

RFP – Phase-1 Environmental Site Assessment Services

April 2010

Q&A – April 27, 2010

GOOD FAITH EFFORTS

Please be mindful that it is the intent of all solicitations by the Agency under our EPA Grant to offer bidding opportunities to qualified MBE/WBEs. The Agency will strive to reach as many MBE/WBEs as practical to accomplish our Good Faith Efforts to meet our goals set by the EPA. However, the EPA does not expect the Agency to hire unqualified MBE/WBEs to meet those goals.

QUESTION AND ANSWERS

Q.1. We understand that the Economic Development Agency requires prospective consultants to demonstrate a “good faith” effort in securing certain MBE/WBE construction, equipment, services, and/or supplies. However, by their very nature, Phase I Environmental Assessments would not utilize construction, equipment, or supplies. Phase I investigations are Services provided by environmental consultants. Along with those services come numerous potential liabilities which preclude a consulting company from using anyone other than their own in-house skilled professionals. If one were to subcontract any of the individual Phase I’s or hire a subcontractor to perform a limited portion of a Phase I, then the prime contractor would be liable for any mistakes or oversights made by their subcontractors...and we have seen many such mistakes made by both small and large consulting companies. Therefore, in our opinion, the use of subcontractors in performing Phase I’s is not warranted. Can the Economic Development Agency change this requirement since it does not appear to be applicable to these anticipated tasks?

A.1. If the Proposer does not sub-contract any of the proposed work, then a Good Faith Effort is not required. However, if the Proposer does sub-contract any of the proposed work, or later decides to sub-contract, even after a contract is signed with the Agency, then the Proposer is required to do a Good Faith Effort in accordance with EPA guidelines as stated in the RFP.

Q.2. Section IV (Good Faith Effort, RFP Page 2): The RFP requires that proposer submit documentation of performing a Good Faith Effort in accordance with CFR 40 Section 33.301. However, given the anticipated value of the project, performance of all of the Good Faith Effort activities in accordance with CFR requirements, especially with regard to advertisements, may be cost prohibitive. **a)** If a proposer were to include a specific W/MBE firm on their team to perform the available subcontractor services would this be considered responsive? Also, the project goal for services is 30%. Given the scope of work, it may not be possible to achieve this goal through subcontracted services. **b)** Should a proposal be submitted that identifies W/MBE participation in all available subcontracting tasks, but does not meet the 30% goal, how will this be evaluated?

A.2. **a)** In order to be considered responsive, if the Proposer uses any sub-contractor(s), the Proposer is required to do a Good Faith Effort in accordance with the EPA guidelines as stated in the RFP. The cost of doing a Good Faith Effort is the cost of ensuring that MBE/WBEs are given equal opportunities.

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b) The Good Faith Effort does not mean that you must meet the goal(s), it means that you put forth the effort. The effort put forth will be evaluated.

Q.3. Based on the following:

- There will be no "Construction" or "Equipment" needs for the project.
- M/WBE Goals for "Services" and "Supplies" are between 20% and 30%.
- Less than approximately 10% of the project will be outside costs, primarily mileage, copying at government agencies and purchase of an environmental database report. None of these costs are considered "subcontracts."
- As described in Code of Federal Regulations, Title 40, Volume 1, Part 33 Sec. 33.301 "(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section."

Is the Good Faith Effort (RFP Section IV) required by us (the Prime Contractor) for this submittal?

A.3. If the Proposer does not sub-contract any of the proposed work, then a Good Faith Effort is not necessary. However, if the Proposer later decides to sub-contract, even after a contract is signed with the Agency, then the Proposer is required to do a Good Faith Effort in accordance with EPA guidelines as stated in the RFP.

Q.4. Do I have to be Union to do this project?

A.4. No.

Q.5. Our firm is a MBE certified by CPUC WMBE Clearinghouse. Is this an acceptable MBE-certifying agency for this submittal?

A.5. Yes

Q.6. Can you advise if we are going to receive information via emails or will we be required to check the Web Site each day?

A.6. No more emails will be sent. There will be 3 Q&A postings - April 27, 2010, May 5, 2010, and May 10, 2010. Please check the website after 5:00 p.m. on those days – <http://www.sbrda.org/brownfields.htm>

Q.7. If we are a Certified Minority Business Enterprise, have we met the goals established in Section IV?

A.7. If your Proposal is selected by the Agency, your certification assists the Agency in meeting its EPA MBE/WBE goals. As long as you do not sub-contract any of the proposed work, then you are not required to do a Good Faith Effort.

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Q.8. In addition, the items identified in this section do not appear to pertain to the type of work solicited in the RFP?

A.8. The Agency goals established by the EPA are identified in Section IV of the RFP to inform Proposers what is required of the Agency. They are not meant to represent every aspect of work required by this RFP.

Q.9. Who was the consultant selected for the Site Inventory/Prioritization task?

A.9. Brian A. Stirrat

Q.10. What information is currently available for each site?

A.10. That is what the successful Proposer will research.

Q.11. Does the City have plans for future development of each parcel?

A.11. Not at this time.

Q.12. What are the consultant selection criteria and percent weight given to each criteria?

A.12. Please refer to Section XI Proposal Evaluation and Selection for selection criteria – paragraph 1. No weights have been determined.

Q.13. Confirm that “vacant” only means “currently vacant of structures” and could have been structurally developed or had a historical land use (e.g., commercial, industrial) previously?

A.13. “Vacant” indicates there are no current structures on the site. Any previous structures and/or historical land use is to be researched by successful Proposer.

Q.14. Re: Cost Proposal - Definition of “Current Fee Schedule” is understood. What is meant by “Overall Rate Structure?”

A.14. The terms mean the same.

Q.15. Why are there 3 different Question/Answer dates? (April 27, May 5, and May 10)

A.15. The issue arose that with only one final Q&A date of May 10, 2010, there would not be sufficient lead time for Good Faith Efforts to be conducted.

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Q.16. I want to only propose on one of the Hazardous Substance sites. Is this acceptable or do I have to submit a Proposal for all sites?

A.16. You may submit a Proposal for any one or more sites. Please be very specific on which site(s) your Proposal is addressing.

Q.17. What firms received the RFP?

A.17. It is not known who received this RFP. However, the Agency sent it to over 150 firms and the RFP is posted on the Agency’s website.

Q.18. What will happen if the EPA refuses to allow a site for assessment under this RFP?

A.18. The Agency will select another site and the successful Proposer for the site that was eliminated will be given the opportunity to revise their Cost Proposal.

Q.19. The Agency’s site referenced as “Pet 9” is identified by APN 0135-032-01 and address “697 Mt. Vernon Avenue.” According to the San Bernardino County records, the APN and the address do not match. Can the Agency please clarify the site information?

A.19. According to City records, which are supplied by San Bernardino County, the address is correct. In any event, the APN rules the location.

Q.20. The Agency’s site referenced as “Pet 21” (APN 0138-272-06, 1019 W. 3rd Street) appears to be a part of a larger facility. Can the Agency please confirm that ESA will only include this parcel and not the entire facility?

A.20. Only APN 0138-272-06 is the subject of the ESA

Q.21. The Agency’s site referenced as “Pet 8” (W. 8th Street & N. Sierra Way) is associated with multiple APNs, including 0140-222-42. Can the Agency please confirm that ESA will include property research only for the listed APN?

A.21. Only APN 0140-222-42 is the subject of the ESA

Q.22. The Agency’s site referenced as “Haz 9” is identified by APN 0134-231-31 and described as “Carousel Mall parking lot.” The parking lot of the Carousel Mall consists of multiple parcels. Can the Agency please confirm that the ESA will include just this single parcel of the parking lot?

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- A.22.** The Carousel Mall parking lot consists of only one APN as of March 2009. The ESA will cover the entire parking lot of the Mall - APN 0134-231-31.