

NEW MEXICO ENVIRONMENT DEPARTMENT
PETROLEUM STORAGE TANK BUREAU



PROPOSAL SOLICITATION FOR RESPONSIBLE PARTY-LEAD SITE

REMEDIATION SERVICES FOR

THRIFTWAY 256R

**1189 STATE ROAD 53
ZUNI, NEW MEXICO**

Release Date

APRIL 9, 2024

Due Date

MAY 17, 2024

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I. SITE INFORMATION

A. SITE NAME AND LOCATION:

Thriftway 256R
1189 State Road 53
Zuni, New Mexico

B. FACILITY #: RELEASE ID #:

Facility #: 31102 Release #: 4049

C. PHASE OF WORK:

Phase 1, 3, 4 & 5

D. SITE DESCRIPTION:

The Thriftway 256R facility, currently an active Speedway service station, is located at 1189 State Road 53 in Zuni, New Mexico. It is bounded by State Road 53 to the south, Chavez Circle to the west, and Eustace Drive to the east. The site is located in the Pueblo of Zuni which owns the land and leases it to Speedway/7-Eleven.

The property is underlain by Quaternary alluvium dominated by fine-grained, cohesive soils, including reddish brown silty and sandy clays. Depth to groundwater in April 2023 ranged from 16 feet below ground surface in the southwest portion of the property to 23 feet below ground surface in the northeast. Groundwater flow is to the north and east at a hydraulic gradient of approximately 0.01 to 0.02 feet/foot. A municipal water supply well is within 1,000 feet of the release to the northwest and school water supply wells are located 1,050 feet from the facility in the same general direction.

Two 12,000-gallon underground storage tanks containing unleaded gasoline were installed in 1986. A gasoline release was confirmed after contaminated soil was discovered during the removal of the underground storage tanks, dispensers, and piping from the ground between 2002 and 2003. A release had been suspected in 2001 based on inventory records. A total of approximately 1,190 cubic yards of petroleum contaminated soil were excavated in and around the former tank hold and transported offsite after the release was confirmed. Currently, one 15,000-gallon compartment tank containing both unleaded gasoline and diesel is in use at the facility.

During the most recent LNAPL Recovery Event in April 2023, LNAPL was gauged in MW-1R, MW-8, and MW-21 with 0.27 feet, 0.01 feet, and 0.68 feet respectively. During the most recent groundwater monitoring event in September 2021, the dissolved phase plume covered an area of about 66,000 square feet and extends from the facility south underneath State Road 53 towards the Pueblo Trading Post store. Contaminants of concern are all BETX constituents and Naphthalene with high concentrations of EDC and MTBE. LNAPL has historically been confined to mostly MW-1R but MW-1R and MW-21 in April 2023 had the greatest LNAPL thicknesses measured since gauging began. During the last monitoring event, the highest dissolved phase benzene concentration was

11,000 µg/L in monitoring well MW-16 and 8,300 µg/L in MW-4R. The dissolved phase plume appears to be expanding for the past decade and has yet to be fully delineated near monitoring well MW-17 and possibly northeast of MW-16.

Absorbent socks have been used in wells in the past at this facility with success. In April 2023, new LNAPL recovery socks were installed in MW-1R and MW-21 and ORC socks supplied by Regensis Remediation were installed in MW-8, MW-12, MW-17, and MW-16.

The following technical information for this facility is available for review:

Initial Abatement (Soil Excavation & Disposal); May 21, 2003
Continued Initial Abatement Preliminary Investigation; September 23, 2003
Monitoring Well Installation and Groundwater Monitoring Report; April 19, 2004
Monitoring Well Installation and Groundwater Monitoring Report; October 22, 2007
Fourth Quarter Groundwater Monitoring and NAPL Recovery Report; September 11, 2015
SVE Well Installation, LNAPL Recovery, and Groundwater Monitoring; November 15, 2017
SVE Pilot Testing Report; December 28, 2017
Quarterly Groundwater Monitoring Report; March 22, 2018
Quarterly Groundwater Monitoring Report; June 25, 2018
Quarterly Groundwater Monitoring Report; September 26, 2018
Well Installation and First Quarter Monitoring Report; October 4, 2018
Quarterly Groundwater Monitoring Report; February 14, 2019
Third Quarter Groundwater Monitoring Report; April 10, 2019
Groundwater Monitoring and LNAPL Recovery Report; June 17, 2019
Groundwater Monitoring and LNAPL Recovery Report; October 26, 2021
LNAPL Recovery Report; May 12, 2023

The technical information is available in the Bureau files and is available for review at:
<https://cloud.env.nm.gov/waste/pages/search.php?search=%21collection2491&k=8c5514b47c>

E. RESPONSIBLE PARTY CONTACT INFORMATION

7-Eleven Inc.
Attn: Paula Sime
Manager, Environmental Services
Phone: (707) 280-2836
Email: Paula.Sime@7-11.com

II. PROPOSAL PROCESS INFORMATION

A. PURPOSE OF THIS PROPOSAL SOLICITATION

On behalf of the Owner/Operator (O/O), the New Mexico Environment Department (NMED) Petroleum Storage Tank Bureau (PSTB) is soliciting proposals from qualified contractors to identify and implement an appropriate strategy to address soil and groundwater contamination at the site. All work must be performed in accordance with requirements of New Mexico Petroleum Storage Tank Regulations, 20.5 NMAC.

The O/O will be notified of the proposal that is selected through the Proposal Solicitation process and PSTB anticipates that the O/O will enter into a contract with the contractor to provide the services described in the proposal.

B. PROPOSAL CONTACT

The name, address, and telephone number of the contact person for this Proposal Solicitation are listed below:

Michael Leger
New Mexico Environment Department Petroleum Storage Tank Bureau
121 Tijeras Avenue NE, Suite 1000
Albuquerque, New Mexico 87102
Telephone: (505) 372-8337
FAX:(505) 476-4374
email: michael.leger@env.nm.gov

Any inquiries regarding this Proposal Solicitation must be submitted in writing. Inquiries may be faxed or emailed and must reference the specific project. In all cases, no verbal communication will override written communications and only written communications are binding.

All inquiries must be received no later than **two** weeks prior to the proposal submittal deadline.

All responses to inquiries will be posted on the PSTB website.

C. REVISIONS TO THE PROPOSAL SOLICITATION

In the event it becomes necessary to revise any part of this Proposal Solicitation, revisions will be provided by posting on the PSTB website.

D. DEADLINES FOR SUBMISSION OF PROPOSAL

ALL PROPOSALS MUST BE RECEIVED FOR REVIEW AND EVALUATION BY THE **CONTACT PERSON** NO LATER THAN 3:00 PM MDT May 17, 2024. **Proposals received after this deadline will not be accepted.** The date and time of receipt will be recorded on each proposal. Proposals must be addressed and delivered to the **contact** at the address listed in Section II.B. Proposals must be submitted in a sealed box or envelope indicating the proposal title along with the offeror's name and address clearly marked on the outside of the box or envelope. **Proposals submitted by facsimile or email will not be accepted.** The contents of any proposal shall not be disclosed to competing offerors prior to contract award.

E. SHORT LISTED PROPOSALS

PSTB will create a short-list of finalists from the proposals submitted based on review of the Statement of Qualifications and Technical Proposal. **Only offerors included on the short-list will be requested to submit a cost proposal for evaluation.**

F. ORAL PRESENTATION/DEMONSTRATION BY FINALISTS

Finalist offerors may be required to present their proposals and respond to Evaluation Committee questions. Time for each finalist presentation will be scheduled with information regarding the timing and content of such presentations, if required. PSTB shall not be responsible for any costs or expenses incurred by an offeror to make an oral presentation.

G. BEST AND FINAL OFFERS FROM FINALISTS

Finalist offerors may submit revisions to their proposals for providing best and final offers. Best and final offers may be clarified and amended at the finalist offeror's oral presentation/demonstration.

H. SELECTION OF CONTRACTORS AND NOTIFICATION OF EVALUATION RESULTS

After evaluation of the proposals, the O/O will be notified in writing of the selected proposal. All offerors who submitted proposals shall be notified in writing of the evaluation results.

I. PROPOSAL EVALUATION

Proposals received within the date and time specified will be evaluated by an evaluation committee. Discussions regarding proposal evaluation shall not be initiated by the offerors.

J. SUBCONTRACTORS

If the offeror intends to subcontract any part of the work to be performed under this Proposal Solicitation, the offeror is responsible for assuring the subcontractors possess all appropriate licenses as required by the State of New Mexico.

K. AMENDED PROPOSALS

An offeror may submit an amended proposal before the deadline for receipt of proposals. Such amended proposals must be complete replacements for a previously submitted proposal and must be clearly identified as such in the transmittal letter. PSTB will not merge, collate, or assemble proposal materials.

L. WITHDRAWAL OF PROPOSAL

An offeror may withdraw a proposal at any time.

M. TERM OF PROPOSAL

All proposal costs shall be firm for a period of one hundred eighty (180) days after the proposal submittal date to allow time for evaluation of all proposals and to make an award.

N. DISPOSITION OF PROPOSALS

All proposals become the property of the State of New Mexico upon receipt and will not be returned to the offeror unless requested in writing. The PSTB will hold all proposals requested to be returned for a period of 30 days. The State of New Mexico shall have the right to use all ideas or adaptation of ideas contained in any proposal received in response to this solicitation. Selection or rejection of the proposal will not affect this right.

If, for any reason, this solicitation is canceled, all proposals will be returned to offerors.

O. CONFLICTS OR AMBIGUITIES

Offerors shall notify the PSTB immediately if conflicts or ambiguities are found in the solicitation. Failure to do so prior to the specified closing date may result in these items being resolved in a manner deemed to be in the State's best interest as judged by the PSTB.

III. PROPOSAL FORMAT

A. NUMBER OF RESPONSES

Only one proposal shall be submitted by each offeror for consideration.

B. NUMBER OF COPIES

1. Statement of Qualifications: Offerors shall deliver one (1) original, two (2) paper copies and one (1) electronic copy in CD format of the **Statement of Qualifications**.

2. Technical Proposal: Offerors shall deliver one (1) original and four (4) copies of the **Technical Proposal**. In addition to the five (5) paper copies, one (1) copy of the proposal shall be submitted in electronic format on a CD.

3. Cost Proposal: ONLY SHORT-LISTED FINALIST FIRMS WILL BE REQUIRED TO PROVIDE A **COST PROPOSAL**. See Section III.C.3 for details. If the offeror is a resident business, to be recognized as such, the cost proposal must include the company's certificate and certification number as issued by the Tax and Revenue Department.

C. PROPOSAL COMPONENTS

Within each section of the proposal, offerors shall address the items in the order in which they appear in this solicitation. All proposals must be typewritten with a font equal to or larger than 11, on standard white 8 ½" x 11" paper. Larger paper is permissible for charts, maps, spreadsheets, etc., but in no instance shall the paper size exceed 11" x 17". All text on the charts, maps, spreadsheets, etc. must have a font equal to or larger than 8. **Appendix A provides a checklist to assist in completion of the proposal.**

The following are required components of a complete proposal:

1. **Statement of Qualifications:** The Statement of Qualifications shall include the Letter of Transmittal, a discussion of key staff and corporate experience, a relevant example of a health and safety plan, and documentation relating to Construction Industries Division licensure and professional engineering licensure.
 - a. Letter of Transmittal: The letter of transmittal MUST:
 - i. Identify the submitting organization;
 - ii. Identify the name, title, email address and telephone number of the person authorized to negotiate workplans on behalf of the organization;
 - iii. Identify the name, title, email address and telephone number of the person to be contacted for proposal clarification;
 - iv. Explicitly indicate acceptance of the conditions governing the solicitation stated in Section V;
 - v. Acknowledge receipt of all amendments to the Proposal Solicitation;
 - vi. Be signed by the authorized representative of the firm.
 - vii. Each proposal shall contain a notarized affidavit signed by the contractor certifying under oath that the contractor has participated and will continue to participate in the competitive contractor selection process as described in section 20.5.123 NMAC and Section 74-6B-7C NMSA 1978 without misrepresentation and without collusion with other contractors during the entire solicitation, evaluation and selection process.
 - b. Key Staff and Corporate Experience: Offerors must include in the proposal credentials of the key personnel responsible for the completion of the work as discussed in Section II.A of this Proposal Solicitation. These credentials must include but are not limited to the following: academic degrees and other pertinent training information, experience in storage tank site investigations, and remediation or other relevant experience. The resumes or experience narratives included should describe the specific experience of each proposed staff member as it relates to knowledge of, and experience in, petroleum storage tank site investigations and remediation or other relevant experience. The offeror must submit a statement of their current staff's relevant experience in the design, implementation, operation and maintenance of engineered systems for the

remediation of related or similar petroleum storage tank sites. Additional information should be included regarding organization size and administrative support staff.

c. Health and Safety Plan: The offeror must include an example copy of a relevant and site-specific health and safety plan (HASP). Please note: It is not necessary to write a HASP specifically for this solicitation. An example site-specific HASP from a relevant site is all that is required.

d. New Mexico Construction Industries Division License: A proposal will be deemed non-responsive and will be dropped from further evaluation if it does not include a current copy of the offeror's New Mexico Construction Industries Division (CID) license. The CID license must be in an appropriate category for the scope of work being completed. It is recommended that offerors check with CID to assure that they are following the law.

e. Professional Engineering Licensure: Pursuant to the requirements of 20.5.122.2203 NMAC, because the involvement of a professional engineer is required for the corrective action being conducted, the firm's qualification requirements shall include documentation of licensure by the New Mexico State Board of Licensure for Professional Engineers and Surveyors in the discipline of engineering appropriate to the corrective action. This requirement may be met by demonstrating that the firm has on staff or available by contract a professional engineer licensed in the appropriate discipline. This discussion shall include the following:

- i. The employment relationship between the professional engineer and the proposing firm, i.e. is the professional engineer on staff or contract;
- ii. A current copy of the professional engineer's license and/or professional engineer's license number and documentation that the license is in the appropriate discipline for the remediation work that is to be performed at this site;
- iii. A statement that the professional engineer can contractually bind your firm;
- iv. A statement that the professional engineer is following the professional engineer rules, Part 8 of 16.39 NMAC.

f. Anti-collusion affidavit: Pursuant to the requirements of 20.5.17.15.C.3 NMAC, each proposal submitted in response to this solicitation must contain a notarized affidavit signed by the bidding firm certifying under oath that the bidder has participated and will continue to participate in the competitive contractor selection process as described in 20.5.123 NMAC and NMSA 1978, Section 74-6B-7C without misrepresentation and without collusion with other contractors during the entire solicitation, evaluation and selection process.

2. **Technical Proposal**: The offeror shall include a Technical Proposal Summary, limited to **one** (1) page, to provide the Evaluation Committee with an overview of the technical features of the proposal. The technical proposal shall be limited to **ten (10)** pages in length, exclusive of the table of contents and any figures, diagrams, spreadsheets, maps or charts asked for as enclosures. Offerors should include in the response a description of how their firm will complete the scope of work, addressing the requirements of 20.5 NMAC and this Proposal

Solicitation. Only information available in the public record shall be used to prepare the proposal.

No additional environmental data, including but not limited to, measurements of depth to groundwater or NAPL, soil, groundwater or vapor analyses or pilot testing shall be collected from the site for use in preparation of proposals. Proposals should contain a detailed description of an approach that will reach the cleanup goals for the site and a detailed description of plans to reach these goals using the remediation strategy proposed. Proposed performance guarantees to remediate the site to closure status should be discussed.

A timetable outlining the project should be presented with the proposal. The schedules for operation, maintenance, and monitoring analyses for the remediation system should be addressed in the proposal. Should the implementation of your proposed remediation strategy require the purchase of major remediation equipment as defined in 20.5.123.2307.B.2 NMAC, the proposal should contain details of the types of equipment that will need to be purchased.

Proposals should contain a detailed description of the theoretical and practical understanding of the remediation strategy that will be used to reach closure status. A description of the role of the offeror's professional engineer and the protocol for communication between the professional engineer and PSTB personnel should also be included.

The technical proposal should be organized and indexed in the following format and should contain, at a minimum, all listed items in the sequence indicated, as appropriate.

TECHNICAL PROPOSAL INDEX

- a) Table of Contents
- b) Technical Proposal Summary (*limited to 1 page*)
- c) Technical Proposal (*limited to 10 pages*)
 - Discussion of Site Conditions
 - Cleanup Strategy
 - Operation and Maintenance Strategy
 - Other Considerations Including Safety and Disruptions
- d) Timetable
- e) Other Supporting Material such as figures, diagrams, spreadsheets, maps or charts

Offerors should respond in the form of a narrative to each specification. The narrative along with the required supporting material will be evaluated and awarded points according to the Evaluation Criteria presented in Section IV.

3. **Cost Proposal: ONLY SHORT-LISTED FINALIST FIRMS WILL BE REQUIRED TO PROVIDE A COST PROPOSAL.** Short-listed finalist firms will be requested to provide a firm, fixed cost, exclusive of New Mexico Gross Receipts Tax, for **all** the following items listed below exclusive of professional engineering services. **Please refer to Appendix B for format of the Cost Proposal.**

- a. Cost for development of a Final Remediation Plan (FRP) for the remediation strategy that is to be implemented at the site, except for professional engineering services.

- b. Cost for implementation of the remediation strategy. This cost item shall include installation of the proposed remediation system, if appropriate, all required environmental and other permits, and related hydrogeological services. For this Proposal Solicitation, assume that all remediation equipment will have to be purchased. Include system startup costs. Include cost of the as-built report, except for professional engineering services.
- c. Cost of four calendar quarters of operation and maintenance of the system in conformance with the proposed FRP, except for professional engineering services. Include costs for operation and maintenance reporting. Do not include any cost for utilities.
- d. Cost for baseline and 3 quarters of groundwater monitoring and reporting for a total of 16 monitoring wells. For this Proposal Solicitation, do not include the cost of any blank samples, duplicate samples, spiked samples, etc. Assume that all samples are to be analyzed with standard laboratory turn-around time by EPA Method 8260B only, including Naphthalene, 1-Methylnaphthalene, and 2-Methylnaphthalene. Assume that sampling for metals is not required and that non-aqueous phase liquid (NAPL) is not present in any of the wells, and depth to water is 19 feet below ground surface. Include costs for laboratory analyses and reports that include historical summary tables for depth to water/elevation and laboratory analytical results, and contoured maps for each contaminant of concern and potentiometric surface map.
- e. Cost of all major remediation equipment (as defined in 20.5.123 NMAC) shall be included as a separate line item on the cost table, but will not be considered in the evaluation of the cost effectiveness.

All proposed costs, rates or expenses must occur only in the Cost Proposal. **Please note that should your firm negotiate a contract with the O/O as a result of this Proposal Solicitation; the costs that your firm submits in response to this solicitation will be required to be followed during the workplan approval process for the first six (6) months of the contract.**

IV. PROPOSAL EVALUATION CRITERIA

All offerors that are deemed to be qualified based on a review of the Statement of Qualifications will be evaluated as follows:

Technical Merit Score – 700 points

Technical Proposal - 650 points + Oral presentation – 50 points

Cost Effectiveness Score – 300 points

A. TECHNICAL PROPOSAL

The technical merit score, with a maximum of 700 points, shall be comprised of 650 points for the technical proposal and 50 points for the oral presentation.

| | | |
|----------|---|--------------------------------|
| 1 | <i>Quality of Proposal</i> | <i>50 Total</i> |
| a | Does offeror address the requirements of the Petroleum Storage Tank Regulations and all other necessary regulations, permits, access agreements, and local coordination efforts? | 25 |
| b | Are maps and diagrams clear and accurate and do they adequately illustrate and support offeror's conceptual site model? | 25 |
| | | |
| 2 | <i>Demonstrated technical understanding of site conditions</i> | <i>200 Total</i> |
| a | Does offeror demonstrate a clear understanding of site conditions, existing data, and articulate a complete and appropriate conceptual site model? | 150 |
| b | Does offeror specify and justify the need to collect additional data? | 50 |
| | | |
| 3 | <i>Cleanup Strategy</i> | <i>200 Total</i> |
| a | Does offeror provide a discussion of remediation options considered, why the proposed strategy was selected, demonstrate past experience and familiarity with the strategy, and present necessary and accurate calculations to support the selection, and include a discussion of equipment that would be required to implement the strategy? | 100 |
| b | Is the proposed remedy consistent with known site conditions and cost effective in expediting site closure? | 100 |
| | | |
| 4 | <i>Implementation Strategy</i> | <i>200 Total Points</i> |
| a | Does offeror describe in adequate detail how the remediation will be implemented? And, if appropriate, optimized? | 100 |
| b | Does offeror present a reasonable timetable for implementing the remedial strategy and necessary actions and estimated time to achieve site closure? | 50 |
| c | Does offeror describe an appropriate operations and maintenance monitoring and reporting strategy to support optimization, if appropriate, and to provide adequate evidence for attaining site closure? | 50 |
| | | |

B. ORAL PRESENTATION SCORE

Maximum of 50 points

C. COST PROPOSAL

(Applies to short-listed finalist firms only): Maximum of 300 points

The evaluation of each offeror's cost proposal will be conducted using the following formula as specified in 20.5.17.123.2307.D.9 NMAC:

The cost effectiveness score is the technical weight factor times the cost weight factor times 300, where the technical weight factor is the proposal's technical merit score divided by the highest technical merit score of proposals on the short list; the cost weight factor is the lowest cost of proposals on the short list divided by the proposal's cost; and 300 is the maximum cost effectiveness score.

In accordance with 20.5.123.2307.E NMAC, when proposals are received from nonresident businesses and resident businesses, and the proposal with the highest evaluation is from a nonresident business, the contract shall be awarded to the resident business whose technical merit is comparable and whose cost is nearest to the cost of the high scoring nonresident business proposal if the cost of the resident proposal is made lower than the cost of the nonresident business when multiplied by a factor of 0.95.

V. CONDITIONS GOVERNING SOLICITATION

Submission of a proposal constitutes acceptance of the Conditions Governing the Solicitation contained in this section.

A. INCURRING COST

Any cost incurred by the offeror in preparation, transmittal, and/or presentation of any proposal or material submitted in response to this solicitation shall be borne solely by the offeror. Any cost incurred by the offeror for set up and demonstration of the proposed equipment and/or system shall be borne solely by the offeror.

B. PRIME CONTRACTOR RESPONSIBILITY

Any subcontract that may result from this solicitation shall specify that the contractor is solely responsible for fulfillment of the contract with the O/O. PSTB will make payments on behalf of the O/O to the prime contractor only. It is the responsibility of the prime contractor to assure that all drilling subcontractors are properly licensed, pursuant to the requirements of 19.27.4 NMAC.

C. CANCELLATION

This solicitation may be canceled at any time and any or all proposals may be rejected in whole or in part if PSTB determines such action to be in the best interest of the State of New Mexico.

D. OFFEROR QUALIFICATIONS

The Evaluation Committee may make such investigations as necessary to determine the ability of the offeror to adhere to the requirements specified within this solicitation. The Evaluation Committee will reject the proposal of any offeror who is not a responsible offeror or fails to submit a responsive offer as defined in NMSA 1978, Sections 13-1-83 and 13-1-85.

E. RIGHT TO WAIVE MINOR IRREGULARITIES

The Evaluation Committee reserves the right to waive minor irregularities. The Evaluation Committee also reserves the right to waive mandatory requirements if all the otherwise responsive proposals failed to meet the same mandatory requirements and the failure to do so does not otherwise materially affect the procurement. This right is at the sole discretion of the Evaluation Committee.

F. USE OF ELECTRONIC VERSIONS OF THIS SOLICITATION

This solicitation is being made available by electronic means. If accepted by such means, the offeror acknowledges and accepts full responsibility to ensure that no changes are made to the solicitation. In the event of conflict between a version of the solicitation in the offeror's possession and the version maintained by the PSTB, the version maintained by the PSTB shall govern.

G. ACCESS

It is the Contractor's sole responsibility to determine whether legal access is available to the site before beginning work on the site. If no legal access is available to the site, the Contractor will not begin any work on the site until legal access has been acquired.

VI. IMPLEMENTATION OF SELECTED PROPOSAL

A. GENERAL INFORMATION

The following information is provided to assist the O/O and/or PSTB in obtaining a technical workplan to address the site-specific remediation needs. ***Performance-based criteria are required in proposals for all remediation activities.***

The Contractor shall not modify an approved workplan without specific written approval from the PSTB. Any modifications to the workplan must be approved in writing by the PSTB prior to initiation of work.

The PSTB reserves the right to reject any modifications to the approved workplan.

Pursuant to the requirements of 20.5.123.2307.C.3 NMAC, each proposal submitted in response to this solicitation must contain a notarized affidavit signed by the bidding firm certifying under

oath that the bidder has participated and will continue to participate in the competitive contractor selection process as described in 20.5.17 NMAC and NMSA 1978, Section 74-6B-7C without misrepresentation and without collusion with other contractors during the entire solicitation, evaluation and selection process.

B. FINAL REMEDIATION PLAN (FRP)

The Contractor with the winning proposal shall develop, submit and implement a Final Remediation Plan, with NMED approval and in accordance with 20.5.119.1923 through 20.5.119.1929 NMAC.

C. ENGINEERING SERVICES

The professional engineer shall perform the professional services necessary to accomplish the work specified in the proposal. The PSTB's professional engineer shall review all engineered stamped drawings and shall either concur, disapprove or recommend modifications to all design drawings, specifications, reports, and other services provided to the PSTB. This review and concurrence process shall not in any way relieve the contractor's professional engineer of responsibility for the technical adequacy of the work. There shall be no right of action or claim by the engineer, O/O or any third-party beneficiary because of the PSTB's review, approval, acceptance of, or payment for work by a professional engineer.

The standard of care for all professional engineering and related services performed or furnished by the professional engineer shall be the care and skill ordinarily used by members of the profession practicing under similar circumstances at the same time and in the same locality. The PSTB shall not accept any warranties, expressed or implied, in connection with the professional engineer's services.

The O/O shall provide the professional engineer with site access for the professional engineer to review the work of the contractor as construction progresses and to ascertain that the contractor's work is conforming to the plans and specifications previously approved by the PSTB. The O/O shall, in connection with observations of the contractor's work while it is in progress, allow the professional engineer visits to the site at intervals appropriate to the various stages of construction to observe, as an experienced and qualified design professional, the progress and quality of the contractor's executed work. Based on the information obtained during such visits and observations, the professional engineer shall determine in general if the work is proceeding in accordance with the engineering plans and specifications and notify the O/O. The O/O shall keep the PSTB informed of the progress and quality of the work at the site.

Pursuant to the requirements of 20.5.122.2230 NMAC, the firm's qualification requirements shall include licensure by the New Mexico State Board of Licensure for Professional Engineers and Surveyors in the discipline of engineering appropriate to the corrective action. This requirement may be met by demonstrating that the firm has on staff or available by contract a professional engineer licensed in the appropriate discipline.

D. PERMITS

The Contractor is fully responsible for filing and obtaining all local, state, and federal easements and permits necessary to implement the FRP.

Upon receipt of all permits and easements, the Contractor must submit a copy of each to the owner or operator and the PSTB's Project Manager. All permits must be obtained in a timely manner.

E. PROPERTY ACCESS

The Contractor must obtain written permission from all property owners necessary to conduct any additional investigatory work and to implement the FRP.

The Contractor must notify the PSTB's Project Manager in all instances where authorization for property access is denied.

F. PROPERTY RESTORATION

During implementation of the FRP or any additional investigatory work or testing, the Contractor is responsible for the repair of any property damaged or destroyed due to fault or negligence of the Contractor. The damaged property must be returned to its original condition within 30 calendar days after the damage or destruction has occurred.

G. WORK NOTIFICATION REQUIREMENTS

The Contractor shall notify O/O, the PSTB's Project Manager, and the appropriate NMED District Office in writing (email is acceptable), 96 hours prior to the initiation of any work at the site. The notice shall include the date and time the work is to begin and a schedule of implementation.

VII. ROLES AND RESPONSIBILITIES

A. RESPONSIBILITIES

The O/O is responsible for assuring the corrective action is conducted in accordance with the PSTB specifications described in Section VI of the Proposal Solicitation.

The O/O and the Contractor selected to perform this scope of work are responsible for maintaining the initial project costs approved by the PSTB. Any change orders to the workplan must be approved in writing by the PSTB prior to the Contractor commencing work.

The O/O and the Contractor are responsible for securing and complying with all federal, state or local permits and regulations regarding the proposal specifications.

The O/O and the Contractor are responsible for locating utilities prior to the commencement of investigation or remediation activities.

B. ERRORS IN PREPARATION

The Contractor is responsible for any mathematical error or incorrect extension of any calculations in the Contractor's price quote.

C. COMPLIANCE WITH LAW

The Contractor agrees to comply with all applicable federal, state, and local laws, rules, regulations and ordinances and all provisions required thereby to be included herein, are hereby incorporated by reference. The Contractor agrees to indemnify and hold the O/O and the Department harmless from any loss, damage, or liability resulting from the violation on the part of the Contractor of such laws, rules, regulations, or ordinances.

D. INSURANCE

The Contractor shall maintain, at its expense during the term of the contract, the following insurance covering the services to be performed under this contract:

Worker's compensation insurance-statutory.

Employers' liability insurance in the minimum amount of \$500,000.00 per occurrence with a \$1,000,000.00 aggregate.

Comprehensive general liability insurance of \$2,000,000.00 per occurrence (annual) with a \$1,000,000.00 for bodily injury, each person, to a maximum of \$2,000,000.00 each occurrence (annual).

The Contractor shall furnish evidence that each motor vehicle to be used by the Contractor pursuant to this Contract is covered in the minimum amount of \$500,000.00 for bodily injury to, or death of, one person in any one accident, and subject to said limit for one person. In addition, a limit of \$1,000,000.00 for bodily injury to, or destruction of property of others in any one accident must be provided.

E. INDEMNIFICATION

Neither the O/O or NMED shall be liable for any damage or compensation payable at law in respect or in consequence of any accident or injury to any worker or other person in the employment of the Contractor or any subcontractor, save and except an accident or injury resulting from a willful negligent act or default of the O/O or NMED. The Contractor shall indemnify and keep indemnified the O/O and NMED against all such damages and compensation, save and except as aforesaid, and against all claims, proceedings, costs, charges, and expenses whatsoever in respect thereof or in relation thereto.

APPENDIX A

Mandatory Requirements Checklist

| Check | Requirement | Reference |
|-------|---|------------------|
| | Statement of Qualifications – 1 original, 2 copies & 1 CD | III.B.1, III.C.1 |
| | Letter of Transmittal | III.C.1 |
| | A notarized affidavit signed by the contractor certifying under oath that the contractor has participated and will continue to participate in the competitive contractor selection process as described Section 74-6B-7C NMSA 1978 without misrepresentation and without collusion with other contractors | III.C.1 |
| | Description of Key Staff and Corporate Experience | III.C.1 |
| | Health and Safety Plan | III.C.1 |
| | NM Construction Industries Division License | III.C.1 |
| | Professional Engineering License including a statement that the engineer is authorized to obligate the company | III.C.1 |
| | Anti-collusion Affidavit | III.C.1 |
| | Technical Proposal - 1 original, 4 copies, 1 CD (Envelope 2) | III.B.2, III.C.2 |
| | Technical Proposal Summary, limited to one page | III.C.2 |
| | Technical Proposal limited to 10 pages | III.C.2 |

APPENDIX B

Cost Proposal (short-listed finalist firms only)

The cost proposal must be submitted in a separate, sealed envelope. The details of what is involved in each of the cost criteria below are contained in Section III.C of the solicitation document.

| Criteria | Cost |
|---|------|
| Cost for development of a Final Remediation Plan, except for professional engineering services. | |
| Cost for implementation of the remediation strategy, including installation of the proposed remediation system, if appropriate, all required environmental and other permits, and related hydrogeological services, except for professional engineering services. | |
| Cost for four quarters of remediation system(s) operation and maintenance, except for professional engineering services. Do not include cost for utilities. | |
| Cost for baseline and 3 quarters of groundwater monitoring for 16 monitor wells, EPA Method 8260B only, including Naphthalene, 1-Methylnaphthane, and 2-Methylnaphthalene, no duplicates or blanks. Assume depth to water is 19 feet below ground surface. Include cost of laboratory analysis and reports that include historic summary tables for depth to water/elevation, laboratory analytical results, and maps of each contaminant and a potentiometric surface map. | |
| Grand Total Cost of All Four of the Above Criteria | |
| Cost of major remediation equipment | |

*****All costs provided must be exclusive of the cost of any professional engineering services and New Mexico Gross Receipts Tax*****