

STATE OF HAWAII
DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
OFFICE OF HAZARD EVALUATION AND EMERGENCY
RESPONSE

REQUEST FOR PROPOSALS
FOR
EMERGENCY ENVIRONMENTAL RESPONSE
PERSONS OR FIRMS

SOLICITATION NO.: RFP-HEER-ER2022

Proposals will be received no later than 3:30 p.m. (Hawaii Standard Time) Friday, May 27, 2022, time stamped by the Hazard Evaluation and Emergency Response Office; located at 2385 Waimano Home Road Suite 100, Pearl City, Hawaii 96782-1400. Late proposals will not be considered.

Questions relating to this solicitation may be directed to Harold Lao: telephone: (808) 586-4249; facsimile: (808) 586-7537, or e-mail: harold.lao@doh.hawaii.gov

The notice for this Request for Proposals was posted on the State Procurement Office website and the HEER Office website on Friday, April 22, 2022.

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SECTION ONE

INTRODUCTION

1.1 BACKGROUND

The Hazard Evaluation and Emergency Response Office (HEER Office) of the Hawai'i Department of Health (DOH) implements environmental laws and associated administrative rules that require protecting public health and the environment from releases or threats of releases of hazardous substances. The skills of various expertise are needed in order for the HEER Office personnel to respond. The environmental field requires multi-disciplinary expertise in areas such as general biological science, general health science, general physical science, and general education and training. It also requires skills such as regulatory compliance, community relations, contract management, and project coordination.

The HEER Office and its contractors are encouraged to seek and utilize disadvantaged, minority, and woman-owned business enterprises (DBE, MBE, and WBE) for their procurement needs.

The HEER Office receives approximately 500 notifications of releases or threats of releases of hazardous substances annually. Response actions range from picking up abandoned drums, unknown compressed gas cylinders, or other bulk containers that contain unknowns or hazardous, ignitable, or explosive substances, pollutants, or contaminants throughout the State of Hawai'i along roadways, state, county, and private lands, and beaches. The HEER Office also responds to oil spills on land and sea.

1.2 SIGNIFICANT DATES

The following is an approximate schedule for awarding contracts pursuant to this Request for Proposals:

Announce RFP on SPO and HEER Office Website	Fri, April 22, 2022
Deadline for submitting written questions 3:30 p.m. Hawaii Standard Time (HST)	Fri, May 6, 2022
Internet posting of answers to questions	Wed, May 11, 2022
Proposals due no later than 3:30 p.m. HST	Fri, May 27, 2022
Proposal evaluations completed by	Fri, June 3, 2022
Complete discussions with priority list offerors	Wed, June 8, 2022
Notice of Award (estimated)	Wed, June 29, 2022
Issue notice to proceed (estimated)	Late July 2022

1.3 WRITTEN QUESTIONS

The HEER Office will accept written questions regarding the Request for Proposals until 3:30 p.m. HST, Friday, April 29, 2022. Questions should be submitted in writing to Harold Lao by e-mail, fax, or letter. Responses to questions received will be posted on the HEER Office website by 4:30 p.m. HST, Wednesday, May 4, 2022:

<https://health.hawaii.gov/heer/>

1.4 OFFICIAL CONTACT PERSON

The official contact person for all communication regarding this Request for Proposals is:

Harold Lao
Department of Health
Office of Hazard Evaluation and Emergency Response
2385 Waimano Home Road Suite 100
Pearl City, Hawaii 96782-1400
Telephone number: (808) 586-4249
Facsimile: (808) 586-7537
E-mail: harold.lao@doh.hawaii.gov

1.5 CONFIDENTIALITY

As required by Hawai'i Administrative Rules Section 3-122-58 Public Inspection, the proposals of all offerors "shall be available for public inspection upon posting of award." The exceptions to this public availability are "those portions the offeror designates in writing as trade secrets or other proprietary data to be confidential..." The law also provides for appeals to material being designated as confidential. Offerors should identify very clearly which, if any, information is to be treated as confidential. To the extent that it is practical, Offerors should append or otherwise separate information they designate as confidential.

SECTION TWO

PERIOD OF PERFORMANCE

The initial period of the contract(s) will be for twelve (12) months. The contract(s) may be extended annually for an additional five (5) years, subject to availability of funding, satisfactory performance, and on-going need. The extension will be based upon mutual agreement in writing prior to expiration of the contract and the execution of a supplemental agreement. The Procuring Agency may terminate the contract(s) or a supplemental agreement to extend the contract at any time by providing sixty (60) days prior written notice.

SECTION THREE

TYPE OF CONTRACT AND PAYMENT

Award will be made to the responsible Offeror whose proposal is determined to be the most advantageous to the State based on the evaluation criteria set forth in the RFP. It will be based on negotiated rates, the number of hours to be worked in each labor category, and other associated expenses needed to complete the work. Payments will be made in accordance with the rates, hours, and expenses negotiated. Because of the uncertainties inherently associated with this project, DOH anticipates that the procurement will result in a "time and materials" contract and not a "fixed-priced" contract. The Department does reserve the right to structure the contract in any manner it believes to be in the best interest of the State and consistent with the State's procurement law.

SECTION FOUR

SCOPE OF SERVICES

4.1 INTRODUCTION

DOH is seeking environmental response assistance from a qualified firm to support our tasks. The Offeror(s) shall recommend and perform the response actions subject to DOH/HEER approval and oversight. The Offeror(s) shall provide and be responsible for all personnel, services, equipment, and materials, in support of the HEER Office. The HEER Office intends to award one contract to the most qualified offeror for the entire scope listed in this RFP. The HEER Office will not consider proposals for partial scopes of work.

The main goal of the response assistance is to provide fast responsive environmental cleanup services for release of hazardous substances (including oil), wastes, pollutants, and contaminants.

Removal Response: Incidents where the release or a threat of a release of hazardous substances (including oil), wastes, pollutants, and contaminants present an imminent and substantial endangerment to public health and/or the environment. Time is a factor. A removal action may fall into one of two categories:

- a) Emergency removal actions - Time is a critical factor. An emergency requires an immediate response.
- b) Time-critical removal action – A response action is required typically within days.

The specific type of removal action and the required response time shall be determined by the State On-Scene Coordinator (SOSC) with consideration given to the nature of the release, the contaminants, and the threat or potential threat to human health and/or the environment.

DOH is currently anticipating that this project will be budgeted between \$100,000 - \$200,000 annually.

4.2 SCOPE OF SERVICES

The Emergency Response Firm shall provide environmental response cleanup services for removal/treatment of hazardous substances (including oil), wastes, pollutants or contaminants. In addition, the response person(s) or firm(s) shall provide environmental response cleanup in response to natural and manmade disasters including terrorist activities such as nuclear, biological, or chemical warfare incidents. Other necessary technical services include, but are not limited to:

1. **Availability.** Provide and maintain a twenty-four hour, seven-day-a-week (24/7) designated point-of-contact reachable via land line, mobile, and satellite phones throughout the year. Work shall normally be accomplished during regular working hours; however, since the purpose of this Contract is to provide emergency response services to incidents posing an imminent and substantial threat to the public or the environment, the Contractor shall be available at all times throughout the year.
2. **Response Times.** For emergency response actions requiring immediate mobilization to the site, after a call from a State On-Scene Coordinator (SOSC), be on the scene of an incident within two (2) hours statewide.
3. **Project Planning.**
 - a. Conduct an initial on-scene survey to gain sufficient familiarity with the site conditions;
 - b. Prepare a detailed work plan to accomplish the project in the most effective, efficient, and safe manner. This work plan shall, at a minimum, define the types and quantities of clean-up personnel, equipment, and materials that will be needed, propose a project schedule, and include an estimate of the cost. Equipment costing \$5000 or greater to be purchased for a specific response shall be discussed with the SOSC. At the SOSC's request, prepare work plan alternatives;
 - c. Prepare a detailed Health and Safety Plan (HASP) compliant with applicable federal and state standards to protect the workers from the on-site

hazards posed by the contaminants and physical threats associated with the anticipated emergency and/or removal actions. The HASP should be on-site within 24 hours of an emergency response or a time-critical removal action to support site activities. When working on hazardous waste sites, all personnel (including subcontractors), must show proof they are up to date with Health and Safety Hazardous Waste Operations and Emergency Response certificates in accordance with CFR 1910.120.

4. Level A Response Capabilities. Conduct site entries that may require up to Level A personal protective equipment. HEER intends to use these capabilities to respond to incidents that require Level A personnel protective equipment (PPE). Level A emergency responses may involve industrial chemicals and/or incidents involving materials associated with terrorist activities, such as biological and chemical warfare agents.

The contractor shall be able to conduct Level A entries independently and jointly in coordination with SOSCs, qualified HEER personnel, other local, state, and federal agencies.

At a minimum, conduct an annual training with SOSCs to maintain competency.

5. Gather, identify, categorize (hazard categorization), segregate, package, transport, manifest, and dispose of hazardous materials. Packaging may involve recontainerization, bulking, lab packing, transferring, overpacking or neutralizing while rendering non-hazardous methods. These shall be conducted in accordance with all applicable federal, state, and county requirements, in coordination with the SOSC. Documentation shall be provided to HEER.

6. Contain a release through the use of chemicals and/or other materials to restrain the spread of the pollutant, by placing physical barriers to deter or direct the spread of the pollutant, by constructing interceptor trenches to collect uncontrolled flows, by placing diversionary booms, by installing temporary caps, or other containment measures.

7. Mobilize and use heavy equipment (i.e., backhoe, dozer, etc.) when conducting a response action.

8. Detonate hazardous substances (explosive materials which cannot be transported for disposal).
9. Puncture compressed gas cylinders with known or unknown contents in secured areas.
10. Remove contaminated soils from a site, transport, and dispose of at a permitted landfill, or deliver for treatment at any permitted treatment, storage, and disposal facility. These shall be conducted in accordance with all applicable federal, state, and county requirements.
11. Provide site security services that may include perimeter fencing/barrier and twenty-four (24) hour guard service.
12. Demonstrate knowledge and application of the Incident Command System.
13. Demonstrate competence in the use of sampling equipment for air, water, soil, and waste.
14. Provide capability of marine response actions, including marine firefighting. Marine (water) operations are inclusive of all areas of the scope of services (e.g. containment, recovery, etc.).
15. Provide capability to conduct and control chemical or oil product transfer from an overturned tanker.
16. Provide services or arrangements to calibrate HEER's response equipment.
17. Prepare draft waste profiles and manifests.
18. Maintain Hazardous Waste Manifest information and draft Biennial Report for submittal to State and EPA.

19. Provide technical support on community relations and public participation.

20. Provide analytical services with a turn-around time of less than eight (8) hours upon receipt of the samples for emergency response needs.

21. Establish and implement a plan to provide communications with the State On-Scene Coordinator before, during, and after an emergency or a disaster.

22. Participate as an expert witness in court proceedings involving enforcement or litigation.

SECTION FIVE

PROPOSAL REQUIREMENTS

5.1 INTRODUCTION

One of the objectives of this Request for Proposals is to make the proposal preparation easy and efficient, while giving Offerors ample opportunity to highlight their qualifications. The evaluation process must also be manageable and effective.

Proposals should be straightforward and concise, describing the Offeror's capabilities and approach to the project as completely as possible according to the format given in Section 5.3. Offerors are cautioned that reviewers may reject confusing and unclear item(s) to avoid any errors in interpretation during the evaluation process.

Part, or all, of this Request for Proposals and the successful proposal may be incorporated into the contract.

5.2 ORIGINAL PROPOSAL AND COPIES TO BE SUBMITTED

Offerors should submit their typed/printed proposals on 8.5"x11" paper. Each page of the proposal should contain a header or footer identifying the section, page number, and Offeror's name. One (1) original and four (4) hard copies of the proposal shall be submitted in the format specified below, along with an electronic copy. The original proposal shall be clearly marked "ORIGINAL" and copies shall be clearly marked "COPY" on the upper right hand corners of the cover pages.

It is imperative that Offerors submit only one original and the required number of copies. Please do not submit more than one original. Also, please note that faxed or email material will not be accepted. The State will not reimburse Offerors for any costs associated with developing, submitting, presenting, or negotiating proposals in response to this Request for Professional Services.

The original and copies shall be submitted in a sealed envelope(s)/box to:

Harold Lao
Office of Hazard Evaluation and Emergency Response
2385 Waimano Home Road, Suite 100
Pearl City, Hawaii 96782-1400

5.3 PROPOSAL FORMAT AND CONTENT

Proposals must be bound and organized into sections with tabs separating each section described below. Three-ringed binders are acceptable.

Offeror's Form Letter (Appendices A1 and A2)

Special Forms:

- Certificate of Vendor Compliance
- Proof of Liability Insurance

Detailed description of the overall approach to the project, the specific tasks to be performed.

Detailed qualifications of staff, including subcontractors, if any, and the location at which each individual normally works.

Detailed general rate schedule and price list of equipment, supplies, and other materials to support this Request for Proposal. Discussion of the firm's and team's qualifications related specifically to the requirements of the Proposal. This discussion should include work on similar or related projects.

The HEER Office will evaluate offers using the criteria provided in Section Six of this Request for Proposals. Offerors are advised to review the evaluation criteria and to provide all information necessary to allow the HEER Office to evaluate their proposal based on these criteria.

NOTE: The Department will only consider proposals that perform the entire scope of work and have the necessary resources and capabilities.

5.3.1. OFFEROR'S FORM LETTER

Offerors are requested to submit their offer using the Offeror's Form Letter attached to this RFP (Appendices A1 and A2). Offerors are to provide their exact legal name as registered with the Department of Commerce and Consumer Affairs. Failure to do so may delay proper execution of the contract. The Offeror's authorized signature on the "original" proposal shall be an original signature in ink. The person signing the Offer Form must have the authority to make such Offers on behalf of the Offeror. If the Offer Form is unsigned or the signature is a facsimile of a photocopy, the Offer may be rejected.

5.3.2. SPECIAL FORMS REQUIRED

5.3.2.1 CERTIFICATE OF VENDOR COMPLIANCE

Offerors, including subcontractors, if any, shall submit an original consolidated Hawaii Compliance Express (HCE) certificate, "Certificate of Vendor Compliance. This is a single certificate issued by the State Procurement Office which is a compilation of the following:

Tax clearance issued by the Hawai'i State Department of Taxation;

Labor certificate issued from the Hawai'i State Department of Labor and Industrial Relations certifying that the Offeror is in compliance with State labor laws; and a,

Certificate of Good Standing purchased from the Hawai'i State Department of Commerce and Consumer Affairs.

The HCE is an electronic system that allows vendors doing business with state or county agencies to quickly and easily obtain proof that they are compliant with applicable laws. Details regarding this online application process may be viewed at:

<https://hands.ehawaii.gov/hands/>

5.3.2.2 PROOF OF LIABILITY INSURANCE

Offerors shall submit proof that they carry a minimum of \$1,000,000 liability insurance. This proof of insurance may be a letter or form from the Offeror's insurance carrier.

5.3.3 SPECIAL QUALIFICATIONS AND EXPERIENCE OF THE OFFEROR(S) RELATED SPECIFICALLY TO THE REQUEST FOR EMERGENCY ENVIRONMENTAL RESPONSE

The proposal should contain a chart illustrating the project organization and identifying the key members of the team. At a minimum, the qualifications and the firm and staff should include the following:

The firm's principal place of business and location of all its offices. Age of firm and its average number of employees over the past three years.

The education, training, and qualifications of key employees (i.e. resumes).

The proposed primary point of contact for DOH regarding the contract.

Experiences in work related specifically to Emergency Environmental Responses.

The names and phone numbers of up to five clients who may be contacted as references, including at least two from the preceding year.

Promotional or descriptive literature the firm desires to submit.

If you plan to utilize the assistance of other parties outside of your firm (without compensation) or plan to subcontract (with compensation), a statement of intent to do so must be included. The identity, qualifications, and roles of the subcontracted parties should be described. Include the estimated percentage of assistance or subcontracting in relation to your own firm. The rates for all subcontractors as well as the cost of managing subcontractors must be shown in the cost summary. Each assistant or subcontractor must submit a price list and a statement, signed by an individual authorized to legally bind the subcontractor, and stating:

1. Name, address, telephone number, fax number, and contact person.
2. The general scope of work to be performed by the subcontractor.
3. The subcontractor's willingness to perform the work indicated.

5.3.4 INDIVIDUALS ON THE PROJECT TEAM, TECHNICAL SPECIALTY, LABOR CATEGORY, PROFESSIONAL LEVEL, RATE SCHEDULE, AND PRICE LIST

Offerors should clearly identify the individuals on their project team, the areas of expertise of these individuals, their professional level in the firm, and their pay rate. Offeror must also include their rates for equipment and supplies and for other expenses associated with the project, including any costs for known subcontractors. If your firm is selected, any of this information may be included in the contract, as deemed appropriate by the Procuring Agency.

SECTION SIX

OTHER PROVISIONS

Offerors must be able to abide by Executive Order No. 21-07 and comply with any county, state, or federal orders, rules, or directives as DOH HEER deems appropriate.

SECTION SEVEN

EVALUATION PROCESS AND CRITERIA FOR SELECTION OF CONTRACTORS

7.1 PROCESS FOR CONTRACTOR SELECTION

An Evaluation Committee will be used to evaluate proposals in accordance with the criteria described in Section 6.2. Each proposal will be reviewed and assigned a numerical score by each member of the Evaluation Committee. The scores of all evaluators will be averaged and the average scores will be used to provide a rank ordering of the proposals. The Evaluation Committee shall identify a Priority Offerors List comprised of the 3-5 Offerors receiving the highest scores. The HEER Office will select the contractor for this project the Priority Offerors List.

Public Notice. The DOH HEER Office will publish a Procurement Notice of the RFP on the website of the State Procurement Office and the HEER Office website. Interested parties may download a copy of the informational packet from one of the following: State Procurement Office or HEER Office websites:

HEER Office: <https://health.hawaii.gov/heer/>

SPO: <https://hands.ehawaii.gov/hands/>

Alternatively, interested parties may request that a copy be mailed to them. Any revisions to the Request will be made to the posting on the HEER Office website and mailed to those requesting copies.

The Evaluation & Selection Committees. The Evaluation Committee shall consist of at least three employees from the DOH, HEER Office, or from other governmental bodies with sufficient education, training, and experience to properly evaluate Offerors' proposals. The Evaluation Committee will evaluate the proposals using the criteria presented in Section 6.2. The Evaluation Committee may conduct confidential discussions with a qualified representative(s) of a firm to clarify information in their proposal.

The Selection Committee shall consist of the HEER Office Program Manager and 1-3 other individuals. The HEER Office Manager shall be the Selecting Official.

Priority List Offerors. The Evaluation Committee shall review each proposal according to the evaluation criteria in Section 6.2 and assign a numerical score to each proposal. The highest ranked 3-5 Offerors will constitute the Priority List Offerors. The Priority List will then be given to the Selection Committee. The Selection Committee will further evaluate the Priority List Offerors. From the Priority List Offerors, the HEER Office Program Manager intends to select one (1) contractor with which to enter into a contract to perform the work described in Section Four.

Discussions With Priority List Offerors. At their discretion, the HEER Office Program Manager and members of the Selection Committee will discuss the proposals with Offerors on the Priority Offerors List. On the basis of these discussions, DOH may request that Offerors submit their Best and Final Offers. Priority List Offerors will receive fair and equal treatment with respect to any opportunity for discussions and revisions to their proposals. However, discussions are not required and Offerors may or may not be selected solely based on the proposals that they submit.

DEBRIEFING Pursuant to HAR §3-122-60, a non-selected Offeror may request a debriefing to understand the basis for award.

A written request for debriefing shall be made within three (3) working days after the posting of the award of the contract. The Procurement Officer or designee shall hold the debriefing within seven (7) working days to the extent practicable from the receipt date of written request.

Any protest by the requestor following a debriefing, shall be filed within five (5) working days, as specified in HAR §103D-303(h).

DOH Final Approval. Any agreement arising out of the selection process and subsequent negotiations is subject to the approval of the Department of the Attorney General as to form, and to all further approvals required by statute, regulation, rule, order, or other directive. Project funds will be available to the selected contractor(s) only after contracts between the contractor(s) and the Department of Health has been fully executed, and an official Notice to Proceed is issued.

7.2 EVALUATION CRITERIA

7.2.1. MINIMUM CRITERIA FOR PROPOSAL RESPONSIVENESS

At the discretion of DOH, the following may be justification for rejecting a proposal:

1. Submitting incomplete documents or failure to submit an original signature.
2. Failure to provide a price/rate list for material, labor, and equipment
3. Unfavorable references. (Note: The HEER Office reserves the right to seek additional references in addition to those submitted in the proposal.)

7.2.2 PROPOSAL EVALUATION CRITERIA (EC)

The proposal will be evaluated according to the following evaluation criteria and weightings:

EC	Category	Points	Percent
1	Sufficient staffing, equipment and facilities, to accomplish the work in the required time, including ability to handle simultaneous incidents	250	25%
2	Cost Schedule, including labor and equipment rates	100	10%
3	Location of staff to handle each island's demands expected under this contract	150	15%
4	Past performances on projects of similar scope for the public, government agencies, and/or private industries	200	20%
5	Professional qualifications and resumes of key personnel and staff who would be involved in providing the services pertaining to this contract	100	10%
6	Experience; number of years of doing business in State of Hawaii	150	15%
7	Client references	50	5%

APPENDIX A1 – OFFEROR'S FORM LETTER

Hazard Evaluation and Emergency Response Office

Mr. Harold Lao
State of Hawai'i Department of Health
Office of Hazard Evaluation and Emergency Response
2385 Waimano Home Road Suite 100
Pearl City, Hawaii 96782-1400

Dear Mr. Lao:

We have carefully read and understand the terms, conditions, and requirements specified in the Request for Proposals for the Emergency Environmental Response Contract and the General and Special Conditions, incorporated by reference into this offer. We hereby submit the following offer to perform the work specified in the Request. We further understand and agree to the following:

1. By submitting this offer, the undersigned is declaring that this offer complies with Chapter 84, Hawaii Revised Statutes, concerning prohibited State contracts.
2. By submitting this offer, the undersigned is declaring that the prices submitted were independently arrived at without collusion.
3. The Director of Health reserves the right to cancel this request for proposals at any time and all proposals may be rejected in whole or part when it is determined to be in the best interest of the State.
4. Discussions may be conducted with Offerors who have submitted proposals and have a reasonable possibility of being selected for award. However, a selection may be made with no such discussions.
5. Awards, if any, will be made to the parties who have submitted the most advantageous offer in accordance with the evaluation criteria set forth in this Request for Proposals.
6. If awarded the contract, the undersigned will comply with all requirements for wages, hours, and working conditions in accordance with Section 103-55, Hawai'i Revised Statutes.

The undersigned hereby certifies that the proposal attached has been carefully checked and is submitted as correct.

Respectfully submitted,

Exact Legal Name of Offeror (Company Name)

Authorized Signature (Original)

Date

State of Hawai'i General Excise Tax (GET) Identification Number

Federal Taxpayer Identification Number

Type of Organization:

____ Individual ____ Partnership ____ Corporation ____ Joint Venture

If offeror is a "dba" or a division of a corporation, furnish the exact legal name of the corporation under which the contract, if awarded will be executed:

State of Incorporation: Hawai'i _____ Other: _____

Point of Contact for Matters Regarding this Proposal:

Name

Phone Number

Fax Number

E-mail Address

APPENDIX A2 – OFFEROR’S FORM LETTER PRICE LIST/RATE SCHEDULE

Price List/Rate Schedule for accomplishing the development and delivery of the services.
\$

Note: Pricing shall include labor, materials, supplies, all applicable taxes, and any other costs incurred to provide the specified services.