

# RAILROAD COMMISSION OF TEXAS

## CONTRACT MANAGEMENT

### ADDENDUM #4

**DATE:** 07/24/2020

**RFQ#:** 455-20-1036

**TITLE:** STATEWIDE SITE REMEDIATION SERVICES

**PROPOSAL DEADLINE:** Thursday, August 13, 2020 at 3:00 PM Central Time

#### Addendum Item #1:

**Purpose of this Addendum is to publicize submitted questions with answers:**

No.	QUESTIONS	ANSWERS
1	In section 2.3 titled "Response Delivery" it mentions in the first sentence that you can submit your response by email, but then in the 4th sentence it says that emailed submissions will be rejected. Can you clarify this?	Due to the current closures related to COVID19, we will only be accepting Submissions delivered by U.S. Postal Service or commercial carrier, to the address specified in section 2.3. Email submission was previously considered but is not feasible at this time. <b>Responses submitted by email will be rejected.</b>
2	Will the pre-submittal conference be held in person at a physical address or via web conferencing? If in person, what location?	The Pre-Submittal meeting will be held by way of Skype conference call at the date and time specified in Addendum No. 1.
3	Is there a list of specific line items to bid on that is to be included in the response?	No.
4	Is there more information about this RFQ that was posted yesterday? I do not see any information about where these remediations (locations) are. Or is that information that will come out soon?	All work will be issued through Work Orders. Once remediation sites are identified and assessed, specifications will be given to the selected vendor by way of a work order request for proposal. All relevant and necessary information will be included in this request.
5	Do you have additional information about the Pre-submittal Conference? Will it be an in-person meeting or virtual? If in-person, where will the meeting be held? If virtual, what is the number to call in to the meeting?	See answer to question No. 2 above.
6	In Attachment 1, Scope of Services, section 3.1.2 states that "RRC is not the generator of any waste removed from the site during or as a result of performance of work under the contract or any work order issued thereunder". Is the Vendor/Prime contractor the generator of waste?	No Vendor or Subcontracted Vendor shall be the generator of any waste from a WO under this Contract.
7	Per 2.3 on page 7, are we allowed to send in our response electronically? It states that responses shall be submitted,	See answer to question No. 1 above.

	US Postal service, overnight delivery or electronically by email. But, later in that paragraph it states, Any Response admitted by hand delivery method, email or facsimile will be rejected. Please clarify.	
8	Per 2.9.3 on page 11, would you like 3 projects per service category or 3 projects total?	It would benefit the contractor to submit 3 projects per service category. If the vendor has completed less than 3 projects in a service area but would like to be considered for Work Orders within that service area, the vendor should still submit descriptions of the projects they have completed.
9	Is the pre-submittal conference in-person or via an on-line conference platform? If in-person, what is the address for the meeting and if on-line, what are the log-on requirements?	See answer to question No. 2 above.
10	In previous contracts awarded, there was NO ability to mark-up sub-contracted services or disposal cost. Will that be allowed with this contract awarding?	No mark ups or fees will be allowed under a state contract. Depending on the type of work order for the project, contractors will be allowed to determine pricing on a work order by work order basis to cover their cost.
11	If bonding for a specific job or Commercial Umbrella and Vendor's Pollution Liability is required, will the premiums cost associated with those add-ons be allowed to be added to project pricing?	Vendors should consider all applicable costs when submitting their proposals for a Work Order.
12	Vendors Pollution Liability references completed operations period of 5 years. Is this specifically what is known as a 5-year Tail Coverage?	Commission staff is unfamiliar with the terminology referenced in Question No. 12. Please consult with a licensed insurance agent to ensure compliance with the requirements found within section 3.1.27 <i>Insurance Requirements</i> .
13	With no defined work scope established, how does RRC want Responders to select, solicit and list HUB subcontractor resources to be needed and percentages these resources represent?	An HSP is a requirement for this solicitation and is to be completed as accurately as possible. Please attempt to anticipate the type of work described within this solicitation and list the subcontractors and subcontracting services typically required to complete work of this nature. Then leave the columns for dollar amounts and percentages blank. Once the award is provided and the work orders are submitted, the vendor will have to update their HSP per work order with the Assistant HUB Coordinator unless they are self-performing.
14	Is the HUB subcontractor Trade Organization notification necessary as part of the RFQ response or should that be with an RFP bid?  a. And then if with RFQ, is proof of Trade Organization notification to be included with the submittal. b. And then if with RFQ, should we just represent a general idea of services needed since no specifics can be established at this time?	It will be necessary to complete the "Good Faith Effort" of notifying 3 HUB Vendors and 2 Trade Organizations once this is awarded and the work orders are submitted.  a. It will be necessary to complete the "Good Faith Effort" of notifying 3 HUB Vendors and 2 Trade Organizations once this is awarded and the work orders are submitted  b. Yes you can.
15	Does utilizing HUBS and the extent of HUBS are utilization improve chances of retaining bid? a. If use of HUB subcontractor increases a project bid cost how should we evaluate using a higher cost HUB subcontractor or not?	Utilizing or non-utilizing a HUB vendor does not improve your chances of retaining the bid.  Use your best business practices on determining your cost effectiveness.

16	Should HSP be submitted for courtesy review based on a general or typical idea of what would be needed for the scope of work or how should that be established?	An HSP must be submitted for this RFQ submittal requirements. Vendors should fill out the form to the best of their ability, providing the subcontractors, dollar amounts and percentages. Then may submit their HSP, to the HUB Coordinator, for pre-review.
17	Is the Surety Bond / bondability letter not to be defined for any specific amount or range?	The Surety Bond would be issued by a credible Surety Company for the approximate value of a Vendor's Company. This will indicate the ability and level for which a Vendor can obtain a bond to cover potential future work.
18	What criteria scoring would cause RRC to consider requesting BAFO with respondents?	A BAFO may be considered at any point that additional negotiations are deemed necessary. As related to price this would primarily be utilized when work is being issued and negotiated on a Work Order.
19	At what point should Respondents expect RRC to request bid price on scope of work projects?	All work will be issued through work order(s), with a detailed scope and site description. RRC will request proposals for work order(s) at the time that site(s) are identified, and specific details are developed.
20	What can Respondents expect regarding Contracts to be issued by RRC in 2020 and 2021?	There is a great need for this service throughout the state, with a sizeable budget to issue work. However, no work is guaranteed under a state contract.
21	<p>Section 2.6.3 Table 2 (page 9 of RFQ) lists Potential HUB Subcontracting NIGP Codes. Can you reference how these codes and items would fall into the HUB statewide goals as listed on page 1 of the HSP for this RFQ? Please see below.</p> <p>The HUB Program promotes equal business opportunities for economically disadvantaged persons to contract with the State of Texas in accordance with the goals specified in the 2009 State of Texas Disparity Study. The statewide HUB goals defined in 34 Texas Administrative Code (TAC) §20.284 are:</p> <ul style="list-style-type: none"> <li>• 11.2 percent for heavy construction other than building contracts,</li> <li>• 21.1 percent for all building construction, including general contractors and operative builders' contracts,</li> <li>• 32.9 percent for all special trade construction contracts,</li> <li>• 23.7 percent for professional services contracts,</li> <li>• 26.0 percent for all other services contracts, and</li> <li>• 21.1 percent for commodities contracts.</li> </ul>	<p>The NIGP Code is a classification system that was developed in the mid- 1980s as a result of efforts by public procurement officials in Texas, Oklahoma, Florida, Illinois and other states, cities and counties to provide a mechanism to classify the products and services that are used in <u>public procurement</u>. This classification systems <b>does not</b> fall within the HUB Statewide Goals.</p> <p>Respondents are encouraged to identify and include other applicable NIGP Codes within their HSP for other potential subcontracting opportunities.</p>
22	In regards to Section 2.9.5, do we need to include an exhaustive list of equipment that our company has and is available to us, or is a list of equipment we expect to use during remediation operations be good enough to list?	Please list any and all available, or easily obtainable, equipment and staff that would aid in the completion of services detailed under this solicitation.
23	In regards to the HSP, how should we list the contractors if we aren't sure where the work will be or what types of operations the work will require?	See answer to question No. 13 above.
24	If a pricing sheet is established after companies are qualified how will the costs of bonds be processed?	Bonds will be determined on specific work orders, for specific sites. Bonds would primarily be utilized for work in excess of \$500,000.00.

25	Will each work order be competitively bid or will there be some other mechanism of work distribution established?	Work will be issued based on the most qualified vendor. All factors will be considered, including but not limited to: proximity to site location, availability, available necessary equipment, competency in the scale of work, capabilities to obtain necessary bonds and insurance, etc.
26	E Verify	E-Verify is a system used to verify the legal ability of workers, contracted by a state agency, to perform work within the United States of America, and specifically in the state of Texas.
27	Attachment 2 item #3 states that pricing will remain firm for 180 days?	The work order pricing is valid for the life and duration of the work order.
28	If we don't know what type of work or the amount of potential dollars are to be spent with our organization how can we complete a percentage of work to be awarded to a HUB?	See answer to question No. 13 above
29	Will there be any dollar value established for each of the levels (2.9.2 C i-iv) of work potentially awarded?	Yes, for Routine work, typically under \$100K. And No for all others listed.
30	Will mobilization costs be calculated from the nearest district office or will it be calculated from the closest contractor's yard that have the resources needed for the project?	Vendors should consider all applicable costs when submitting their proposals for a Work Order.
31	If the RRC is not available for hand delivery and we are to submit via courier, that puts the contractor at risk and wholly dependent on the courier performing. The amount of insurance is limited to the contents and not the potential value of a contract which could be loss if the courier doesn't deliver timely. If this would occur would the RRC consider the time stamp of when the package was picked up and the requested delivery time as proof of intent?	Please see section 2.1 <i>Strict Adherence to Submission Deadline</i> . Responses received after the deadline date and time will not be considered.
32	Section 3.1.20 "Liquidated Damages" will the RRC work extended hours as needed for the contractor to complete work orders? Will the contractor and RRC work together to mutually agree to a timeline? Will allowances for weather and delays outside the control of the contractor be considered?	All factors that may delay or lengthen work at a specific project will be considered. Please see section 3.1.19 <i>Changes and Changed Conditions</i> . Liquidated Damages is a remedy option, included for situations where all other resolution tools for timely completion of work have been exhausted, and imminent health and life safety are a concern.

**Addendum Item #2:**

**REVISE SECTION(S) OF THE RFQ LISTED BELOW:**

**Revise Section 3.1.2.7 of Attachment 1**

**Section 3.1.2.7 is hereby deleted and replaced by the following:**

“**3.1.2.7** Vendor solely shall be responsible for waste manifest forms and run tickets. Vendor shall not delegate to any subcontractor Vendor’s duties and responsibilities stated within this Section. Contractor shall not qualify its signature on the waste manifest in anyway, except that Contractor may add the following language, without alteration:

*Signed in the course and scope of the contractual performance or service on behalf of RRC, as required by a state contract.*

- a.** Vendor shall provide all waste manifest forms and/or run tickets; RRC shall not provide waste manifest forms or run tickets.
- b.** Prior to any waste leaving a project site, Vendor and RRC’s Authorized Representative shall agree on type of waste and quantity thereof to be transported. On each waste manifest form and/or run ticket, the agreed type of waste and quantity thereof shall be officially and completely recorded and documented in accordance with all applicable rules and regulations.
- c.** For any class of waste transported from the site, Vendor shall complete all required and applicable sections (including sections requiring initials and/or signatures) on all required waste manifest forms, including but not limited to any Uniform Hazardous Waste Manifest and Petroleum Substance Waste Affidavit.
- d.** Vendor shall ensure all persons required to sign the waste manifest form, including but not limited to, waste transportation personnel and disposal facility personnel, sign applicable and/or required sections, if any, on each waste manifest form.”

All other aspects of the **RFQ# 455-20-1036** remain as is.

Cliff Calley, BPA, CTCM, CTCDD  
Contract Manager  
Contract Management  
Phone: 512-463-6737  
Email: cliff.calley@rrc.texas.gov

---

---

**RECEIPT OF ADDENDUM #1 OF RFQ #455-20-1036**

IN YOUR SUBMITTAL THE RESPONDENT SHALL ACKNOWLEDGE RECEIPT OF THIS ADDENDUM.

\_\_\_\_\_  
**Respondent Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Printed Name**

\_\_\_\_\_  
**Company Name**