



Engineering Services Contract for the State-Licensed Disposal
Area (SDA) and the Western New York Nuclear Service Center (WNYNSC)
Request for Proposal (RFP) 3255

Proposals Due: July 20, 2016 by 5:00 PM Eastern Time*

NYSERDA seeks proposals for providing the West Valley Site Management Program (WVSMP) with Professional Engineering and Land Surveying services at the Western New York Nuclear Service Center (WNYNSC). This Task Order Contract will be for support services in the disciplines of structural, geo-technical engineering design and evaluations, geo-membrane design and evaluations. Additional, support services such as testing, surveying, planning, regulatory submittals, may also be requested to assist with the management of the State-Licensed Radioactive Waste Disposal Area (SDA), and on the undeveloped areas of the WNYNSC.

The term of the contract will be for five years. The contract is expected to start on or about October 15, 2016.

Proposal Submission: Electronic submission is preferable. NYSERDA will also accept proposals by mail or hand-delivery. If submitting electronically, proposers must submit the proposal in either PDF or MS Word format, with a completed and signed Proposal Checklist and Disclosure of Prior Findings of Non-Responsibility, in PDF format. Proposal PDFs should be searchable and should be created by direct conversion from MS Word, or other conversion utility, rather than scanning. For ease of identification, all electronic files must be named using the proposer's entity name in the title of the document. Proposals may be submitted electronically by following the link for electronic submissions found on this RFP's webpage, which is located in the "Current Opportunities" section of NYSERDA's website (<http://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>). Instructions for submitting electronically are located in Attachment D to this RFP.

If mailing or hand-delivering, proposers must submit two paper copies of their proposal with a completed and signed Proposal Checklist, along with a CD or DVD containing a PDF or MS Word digital copy of the proposal, following the above guidelines. Mailed or hand-delivered proposals must be clearly labeled and submitted to:

Roseanne Viscusi, RFP 3255
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

If you have technical questions concerning this solicitation, contact Christopher Andrzejewski, P.E. at (716) 942-9960, ext. 4319, or Christopher.Andrzejewski@nyserda.ny.gov. If you have contractual questions concerning this solicitation, contact Venice Forbes at (518) 862-1090, ext. 3507, or Venice.Forbes@nyserda.ny.gov.

No communication intended to influence this procurement is permitted except by contacting Christopher Andrzejewski (Designated Contact) at (716) 942-9960, ext. 4319, or Christopher.Andrzejewski@nyserda.ny.gov. Contacting anyone other than the Designated Contact (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offer; and (2) may result in the proposer not being awarded a contract.

*Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned. Faxed or emailed proposals will not be accepted. Proposals will not be accepted at any other NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's website at www.nyserda.ny.gov.

I. Introduction

The New York State Energy Research and Development Authority (NYSERDA) is seeking proposals for Professional Engineering and Land Surveying Services for the West Valley Site Management Program (WVSMP) at the New York State-Licensed Disposal Area (SDA) and the Western New York Nuclear Service Center (WNYNSC) near West Valley, New York.

The success of this contract will be, in part, dependent on securing the services of a highly qualified, Professional Engineering firm with qualifications closely related to the Statement of Work. Experience and ability to perform in a highly regulated environment will be essential in contractor performance.

NYSERDA has convened a Technical Evaluation Panel (TEP), with representation by NYSERDA and outside personnel knowledgeable in engineering to assist in the selection of this contractor.

II. Program Requirements

A. Services Requested

The attached Statement of Work (Attachment E) is being circulated to solicit bids from firms with Professional Engineering expertise interested in performing the work outlined by this RFP. Work under this contract is expected to begin October 16, 2016, and continue through October 15, 2021.

B. Scope of Services to be Provided

The specifics of the engineering and land surveying services required under this contract are described in the attached Statement of Work. The activities outlined in the Statement of Work shall be performed in accordance with Attachment F, *Safety, Training, and Handling of Chemicals and Waste* and all other applicable plans and procedures listed in Attachment H, *Applicable Plans and Procedures*.

The contractor shall place and manage subcontracts as needed to complete the activities included in job order. The contractor will provide Hazardous Waste Operations (HAZWOPER) qualified workers (including subcontractors) as necessary to perform work involving potential exposure to SDA trench leachate. All other health and safety training required by the WVSMP (Radiation Worker I or II, General Employee Training, NYSERDA Site Specific) will be provided, but must be coordinated through the cognizant Project Manager.

C. Proposer Qualifications

NYSERDA seeks proposals from firms licensed in the state of New York in Professional Engineering who have:

- Current licensure, educational background, training, and experience of supervisory and/or project management staff.
- Appropriate educational background, training, certifications and experience of field staff.
- Quality, availability, and depth of the resources to perform Professional Engineering in an efficient manner.
- Soundness of the approach to provide the required services.
- Breadth and depth of prior experience related to the items listed in the Statement of Work.
- Prior work experience at a government facility

D. Division of Responsibilities

NYSERDA shall provide the following:

- Radiation safety support for all applicable on-site field work.
- Site-specific training for all contractor employees to allow unescorted access to the SDA.

The Contractor shall provide the following:

- 24-Hour Hazardous Waste Operations and Emergency Response trained personnel for all on-site field work.
- Personnel experienced in the scope listed under the Statement of Work.

III. Proposal Requirements

A. Proposal Content

The Proposer will be required to list hourly rates and markups (multipliers) for key personnel assigned to this contract. The proposal must identify how the contractor will provide all the required services (i.e., specialized sub-contractors).

Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. Each page of the proposal should state the name of the proposer, the RFP number and the page number. A complete response to this Request for Proposals shall include two parts:

Part I - Technical and Management:

- Completed "Proposal Checklist" Form (Attachment A) - to be attached to the front page of all copies of Part I of the proposal.
- Background/Objectives (one-page maximum).
- Services to be provided (three-page maximum).
- Management Plan (eight-page maximum).
- Current Qualifications Statement that clearly presents the proposer's education, training and experience relevant to the Statement of Work.
- Plan for meeting the contract participation goals for minority and women-owned business enterprises in Attachment G (one-page maximum).
- Letters of commitment from all team members or sub-contractors (if applicable).

Part II - Cost and Disclosures:

- Disclosure of Prior Findings of Non-Responsibility – "Executive Order 127" Form (Attachment B).
- Cost proposal including hourly rates and any other applicable costs or rates included on the attached Contracts Pricing Proposal Form (Attachment C, instructions included).
- Indictment/Conviction of Felony (if applicable).
- NYSERDA Contracts awarded (if applicable).
- Prior and/or Competing Proposals (if applicable).

In compliance with §139-j and §139-k of the State Finance Law (see Section VI, General Conditions below for additional information), additional forms must be completed and filed with proposals:(1) a signed copy of the Proposal Checklist including required certifications under the State Finance Law; and (2) a completed Disclosure of Prior Findings of Non-Responsibility form. Failure to include a signed copy of the Proposal Checklist referenced in this solicitation may disqualify your proposal.

Attach supporting documentation to support indirect cost (overhead) rate(s) included in your proposal as follows:

1. Describe the basis for the rates proposed (i.e., based on prior period actual results; based on projections; based on federal government or other independently-approved rates).
2. If rate(s) is approved by an independent organization, such as the federal government, provide a copy of such approval.
3. If rate(s) is based on estimated costs or prior period actual results, include calculations to support proposed rate(s). Calculation should provide enough information for NYSERDA to evaluate and confirm that the rate(s) are consistent with generally accepted accounting principles for indirect costs.

NYSERDA reserves the right to audit any indirect rate presented in the proposal and to make adjustment for such difference. Requests for financial statements or other needed financial information may be made if deemed necessary.

B. Proposal Evaluation Criteria

Proposals that meet the aforementioned requirements will be reviewed by a Technical Evaluation Panel (TEP) using the following Evaluation Criteria:

1. Technical and Management Criteria:

- Quality and depth of the resources and support systems necessary to perform services.
- Qualifications of the firm including the educational background, training and experience of key personnel. Key personnel include field, technical, and supervisory and/or project management staff.

- Ability to provide the necessary resources to conduct high quality work in a timely manner.
- Breadth of prior and current experience in providing Professional Engineering Services program support services.
- Approach to provide the required services.

2. Cost Criteria:

- The reasonableness of the hourly rates proposed.
- A comparison of all proposers' costs and fees.

Interviews may be scheduled to further assess the qualifications of the proposers. After assessing the proposals from the technical and management criteria, cost criteria, and interviews (if necessary), the TEP will make a recommendation as to which proposer is most beneficial to the WVSMP.

IV. General Conditions

A. Proprietary Information

Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary and confidential trade secret information should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. (See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://www.nyscrda.ny.gov/About/-/media/Files/About/Contact/NYSERDA-Regulations.ashx>). However, NYSERDA cannot guarantee the confidentiality of any information submitted.

B. Omnibus Procurement Act of 1992

It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises (MWBE) as bidders, subcontractors and suppliers on its procurement agreements.

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development
 Division for Small Business
 625 Broadway
 Albany, NY 12207

A directory of certified minority and women-owned business enterprises is available from:

Empire State Development
 Minority and Women's Business Development Division
 625 Broadway
 Albany, NY 12207

C. New York Executive Law Article 15-A

NYSERDA is required under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises, and the employment of minority group members and women in the performance of NYSERDA contracts. The MWBE participation goals and obligations of the selected Contractor are set forth in Attachment G.

D. State Finance Law (Section 139-j and 139k)

NYSERDA is required to comply with State Finance Law Sections 139-j and 139-k. These provisions contain

procurement lobbying requirements which can be found at <http://www.ogs.ny.gov/aboutOgs/regulations/advisoryCouncil/StatutoryReferences.html>

The attached Proposal Checklist calls for a signature certifying that the proposer will comply with State Finance Law Sections 139-j and 139-k and the Disclosure of Prior Findings of Non-Responsibility Form includes a disclosure statement regarding whether the proposer has been found non-responsible under Section 139-j of the State Finance Law within the previous four years.

E. Tax Law Section 5-a

NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf).

Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that also must be completed and filed by a perspective contractor prior to contracting with NYSERDA. See, ST-220-CA (available at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The Department has developed guidance for contractors, which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

F. Contract Award

NYSERDA anticipates making one award under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Scope of Services. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement (Attachment I) to contract successful proposals. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the submitted proposal (see Proposal Checklist). Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSERDA expects to notify proposers in approximately six weeks from the proposal due date whether your proposal has been selected to receive an award. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under the previous or active NYSERDA agreement.

G. Limitation

This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest. NYSERDA reserves the right to reject proposals based on the nature and number of any exceptions taken to standard terms and conditions of the Sample Agreement.

H. Disclosure Requirement

The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its "Right to Stop Work," pending further investigation, or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

VI. Attachments:

Attachment A - Proposal Checklist Form

Attachment B - Disclosure of Prior Findings of Non-Responsibility Form

Attachment C - Contracts Pricing Proposal Form (CPPF) and CPPF Instructions

Attachment D - Electronic Proposal Submittal Instructions

Attachment E - Scope of Services for Operations and Maintenance Support Services for West Valley Site Management Program

Attachment F - *Safety, Training, and Handling of Chemicals and Waste*
Attachment G - *Article 15-A (MWBE) Provisions for Solicitation Documents (non-construction)*
Attachment H - List of Applicable Operations and Maintenance Plans and Procedures
Attachment I - Sample Agreement