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September 27, 2017

NOTICE TO OFFERORS

**Conowingo Capacity Recovery & Innovative Reuse & Beneficial Use Pilot Project RFP
MES HEADQUARTERS**

PROJECT ID No. 1-18-3-21-8

Addendum No. 2

**REVISED PROPOSAL DUE DATE: November 7, 2017
PROPOSAL DUE TIME: 2:00 PM**

TO ALL PROSPECTIVE OFFERORS:

Please find responses to questions from potential offerors. Also attached are the power point presentation from the Pre-Proposal Conference and the Sign-In Sheet. The prospective offerors shall acknowledge on the Bid/Proposal Affidavit the receipt of Addendum No.2. This addendum is hereby made a part of the Contract Documents of which the contract will be based and is issued to modify, explain, and/or correct the original Contract Documents. All offerors shall include any cost impact in their proposal.

ITEM 1: EXTENSION OF BID DUE DATE

The deadline for receipt of responses to this solicitation has been extended from **October 5, 2017** until **November 7, 2017 at 2:00 PM.**

The new deadline for questions to be received by the procurement is **October 24, 2017 at 1:00 PM.**

ITEM 2: QUESTIONS FROM POTENTIAL OFFERORS

Q1. Will the state provide a list of pre-selected beneficial use projects for offerors to consider, so that they can include accurate scope, budget, and timelines for a beneficial use option that comply with the RFP's timeline?

R1. No. Offerors are to propose end use projects in accordance with the most recent version of the Maryland Department of the Environment (MDE) *Innovative Reuse and Beneficial Use of Dredged Material Guidance Document* (<http://mde.maryland.gov/programs/Marylander/Pages/dredging.aspx>).

Q2. If the state will not provide a list of pre-selected beneficial use projects, will the state split the RFP in to two pilot project RFP's – one that asks for Innovative Reuse proposals and one that asks for Beneficial Use proposals with different request/response criteria for Innovative Reuse and Beneficial Use?

R2. No.

Q3. If two RFP's will not be issued, will the state consider responses to the RFP that propose Beneficial Use projects that do not comply with the RFP schedule?

R3. No.

Q4. Currently the Conowingo Dam project is outlined with an end date of March 1, 2018. While this may be reasonable for finishing dredging operations, this is a tough timeline for innovative reuse of the material. If possible would MES consider extending the end use part of the project past March 1st to allow for material use in construction projects which would not operate during the winter months due to weather constraints?

R4. All dredging work must be completed by the end date of March 1, 2018. The entire project must be completed within 365 calendar days of Notice to Proceed.

Q5. If a bidder is a joint venture, what, if any, joint venture documents does the Owner want submitted as part of the proposal?

R5. The article of Incorporation if joint venture is incorporated or a copy of the Joint Venture Agreement.

Q6. We requests that the RFP due date be postponed until all permits have been issued for the project and a staging/processing area has been secured for this project. Based on the RFP date, time required to obtain samples and develop a proposed method, and the lack of permits, it is not practical to develop a complete technical approach for this project. The Contractor cannot be expected to provide a detailed and cost-effective proposal without the information contained in the permits and the location and condition of the staging/processing area.

R6. The RFP due date has changed to November 7, 2017.

Q7. Once a staging/processing area has been secured for this project, We requests that a site visit be scheduled at least 2 weeks prior to the proposal submittal date to review and evaluate the site and submit questions to the MES. Based on the current status of permits

and site acquisition, the March 1, 2018 completion date for dredging operations is unrealistic. This also contradicts the contract completion time of 365 days. We request that this completion date be extended

- R7.** A site visit will be scheduled if allowed by the project timeline. Updates on the status of a site visit will be communicated to the Offerors. There is no change to the project schedule of 365 days after the Notice to Proceed.
- Q8.** A specific date can be determined once the permits for the project are received and the staging/processing area is secured. The revised completion date should also take into account environmental windows during which it is likely that work may not be able to be performed. Based on the current schedule, status of permits and the unsecured staging/processing area, it is likely that hydraulic dredging with integrated dewatering would be required in winter months. The requirement to work/operate in winter/incremental weather for dredging operations should be removed. Hydraulic dredging and integrated dewatering in winter months is not practical, safe nor cost effective and will not assist in developing scaled-up plans which is one of the major goals of this project. For the health and safety of the Contractor's work force and to provide for a more cost-effective work plan, the winter operations requirement should be removed.
- R8.** The current project schedule requires all dredging be completed by March 1, 2018 due to the expected permitting constraints related to time of year restrictions in the Susquehanna River through spring.
- Q9.** As was brought up at the pre-bid conference, would MES consider a two-step procurement process for this solicitation? The first step could be a technical pre-qualification based on technical factors as designated in the existing RFP. Many of the outstanding unknowns such as dredging area and staging area and permits would not affect the timing of this part of the process and it could proceed as scheduled. The second step could be a very short (1-2 week) low price bid by successful pre-qualified bidders only, after important factors have been established such as dredging area, staging area and permits. This would serve to make the process a more even playing field, would be far more efficient, and should grant MES the best value overall.
- R9.** No, the Procurement Method for this RFP is Competitive Sealed Proposal.
- Q10.** The Specifications provided in the RFP are labeled "Draft – Not for Construction." Will you be issuing final Specifications prior to the Bid Date? If not, will a contract change order be allowed for any change to the Specifications after bid/award?
- R10.** The dredging area as shown in the RFP documents will be replaced with a new dredging area that will be provided in additional addenda.

Q11. The Special Provisions (SP-1.0 GENERAL) and Section 1.1.5 – General Information of the RFP both state:

*“All Potential Offerors, contractors, and subcontractors are strictly prohibited from performing any site visits, sampling or investigations in the proposed dredging area or any areas in the Conowingo Pond until notified by the Service. The dredging area as shown on the Contractor Drawings **will change**. There are underwater hazards that have not yet been fully identified. The Service is actively working to finalize the dredging location for the Conowingo Pilot Project and **will notify potential Offerors the final location and permit access as needed for the purposes of developing proposals**; until that time no access is permitted.”<emphasis added>*

It is important that MES provide the actual dredging location and the available dates and process to allow for sampling of sediment well in advance of the bid to allow time for bid preparation. Please advise.

R11. The dredging location has not yet been identified. When the location is identified, Offerors will be notified and can then plan for examination of the area.

Q12. Section 1.1.6 – General Information of the RFP states:

*“The potential staging area described in this RFP and shown on the attached drawings is solely for the purpose of describing the work to be conducted in the staging area, once a final staging area has been identified by MES. Unless otherwise notified by MES, **offerors should not assume** that the staging area described herein will ultimately be selected by MES as the staging area for the project. MES may, in its sole discretion, designate an alternative property to be used for the staging area. “
<emphasis added>*

It is important that MES provide the actual staging location well in advance of the bid to allow time for proper bid preparation, as the location affect various components of pricing. Otherwise bidders may assume different things, providing and uneven playing field. Please advise.

R12. The actual staging location has not yet been identified. When the location is identified, Offerors will be notified and can then plan for examination of the area.

Q13. Please advise whether the MES holds any effective Section 404 dredging permits or PADEP or MDE WQCs for the project. Please provide copies as such have not been provided with the Bid Documents

R13. No, MES does not hold any project-related permits at this time. Offerors will be notified as permits are acquired.

Q14. Section 2.2A – Scope of Work of the RFP states:

“The Contractor shall be provided with a staging area within proximity to the dredging site. The potential staging area is still to be determined and will be located in an area that is within feasible pipeline distance.”

Please define in numeric terms a “feasible pipeline distance.” If the chosen location causes the distance to differ, will the contractor be entitled to a change order?

R14. In numeric terms, a “feasible pipeline distance” would be a maximum of ten (10) miles from the dredging site to the staging location. See R11.

Q15. Section 4.1.1 – Evaluation Committee, Evaluation Criteria - A. Methodology of the RFP states:

“Offeror’s proposal including best practice methods and outline for accomplishing the scope of work contained herein. Higher consideration will be given based on demonstrated potential scalability, project feasibility, and innovation for the proposed IR/BU end use.”

The RFP, however, only requires that an offeror’s “proposed end use(s) applications must be performed in the State of Maryland and adhere to the guidelines described in the most recent version of the Maryland Department of the Environment (MDE) *Innovative Reuse and Beneficial Use of Dredged Material Guidance Document*.” What factor(s) will be used to determine a score or “higher consideration” for the proposed end use? How will innovation be scored? This seems to be very subjective, as something proven and fully commercial elsewhere could still be “innovative” in Maryland, since it may have not yet been accomplished in Maryland. Please provide some clarification.

R15. Points will be assigned at the discretion of the evaluation committee based upon the evaluation criteria and information provided in the proposals.

Q16. “Scalability” is based on technical and economic factors, neither of which are provided in the RFP. Please provide goals/metrics for scalability including cubic yards per hour/day/year and cost in dollars per cubic yard.

R16. See R15.

Q17. Section 4.1.1 – Evaluation Committee, Evaluation Criteria - G. Pricing of the RFP indicates that a total of 20 points are available. No metrics are provided for scoring this criteria. Please provide.

For example, will MES use a ranking of pricing for prospective qualified offerors, such as Lowest price = 20 points, 2nd lowest price = 15 points, 3rd lowest = 10 points 4th lowest = 5 points, 5th lowest and below (if below the engineers estimate) = 3 points? Or will pricing be graded by an alternate criteria/metric. Please discuss.

R17. For price ranking, the lower price receives a higher score.

Q18. Please confirm whether the PRPA holds any effective PADEP or NJDEP WQCs for Pier The Special Provisions (SP-1.0 GENERAL) and Section 1.1.5 – General Information of the RFP both state 122 South, South Berth. Please provide copies as such have not been provided with the revised Bid Documents.

R18. Question is not applicable to this RFP.

Q19. In consideration of the above, and in particular the responsibility of the bidder to obtain a and/or modify permits for its proposed approach, we respectfully request the bid due date be extended two weeks to allow for a complete understanding of the responses to these questions and the potential impact on IR/BU disposal alternatives and schedule.

R19. See R6.

Q20. We respectfully request that an extension of time be granted for the proposal submission that represents five (5) weeks from the time of site selection to facilitate sampling, sample testing for polymer selection, and organic and inorganic characterization of the particular sample.

R20. See R6.

- Q21.** Will there be a Whole Effluent Toxicity (WET) requirement for the discharged water from the dewatering pilot?
- R21.** Toxicity testing is not anticipated to be a requirement for managing water discharges at this time, but final water testing and monitoring requirements for dredging and the staging area will be identified through regulatory coordination prior to the initiation of the project. Any water testing requirements to support the final beneficial use or innovative reuse are the responsibility of the contractor and must be completed within the 1-year timeframe to complete construction.
- Q22.** If there is a WET requirement (reference #2 above), an additional time period will be needed to perform and bio assay analyses.
- R22.** See R21. and R6.
- Q23.** Who is responsible for the cost of any bio assay's of the potentially impacted water ways?
- R23.** Bioassay testing of the potentially impacted waterways is not anticipated to be a requirement at this time. If bioassay testing is required via regulatory coordination at any time over the duration of the project, the Offeror would be responsible for the costs associated with toxicity testing.
- Q24.** The area to be dredged and the properties of those sediments are hyper critical to our cost (dredging production, processing, end use applications, etc.). Since an area is yet to be identified, we request an extension of at least 2 week beyond when this information is provided to bidders.
- R24.** See R6, R10 and R11.
- Q25.** Please detail the equation or process for how the 20 points for cost will be assigned.
- R25.** See R17.
- Q26.** Please detail how scalability and value of end us will be scored. For example, a coastal wetland application may cost more than a commercial application, but the value against storm surge and coastal protection has an intrinsic value.
- R26.** See R15.

Q27. Does the implementation of the end-use application need to be implemented within the 365 day contract window? Some applications may require longer permitting timelines.

R27. Yes.

Q28. Does this job require union or prevailing wage?

R28. Yes, wage rates provided with the original solicitation documents.

Q29. Has the site visit date and time been set yet for the referenced project?

R29. No, not at this time.

Q30. The general conditions could not be located in the bid package. Article VI of the draft contract agreement incorporates the “State of Maryland, Maryland Environmental Service, General Conditions of the Contract between Owner and Contractor, dated July, 2016”. We also couldn’t find this document on the agency’s website. Can you direct as to where this document may be found online or include in an addendum?

R30. The sample contract is an MES Standard Contract with reference to the General Conditions. The General Conditions are attached to this addendum.

Hattie M. Crosby, Assistant Chief of Procurement and Contracts

END ADDENDUM No. 2