MEMORANDUM

To: Jeffrey Wennberg, DEC Commissioner

Through: Jill Gould, DEC Business Manager
Skip Flanders, Waste Management Division Director
George Desch, Sites Management Section Chief

From: Brian Woods, Waste Management Division

Date: November 13, 2005

Subject: Site Investigation Contract 2005 Selection Memo

This memorandum documents the solicitation, evaluation and selection process for the Waste Management Division (WMD) Site Investigation Contract. The evaluation team recommends offering contracts to the following firms:

- Applied GeoSolutions, Northfield VT
- Ross Environmental Associates, Stowe VT
- Stone Environmental, Montpelier VT
- KAS, Williston VT

Background
The Site Investigation Contract program was established in the early 1990’s to provide Sites Management Section staff access to contractors for the timely performance of environmental site assessments at hazardous waste sites and other locations where the release of a hazardous substance may have occurred. The program has historically engaged four contractors at a time, at a contract value of $100,000.00 per contractor.

Evaluation Team
Sites Management Section staff Matt Becker, Bob Haslam, Hugo Martinez-Cazon, Lynda Provencher, Brian Woods, and Solid Waste Section staff Carey Hengstenberg volunteered to participate in the evaluation and selection of contractors.

Request for Proposals (RFP)
The group’s initial meeting took place August 31, 2005. The 2002 solicitation and selection process was reviewed. The team established a goal of streamlining this year’s evaluation, for both bidders and for the evaluation team.
The revised RFP (memo Attachment A) requested the following elements only:

- Basic bidder information
- Identity, education, experience, title, project role, billing rate and time on a typical project for each member of the proposed project team;
- Cost per day for basic investigation equipment;
- Cost per analysis for a group of select laboratory analysis;
- Experience of the project team members with VT PCF and ECF projects;
- Percentage of bidders work to be performed by disadvantaged business enterprises;
- Proof of required insurance;
- Completed Vermont Tax Certificate

This information was requested on a series of Excel spreadsheets designed by the team. Supporting documentation was requested as Portable Document Format (PDF) files. Proposals were requested on CD-ROM.

The team eliminated the contractor narrative and subcontractor identification and qualifications that had been required in previous solicitations. This significantly reduced the amount of material requiring preparation by prospective bidders and review by the team.

Proposals were scored using a numerical evaluation of the information provided by each bidder. For the first time in the history of this contract the RFP included a detailed description of evaluation procedure to be used (RFP Appendix A).

The RFP was posted on the VTDEC WMD web site and on the State of Vermont bid opportunities web site on September 19. On the same day, notice of the bid opportunity was sent via electronic mail to the 56 firms listed on the Waste Management Division Contractor’s List. Two weeks were allotted (until September 30) to submit a bid. Bidders were invited to submit written questions regarding the RFP by September 23, with the answers to submitted questions posted on the VTDEC WMD web site for all potential bidders to review on September 27 (see memo Attachment B for bidder questions and answers).

Twelve firms submitted proposals for consideration: Applied GeoSolutions, ATC, Aztech, EcoGenesis, Heindel & Noyes, the Johnson Company, KAS, Lincoln Applied Geology, Ross Environmental Associates, Stone Environmental, Verterre, and Weston & Sampson. All proposals were received prior to the deadline. All were submitted on CD-ROM except for Aztech, who delivered their proposal via electronic mail.

The submitted proposals underwent a checklist review to confirm all required elements had been included in each proposal. The quantitative evaluation of the proposals followed. During this evaluation, it was discovered that six firms (AzTech, EcoGenesis, H&N, the Johnson Company, KAS, Stone) had misunderstood or misinterpreted the request for “time on a typical project”. These firms either did not assign a single percentage for each project role, or the sum of percentages for all project roles (principal + project manager + scientist + technician+CAD+clerical) was much greater than 100%. The team decided to request (but not
require) that all firms resubmit their “time on a typical project” estimates, and provided additional instructions for clarity. This request was made on Friday October 7, with a deadline of Tuesday October 11, 12 noon. Eleven firms resubmitted this information. One firm (ATC) chose to keep to their original (and correct) estimate.

Results of Evaluation
The proposals were evaluated with the resubmitted information as described in Appendix A of the RFP, and the evaluation was reviewed for accuracy. The six top scoring firms were identified as finalists. Note that there was a difference of one-tenth of a point between the sixth and seventh place firms (see attached Evaluation Scoresheets Excel workbook, worksheet Proposal Summary). However, since the evaluation was strictly numerical, the team decided that interviewing the seventh place firm was not necessary for fairness. The top six-scoring firms (in order of score) were KAS, Ross Environmental Associates, Applied GeoSolutions, Stone Environmental, Heindel & Noyes and Lincoln Applied Geology. All six firms were invited for an interview.

Interviews
Interviews were conducted with the six finalist firms on October 25-27. Interview teams of three evaluation team members were assigned to each interview. Prior to the interview, the evaluation team requested that each firm prepare and submit a work plan and cost estimate for a hypothetical site investigation project. This submittal was scored on five elements: developing background information, developing a conceptual model, developing a sampling plan, the appropriateness of the scope of the investigation, and conformance with SMS Site Investigation Procedure. The work plan was also used as basis for the first part of the interview. The other parts of the interview were general questions asked of all contractors, and questions specific to each bidder. The interview was allotted forty (40) points, divided as follows:

Work Plan/ Cost Estimate Review - 10 points
Work Plan / Cost Estimate Questions – 10 points
Other Questions (general and bidder-specific) – 20 points

A summary of the interview process is attached (memo Attachment C). Interview scoring is included in the Evaluation Scoresheets Excel workbook, worksheet Interview).

Results of Interview; Final Results
As per the evaluation procedure, the proposal evaluation was weighted at 60% of the total score, and the interview was weighted at 40%. The proposal scores were multiplied by 0.6 to normalize to a maximum of 60. The interview scores required no normalization. The two scores were added to provide a total score for each contractor. The four top-scoring firms (in order of score) were Ross Environmental Associates, Stone Environmental, Applied GeoSolutions and KAS. Note that while the order of the firms is changed, these are the same four firms who scored highest in the proposal evaluation.

The evaluation team discussed the contractor-subcontractor relationship that exists between Stone Environmental and Applied GeoSolutions. Stone identified Applied GeoSolutions co-principal Eric Swiech as a potential subcontractor for project management services in their proposal, and elaborated on the relationship in their interview. Team members wanted to
confirm that work performed and deliverables prepared by Swiech as a subcontractor to Stone would be Stone work product, subject to internal review by Stone. This was confirmed in a letter from Seth Pitkin dated November 7, 2005. One team member was concerned that because of the contractor-subcontractor relationship between Stone and AGS for project management services, it was not clear that these two firms are clearly competing against each other in regards to this contract. A memo detailing this concern is included in the file for this procurement process. The issue was discussed with management. It was determined that no additional action was required.

It was noted that Applied GeoSolutions co-principal Eric Swiech is married to Sites Management Section Environmental Analyst Trish Coppolino, and that this relationship may constitute a conflict of interest or an appearance of a conflict of interest with regard to this contract. After review of the Agency of Natural Resources policy regarding conflicts of interest (ANR-5.6/11.5), the following was concluded:

- Since Ms. Coppolino did not participate as a member of the evaluation team and was otherwise isolated from the evaluation process because of her relationship with Mr. Swiech, there was no conflict of interest in the evaluation and selection of Applied GeoSolutions as a contractor for this program.
- In the course of her work, Ms. Coppolino may need to utilize the contractors selected under this solicitation. Her supervision of Applied GeoSolutions for work under the contract would constitute a conflict of interest. Therefore, Ms. Coppolino will not have access to Applied GeoSolutions (either directly or as a Stone Environmental subcontractor) for work to be performed under this contract.
- Further, the Agency policy defines this situation as an unavoidable conflict due to a spousal relationship and calls for removing the employee from any actions related to the management of the contract in order to further insure against an appearance of a conflict. We have met with program staff and discussed the nature of the conflict and the need for vigilance in establishing and maintaining separation of Ms. Coppolino from any staff discussions involving the performance or evaluation of the work conducted by Applied GeoSolutions. Ms. Coppolino has likewise been informed of the boundaries of her involvement with this contract. Contractors Applied GeoSolutions and Stone Environmental have also been informed of the situation.

With these considerations, we conclude that while there exists an unavoidable conflict, and the appearance of a conflict, the contract can be managed to avoid the conflict without compromising the work to be done by the program or by Ms. Coppolino.

Appendix A – Request for Proposals - September 19 2005
Appendix B - Evaluation Soreesheets
Appendix C - Interview Process Summary