in Section 5.0 of this document in preparing and submitting a response to the RFP.

2.2 Economy of Preparation

Proposals should be prepared simply, providing a straightforward description of the prospective consultant's ability to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of contents. Proposals with excessive information and exhibits beyond those outlined in the RFP may be viewed unfavorably by the Selection Committee.

2.3 Cost Liability

REDC assumes no responsibility and no liability for costs incurred relevant to the preparation and submission of the RFP by prospective consultants, or any other costs prior to issuance of a contract.

2.4 Revisions to the Request for Proposal

In the event it becomes necessary to revise any part of this RFP, revisions will be provided to all who received the RFP. REDC shall bear no responsibility or liability due to copies of revisions lost in mailing or not delivered to a prospective consultant due to unforeseen circumstances.

2.7 Selection of Proposals

A Selection Committee, made up of REDC staff shall select a consultant and make a recommendation to the REDC Executive Committee. The REDC Executive Director will award a professional services contract to the Consultant whose proposal, conforming to the RFP, will be most advantageous to REDC, cost and other factors considered. Should the Selection Committee feel it necessary to hold interviews, interviews will be held on the week of August 16, 2010. The successful Consultant will be required to sign a contract with REDC in which they accept responsibility for the performance of services as stated in their proposal and be prepared to commence work upon execution of the contract. The target date for award of a contract is August 25, 2010.

2.8 Successful Consultant Responsibilities

The successful consultant will be required to assume sole responsibility for the complete project as required by this RFP. The REDC will consider the successful consultant to be the sole point of contact with regard to contractual matters, whether or not subcontractors are used by the successful Consultant for one or more parts of this project.

2.9 Subcontracting

Subcontracting will be allowed for tasks required by this RFP, but is not recommended. Any intent to subcontract on the part of the prospective consultant must be specifically described in the

proposal. The REDC reserves the right to approve the use of all subcontractors. If subcontracting is planned, Consultant will be asked to submit the firm(s) name(s), location(s), contact person(s), phone number(s), names of responsible operating officers, and evidence of any required insurance, permits, and licensing/authorization of proposal documents.

2.10 Assignment

The successful consultant is prohibited from assigning, transferring, conveying, subletting, or otherwise disposing of the contract or its rights, title, or interest therein or its power to execute such contract to any other person, company, or corporation without prior written consent and approval by REDC.

2.11 Ownership of Material

All rights, titles to and ownership of the data, material, and documentation resulting from this project and/or prepared for the REDC pursuant to this contract shall remain exclusively with the REDC. The prospective consultant shall be paid for all service as will be specified in the contract.

2.12 Access to Records

In addition to terms stated elsewhere in the RFP, REDC or any of its member towns, shall have access, upon demand, to any books, documents, papers, and records of the successful Consultant which are directly pertinent to this contract, for the purposes of making audit examinations, excerpts, and transcriptions. The successful Consultant shall insert identical rights of access for these parties into any subcontractor agreement the successful Consultant enters into under this contract. This right shall be reserved by the REDC for the term of the contract and for five (5) years from the date of final payment.

2.13 Project Coordination

One REDC staff member shall serve as Project Coordinator and shall act as liaison between the successful Consultant and the RED. After award of contract, all inquiries and correspondence shall be directed to the Project Coordinator.

2.14 Compliance with Federal, State and Local Laws

A contract between the REDC and the Consultant will be subject to and be in accordance with all Federal, State, and local laws as may be applicable. Funding for this contract is provided through a U.S. Environmental Protection Agency Brownfields Cleanup Revolving Loan Fund Grant. The Consultant, in designing the work plan, must take into account compliance with all applicable regulations in Code 40 of Federal Regulations Part 31. Prospective consultants are advised to review all federal regulations before submitting a proposal.

2.15 Small Business in Rural Areas

The EPA encourages the participation of Small Businesses in Rural Areas (SBRAs).

3.0 Time of Performance

Funding to complete the scope of work is available through September 30, 2015. The REDC Executive Director and or Board of Directors will review the work of the Consultant and consider renewal of the contract on an annual basis, based on performance. It is estimated that as few as two or as many as ten sites will be selected for grants and/or loans under the REDC RLF program.

The consultant selected will enter into a not-to-exceed contract with the REDC for the completion of the work outlined in Attachment A. The EPA Brownfields Grant is a reimbursement program. Consultants

will submit invoices on a periodic basis (usually monthly) for costs incurred on this project.

4.0 Questions and Additional Information

Proposers may email Laurel Bistany at the REDC, laurel@redc.com anytime before August 4, 2010 to ask questions about the RFP. A compiled list of questions and answers will be posted on the REDC website, www.redc.com, for all prospective consultants.

5.0 Proposal Submission Requirements

The REDC requires that each prospective consultant follow the guidelines for proposal format and content so that the proposal evaluation and selection process can occur in an orderly, timely, and equitable manner.

5.1 Content

The proposal must contain a detailed description of how the proposer would carry out the requirements set forth in the RFP, including a schedule for the completion of each task. The information submitted must include, but should not necessarily be limited to, the following items:

5.11 Qualifications and Experience

Consultant must be familiar with and have a working knowledge of the Comprehensive Environmental Response and Cleanup Liability Act, including brownfields amendments adopted in 2001.

Please provide a description of the history, experience, and qualifications of your firm and any proposed subcontractors to perform the Scope of Work. Please include:

- Structure of the firm, i.e. sole proprietorship, partnership, corporation;
- Size of firm;
- Years firm has been in business;
- Name of principals in firm and key personnel to be assigned to the project; for each individual with identified responsibilities, the proposer must include a statement of the percentage of his/her time that will be devoted to this project and a complete resume.
- List and short description of similar projects your firm has undertaken
- References from three (3) similar projects your firm has undertaken
- Specific information documenting the proposer's financial stability and ability to complete all services
- Please make specific reference to experience and qualifications as related to performing environmental site assessments, experience/qualifications of assigned staff, experience/success implementing EPA Brownfields Programs including Revolving Loan Funds, and experience working with the New Hampshire Department of Environmental Services (DES. If any element of the program will be subcontracted, please provide the same information for the subcontracting firm.
- Proof of Errors and Omissions Insurance in the following amounts:
 - \$1,000,000 – Annual Aggregate
 - \$1,000,000 – Per Occurrence
- Proof of Workers Compensation and/or Liability Insurance

- Listing of any actions taken by any regulatory agency or litigation involving the firm or its agents or employees with respect to any work performed

5.12 Plan of Services/Timeline

A Plan of Services describing the specific method for completing the scope of work for each site. The Plan of Services must include a detailed description of the tasks to be performed by the consultant, the number of person-hours and other resources required to complete each task, and the expected time to complete each step.

5.13 Certificate of Non-Collusion and Certification of Tax Compliance

Respondents to the Request for Proposals must submit a Certificate of Non-Collusion and a Certification of Tax Compliance, for which forms are appended to this RFP (Attachments B and C).

5.2 Cost Proposal

Provide an itemized breakdown of estimated labor costs for each task identified in the proposed scope of work. Since the total number and size of sites that will be borrowers or grantees in the REDC RLF program is not yet known, please provide not-to-exceed costs for one “large” cleanup project with an estimated cleanup cost of \$500,000.

5.3 Response Date

In order to be considered for selection, signed proposals shall arrive at the Project Coordinator’s office on or before August 4, 2010 at 5:00 p.m. Prospective consultants who are mailing proposals should allow for normal mail delivery time to ensure timely receipt of their proposals.

The REDC shall bear no responsibility for any proposals that arrive, by any means, beyond the Response Date and Time indicated in this RFP.

5.4 Distribution of Proposals

In order to be considered for selection, prospective consultants shall submit a complete response to the RFP. ONE ORIGINAL AND TWO (2) COPIES of each proposal must be submitted to the REDC. Copies should be double-sided. Copies/binders may be returned at proposer’s request.

Please send proposals to the following address:

Rockingham Economic Development Corporation
37 Industrial Drive
Suite F2
Exeter, NH 03833

6.0 Selection Criteria

REDC will review RFP submissions and rank the proposals. REDC is not bound by the lowest cost proposal, but may accept the proposal or proposals that are considered to be the best value for REDC.

REDC will negotiate terms for a contract to complete the tasks with the top ranked proposal or proposals. If a satisfactory agreement cannot be reached, negotiations with that firm will be suspended and negotiations opened with that firm next in line. The process continues until an agreement is reached and contract is executed.

The following criteria will be used to rank proposals:

1. Qualifications of assigned personnel to the project.
2. Accessibility of Project Manager to REDC.
3. Quality of performance on previous contracts.
4. Work plan and timetable to complete the project.
5. Completeness of the submission.
6. Experience with State of New Hampshire and federal environmental regulations.
7. Experience with creation and operation of a Brownfields Revolving Loan Fund.
8. Price in comparison to quality and quantity of services rendered.
9. Experience doing environmental and site assessments and remediation experience.

REDC reserves the right to reject any and all proposals.

ATTACHMENT A

SCOPE OF WORK

1. Assist with initial screening of applications to determine whether proposed cleanup activities are authorized by CERCLA. If evaluation of application materials is not enough, conduct site evaluation and assess current site conditions.
2. Ensure that a RLF cleanup meets applicable or relevant and appropriate requirements under Federal and State environmental laws including the review of remedial planning documents and cleanup completion documentation as needed. *(Note: Applicants should have a state-approved Corrective Action Plan in order to apply for the program).*
3. Review loan and grant agreements to ensure that they meet all environmental response requirements and that RLF funds are used only for authorized activities.
4. Prepare an analysis of brownfield cleanup alternatives that will include information about the site and contamination issues (i.e. exposure pathways, identification of contamination, sources, etc.); cleanup standards; applicable laws, alternatives considered, and proposed cleanup. The evaluation of alternatives must include effectiveness, implementability, and the cost of the response proposed. The evaluation will include an analysis of reasonable alternatives, including no action.
5. Ensure the adequacy of each RLF cleanup as it is implemented, including confirmation sampling (based on EPA-approved Quality Assurance Project Plan (QAPP)).
6. Ensure that a site is secure and that it poses no immediate threat to human health or the environment, if a Borrower or Grantee is unable or unwilling to complete a RLF cleanup.
7. Meet with REDC staff and RLF Steering Committee as well as other related interests on an as needed basis.
8. Conduct periodic site visits during implementation.
9. Assist with community involvement activities including the establishment of an administrative record, performing public outreach, and drafting a community relations plan for each site.

ATTACHMENT B

CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word “person” shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

(Name of person signing proposal)

(Name of business)

ATTACHMENT C

CERTIFICATION OF TAX COMPLIANCE

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all tax returns and paid all state taxes required under law.

*Signature of Individual or
Corporate Name (Mandatory)

By:_____

Corporate Officer

Federal ID #

*Approval of a contract or other agreement will not be granted unless this certification clause is signed by the applicant.

ATTACHMENT D

M.B.E./W.B.E. PARTICIPATION

The SMRPC is required to report all activity by Minority Business Enterprises (M.B.E.'s) and Women Business Enterprises (W.B.E.'s).

Contractors are encouraged to employ M.B.E.'s and W.B.E.'s whenever possible, and also report their participation to the contract source.

Company Name: _____
(Print company name here)

By: _____

Please indicate whether or not you are an M.B.E. or W.B.E. by checking one of the following:

_____ Yes, I am a certified M.B.E. or W.B.E.

_____ No, I am not an M.B.E. or W.B.E.