

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Request for Quotes (RFQ)
Office of OSD Statewide Contract PRF77
Category F – Environmental Strategy
(PO-22-1080-OSD03-SRC3-25043)

Document Title: PFAS and Residuals Technology and Management Study, Part 2 (REVISED)

Agency Document Number:
BWR- RFQ-2024-NPDES-02

Posted on: February 27, 2024

REVISED RFQ
(changes indicated in red)
Posted: March 27, 2024

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1.0. RFQ INTRODUCTION AND GENERAL DESCRIPTION

1.1 Procurement Scope and Description

The Commonwealth of Massachusetts Department of Environmental Protection (MassDEP or the Department) is soliciting proposals through this Request for Quotes (RFQ, also referred to as the Bid in this document) from qualified environmental consulting firms off of OSD's PRF77 Statewide Contract Category F – Environmental Strategy (PO-22-1080-OSD03-SRC3-25043) for the selection of a qualified consultant to complete a PFAS and Residuals Technology and Management Study.

1.2 Background information

On February 9, 2024, MassDEP signed a contract to perform "PFAS and Residuals Technology and Management Study, Part 1" ("Part 1"). The scope of Part 1 is attached to this RFQ for reference. Part 1 includes meetings at which findings and technical memorandum associated with the following tasks will be presented:

- Task 1: CURRENT AND NEAR-TERM (5 YEARS) SLUDGE DISPOSAL MANAGEMENT
Compile quantity and cost information for the three (3) main current disposal options for sludge produced in Massachusetts: landfill, land application, and incineration.
- Task 2: SEPTAGE MANAGEMENT
Compile quantity and cost information about disposal options for septage collected in Massachusetts.

Some of the tasks in "PFAS and Residuals Technology and Management Study, Part 2" ("Part 2") can be completed independently from Part 1. Other tasks will utilize the results of Part 1. Part 1 must be completed by June 30, 2024.

The purpose of this study (Part 2) is to consider the future options and associated costs of managing wastewater sludge that contains per- and polyfluoroalkyl substances (PFAS). PFAS are a family of chemicals used since the 1950s to manufacture stain-resistant, water-resistant, and non-stick products. PFAS stay in the environment for a long time and do not break down easily. As a result, PFAS are widely detected in soil, water, air, and food.

Sludge is an organic solid, semi-solid, or liquid by-product of the wastewater treatment process. Sludge characteristics vary depending on each facility's waste stream and treatment processes. Sludge end-use and disposal options include incineration, landfilling, and land application. Wastewater treatment plants and residual facilities (for example, wastewater treatment plant sludge treated for land application) have been found to be indirect sources of PFAS in the environment. As a result, MassDEP requires some Massachusetts NPDES-permitted facilities to test for PFAS in their wastewater influent, effluent, and sludge. MassDEP also requires all facilities approved to land apply residuals in Massachusetts to test for PFAS in their residuals.

NEIWPCC's "[Northeast Regional Sludge End-Use and Disposal Estimate](#)" study (2022 NEIWPCC Study), in Massachusetts shows that [a] total of 180,443 dry U.S. tons of sewage sludge were disposed of or beneficially reused in 2018. Forty percent of the sludge was beneficially reused while another 40% was incinerated; only 15% was landfilled (Figure 1). This data was primarily derived from the Mass Sludge Survey 2018 collected by NEBRA on behalf of MassCEC. This total is an increase of 27,208 dry U.S. tons from the amount reported in the 2004 national survey. 2022 NEIWPCC Study, p.19.

The 2022 NEIWPCC Study also provided a regional snapshot of disposal options, and shows that a total of 794,206 dry U.S. tons of sewage sludge was disposed of or beneficially reused in 2018 in the Northeast region. 2022 NEIWPCC Study, p. 20. Figure 2 indicates the relative distribution of disposal practices in the New England region.

Additionally, the study's report addressed "Regional Next Steps," concluding that "[u]nfortunately, there

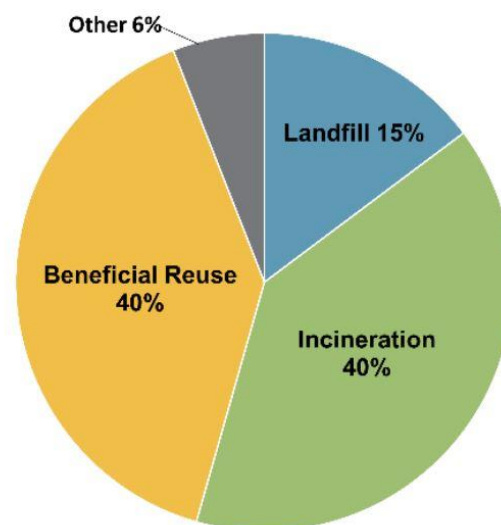


Figure 1: MA Sewage Sludge End-use and Disposal, 2022 NEIWPCC Study

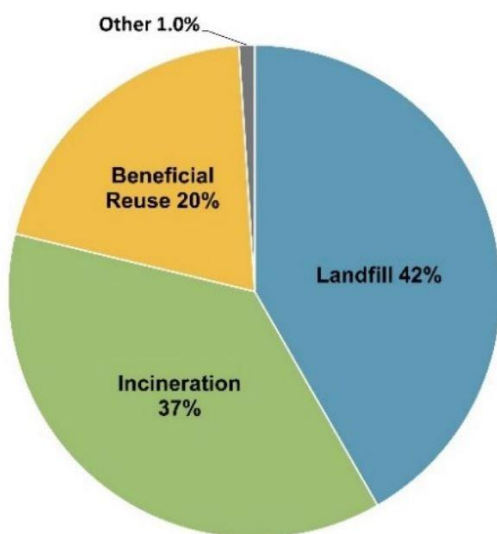


Figure 2: Regional Sewage Sludge End-use and Disposal, 2022 NEIWPCC Study

are few options for facilities without contingency plans (for sludge disposal). Since 2018, routine maintenance, operational issues, and emerging contaminants continue to stress the system's available capacity. The lack of additional capacity has been shown during occurrences of incinerator maintenance and operational issues. This led to WRRFs (Water Resource Recovery Facilities also known as a Wastewater Treatment Facilities/WWTFs) transporting sludge to distant states and Canada at increased costs, some using one-fourth of their annual disposal budget in one month. Legislation, enacted and proposed, is further reducing options. Maine LD 1911, An Act to Prevent the Further Contamination of the Soils and Waters of the State with So-called Forever Chemicals bans the land application, sale, and distribution of biosolids-based soil amendments, effective August 8, 2022. Over time, the Northeast's options have been decreasing." 2022 NEIWPCC Study, p. 22. Moreover, in-state and regional landfill capacity is very limited.

With reduced options for disposal, treatment plants struggle with permit compliance due to solids carryover which can result in degradation of water quality. Given these challenges, it is

imperative that Massachusetts develop a sustainable approach to managing PFAS wastes which end up in sludge, septage, and landfill leachate. Although sludge, septage, and leachate are not direct sources of PFAS, they are final repositories from other commercial, industrial, and domestic sources.

The PFAS and Residuals Technology and Management Study is necessary for establishing a sustainable path forward for statewide management of these materials that is not only protective of human health and the environment but also reflective of economic, technical, and logistical realities, as well as infrastructure constraints.

1.3 Applicable Procurement Law

This Bid is issued under the following law(s):

- MGL c. 7, § 22; c. 30, § 51, § 52; 801 CMR 21.00

1.4 Number of awards

The target number of consultant awards is one. As this is a target number, MassDEP reserves the right to award additional contracts, if it is in the best interest of the Commonwealth to do so.

1.5 Eligible Bidders and Entities

Eligible Bidders for this RFQ are confined to pre-qualified firms deemed eligible to provide environmental consulting services through OSD's PRF77 Statewide Contract. Any contract resulting from the Bid will be open to use to the Issuing Entity only, which is MassDEP. Subcontractors may be allowed following MassDEP approval of a list of proposed subcontractors. Consistent with the Commonwealth's Terms & Conditions, MassDEP reserves the right to request copies of all subcontractor contracts and/or agreements.

1.6 Acquisition Method(s)

The acquisition method(s) to acquire goods and/or services from this Solicitation is Fee for Service.

1.7 Contract Duration

The expected duration of this contract is from the execution date through ~~December 31, 2024~~ **January 14, 2025**. There are no anticipated renewal options for this contract.

1.8 Estimated Value of the Contract

The estimated value of the services resulting from this Bid cannot exceed \$500,000. The work must be completed and justified by ~~December 31, 2024~~ **January 14, 2025**.

2.0. ESTIMATED PROCUREMENT CALENDAR

EVENT	DATE
REQUEST FOR QUOTES (Posted on COMMBUYS, Estimated)	February 29, 2024
Deadline for Submission of Questions	March 7, 2024
Official Answers for Bid Q&A published (Estimated)	March 21, 2024
RFQ Amendment Deadline (Note: The RFQ will not be revised or amended after this deadline).	March 21, 2024
Official Answers for Bid Q&A published (Estimated), Revised	April 3, 2024
RFQ Amendment Deadline	April 3, 2024
Deadline for Quotes/Bid Responses	March 28, 2024 April 10, 2024
Oral presentations (estimated)*	April 10, 2024 April 24, 2024
Notification of Apparent Successful Bidder(s) (Estimated)(posted on COMMBUYS)	April 22, 2024 May 6, 2024
Estimated Contract Start Date	April 22, 2024 May 6, 2024

* MassDEP reserves the right to request that bidders provide an oral presentation of their bid(s) following submission. Further, MassDEP reserves the right to limit oral presentations to the top-scoring bidders. Please see the estimated procurement calendar for information on the dates and/or timing of potential oral presentations.

2.1 Written questions via the Bid Q&A

The “Bid Q&A” provides the opportunity for Bidders to ask written questions and receive written answers regarding this Bid. All Bidders’ questions must be submitted through COMMBUYS. Questions may be asked only prior to the Deadline for Submission of Questions stated in the Estimated Procurement Calendar. The Department reserves the right not to respond to questions submitted after this date. It is the Bidder’s responsibility to verify the Department’s receipt of questions submitted.

Please note that any questions submitted using any other medium (including those that are sent by mail, fax, or voicemail, etc.) will not be answered. To reduce the number of redundant or duplicate questions, Bidders are asked to review all questions previously submitted to determine whether the Bidder’s question has already been posted.

Bidders are responsible for entering content suitable for public viewing since all of the questions are accessible to the public. Bidders must not include any information that could be considered personal, security sensitive, inflammatory, incorrect, collusive, or otherwise objectionable, including information about the Bidder’s company or other companies. The Strategic Sourcing

Team or SST (formerly referred to as Procurement Management Team or PMT) reserves the right to edit or delete any submitted questions that raise any of these issues and/or that are not in the best interest of the Commonwealth and/or this Bid.

All answers are final when posted. Any subsequent revisions to previously provided answers will be dated.

It is the responsibility of the prospective Bidder and awarded Contractor to maintain a current email address of the Bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the Department, including requests for clarification. The Department and the Commonwealth assume no responsibility if a prospective Bidder's/awarded Contractor's designated email address is not current, or if technical problems, including those with the prospective Bidder's/awarded Contractor's computer, network, or internet service provider (ISP) cause email communications sent to/from the prospective Bidder/awarded contractor and the Department to be lost or rejected by any means including email or spam filtering.

2.2 Locating Bid Q&A

The Bid Q&A will be available on COMMBUYS.

2.3 Amendment Deadline

MassDEP reserves the right to make amendments to the Bid after initial publication through the date posted in the Estimated Procurement Calendar. It is each Bidder's responsibility to check for any amendments, addenda or modifications to this Bid, and any Bid Q&A records related to this Bid. The Commonwealth and the Department accept no responsibility for, and will provide no accommodation to, Bidders who submit a Quote based on an out-of-date Bid.

3.0 SPECIFICATIONS

Overview: MassDEP is seeking to hire a consultant to complete a PFAS and Residuals Technology and Management Study.

3.1 Scope of Work and Deliverables

As discussed in 1.2, Part 2 will use the results of Part 1 (Scope attached). Part 1 will be complete by June 30, 2024. All deliverables from Part 2 will be Commonwealth property.

Part 2: Tasks 1-3 can be performed independently of Part 1. However, Tasks 4-6 must incorporate results from Part 1.

During the course of this contract, the consultant will be required to perform the tasks noted below, and to submit the following deliverables for review and approval by MassDEP. Note that below, MassDEP uses the terms "sludge" and "biosolids." For this study, "sludge" refers to any solid, semi-solid, or liquid waste generated from a Publicly Owned Treatment Works (list attached at the end of this document), and "biosolids" refers to sludge that has been treated to ensure that it can be safely applied to land as a fertilizer or soil amendment. (These are called beneficial reuses.)

If certain tasks become onerous or irrelevant, task items may be amended through mutual agreement. The selected consultant shall hold at least one 1-hour online meeting with MassDEP, on a monthly basis, through the length of the contract. The selected consultant shall also check in with the MassDEP project manager on a biweekly basis, at a minimum.

Tasks 1-6, below, include online meetings with one or more of the following: MassDEP; invited stakeholders; and the public. These online meetings may replace the monthly meetings and/or biweekly meetings, if agreed upon by MassDEP and the consultant. The following organizations are excellent resources while carrying out Tasks 1-6 below: Massachusetts Water Environment Association (MAWEA), New England Interstate Water Pollution Control Commission (NEIWPCC), and North East Biosolids & Residuals Association (NEBRA).

Tasks 1-6, described below, include submission of draft chapters to MassDEP and stakeholder meetings. These chapters are expected to become part of the draft and final reports identified in Task 6. The contract end date is ~~December 31, 2024~~ **January 14, 2025**.

TASK 1: PFAS REDUCTION AND MANAGEMENT TECHNOLOGIES FOR WASTEWATER AND SLUDGE

The consultant will undertake a review of technologies that reduce sludge volume and/or reduce/eliminate PFAS in wastewater and sludge. It will also include a life-cycle cost comparison to determine affordability for POTWs to install technologies. This task could also include a description of promising but not yet proven technologies that may be worthy of consideration in the future.

Task 1 Requirements:

- A. Evaluate PFAS separation and destruction technologies including proven and potential technologies (e.g. GAC, RO, SCWO, incineration, pyrolysis/gasification, foam fractionation, electro-oxidation, etc.). Technologies that have been implemented only at bench scale, but look promising, may be included. For promising but unproven technologies, provide an assessment of what makes the technology promising and what further information or study is needed. The evaluation should focus primarily on technologies, rather than specific technology providers, and include case studies. We recognize that some technologies may be company-specific. The evaluation should analyze how promising the technologies appear to be, based on the following:
 - 1. Separation and destruction effectiveness;
 - 2. Throughput capacity;
 - 3. Degree of commercialization, and when full-scale installations may be feasible;
 - 4. Reliability of performance;
 - 5. Energy consumption or recovery;
 - 6. Byproducts management; and
 - 7. Impacts on air quality or other media.
- B. Evaluate sludge volume reduction technologies, including anaerobic digestion, as a method to handle sludge disposal issues and whether it would be cost-effective to be used in combination with technologies in Task 1.A.

- C. Evaluate technologies to retrofit current incineration facilities to include PFAS destruction, including the feasibility and cost-effectiveness of implementation at facilities in Massachusetts.
- D. Evaluate technologies to remove PFAS from landfill leachate. Based on discussion with MassDEP, estimate the number of landfills in Massachusetts that recover leachate and evaluate whether treatment is feasible from a cost and technical point of view at landfills or at POTWs. This task does not require a survey of landfills.
- E. Estimate the life cycle costs associated with these technologies.
 - 1. Compare life cycle costs for POTWs to install and maintain each technology. Cost information from the [Minnesota PFAS study](#) or other relevant studies may be used for this analysis with cost adjustment due to regional differences.
 - 2. Estimate sewer rates to Median Household Income if these technologies are utilized for a representative range of POTW capacities in Massachusetts.
- F. Evaluate the following questions:
 - a. What are the impediments and challenges to implement some of the more promising technologies in Massachusetts? Responses to this question should include financing and an assessment of existing or needed statutory and regulatory authority.
 - b. Are certain technologies better suited for certain types of wastewater or facility parameters (e.g. activated sludge, pure oxygen, facility footprint, PFAS levels)?
 - c. What are the pros and cons of a regional facility versus implementation at an individual plant?
- G. Identify possible financing sources to implement piloting and/or full-scale technologies.

TASK 2: CONTRIBUTIONS OF PFAS INTO POTWS (INDIRECT DISCHARGES)

The consultant will undertake a desktop analysis of sources of PFAS in Massachusetts POTWs' influent. The consultant will also consider methods for, and costs of, reducing PFAS before it enters the POTWs. The purpose of this task is to identify high-impact approaches to reduce PFAS upstream of the POTWs. Note that EPA Region 1 performs Industrial Pretreatment Program (IPP) services. (MassDEP will provide the consultant with a name and contact information.)

Task 2 Requirements:

- A. Perform a desktop analysis of the relative mass loading of PFAS in influent of Massachusetts POTWs for upstream discharges ("indirect discharges") for representative POTWs in Massachusetts. Include a set of PFAS compounds to be determined by mutual agreement with MassDEP. Sampling is not expected to be performed for this task. Compare mass loading of PFAS from indirect discharges to mass loading of PFAS in POTW influent. For the mass loading of POTW influent the consultant can use the MassDEP [PFAS online database](#). The analysis should include the following sources:
 - a. MA Significant Industrial Users (SIUs);
 - b. Domestic wastewater and septage; and
 - c. Other sources (e.g. Hospitals, schools, and commercial car wash)

- B. Identify differences in mass loading of PFAS in the influent at POTWs from the sources in Task 2.A including differences such as region, service area land use, and larger sources of influent.
- C. Determine the realistic extent and technical feasibility of PFAS source reduction by industrial, domestic wastewater and septage, and other sources through changes upstream of the representative POTWs. Note that this item may include consideration of product replacement, contaminated pipe replacement, or installation of treatment technologies (from Task 1) as a form of pretreatment (before entering the POTW as influent). Calculate the relative load of the sources listed in Task 2.A. in relation to the POTW influent. Identify the most cost-effective methods to reduce overall PFAS loading to the POTW based on the relative PFAS loading of various sources.

TASK 3: PFAS IMPACTS ON SLUDGE DISPOSAL METHODS

The consultant will undertake a desktop analysis of PFAS related issues regarding sludge disposal methods. The task will also include implemented and/or planned limitations of sludge disposal that will impact Massachusetts facilities and a summary of PFAS reduction approaches performed by other states.

Task 3 Requirements:

- A. Identify PFAS-related issues for current disposal methods (including landfilling, land application, and incineration).
- B. Gather input from select stakeholders (MassDEP to help identify parties) and industry experts and conduct a literature review regarding PFAS impacts on sludge disposal methods.
- C. Identify limitations on PFAS-related sludge disposal being implemented and/or planned that will impact Massachusetts facilities, including but not limited to CERCLA designation, draft or final legislation, and potential or published lower PFAS drinking water standards by USEPA (including the current MassDEP and proposed EPA drinking water Maximum Contaminant Levels). Include limitations that have arisen in Canada, New England, and more distant US states, as discussed in Section 1.2 above.
- D. Analyze PFAS reduction approaches for wastewater and sludge implemented in other states, including but not limited to Maine, Michigan, and Minnesota.

Tasks 1-3 Deliverables:

- A. By ~~June 30, 2024~~ **July 14, 2024**, present findings of Tasks 1-3 in one (1) online meeting with MassDEP and invited stakeholders. MassDEP will coordinate and administer the online meeting.
- B. By ~~June 30, 2024~~ **July 14, 2024**, submit draft chapters that summarize results of Tasks 1-3.

TASK 4: SLUDGE DISPOSAL SCENARIO ANALYSIS

The consultant will project hypothetical future conditions in sludge management by Massachusetts POTWs and develop reasonable predictions of future conditions and management options scenarios

that could be available to the POTWs. Results of this scenario analysis will help MassDEP and the wastewater industry better understand the range of possible options, the types of technical and regulatory support that will be needed to support these options, and the potential impact on POTW rates and options for financing.

Task 4 Requirements:

- A. Develop, in consultation with MassDEP, a minimum of six to ten hypothetical sludge disposal scenarios, including costs for each. The scenarios will be reasonable predictions of possible future conditions and management options through 2044 and later. The scenarios shall reflect:
 - a. Possible limitations and advancements of treatment, destruction, and disposal technologies;
 - b. Possible changes in regulations;
 - c. Availability or limitation of disposal options affecting Massachusetts POTWs; and
 - d. Other shifts that could limit or expand the potential of POTWs to cost-effectively manage their sludge.
- B. Use baseline information from the results of Part 1 of the MassDEP Sludge Master Plan to develop the sludge disposal scenarios. Include:
 - a. A description of the amounts of sludge currently being generated at POTWs in Massachusetts, and how sludge is currently managed; and
 - b. Projections of the amount of sludge that will be generated at Massachusetts POTWs through 2029.
- C. For each scenario, include:
 - a. Where Massachusetts-generated sludge might likely be disposed;
 - b. Possible PFAS reduction/elimination methods that may be implemented within Massachusetts; and
 - c. Cost and operation impacts for representative POTWs, based on POTW capacity, region, and types of influent.

TASK 5: RECOMMENDATIONS FOR SLUDGE DISPOSAL

Working closely with MassDEP, the consultant will develop recommendations on current and future sludge management and disposal practices as well as PFAS reduction and elimination. This task will rely on the results of Part 1 of the MassDEP Sludge Master Plan, and Part 2 Tasks 1-4, as well as other relevant studies.

Task 5 Requirements:

- A. Working closely with MassDEP, develop recommendations on current and future sludge management and disposal practices as well as PFAS reduction and elimination strategies.

Include in the recommendations: PFAS treatment and destruction technologies; processing and disposal capacities; statutory and regulatory authorities; and cost financing.

Tasks 4-5 Deliverables:

- A. By ~~July 31, 2024~~ **August 14, 2024**, present findings of Task 5 in one online meeting with MassDEP and invited stakeholders. MassDEP will coordinate and administer the online meeting.

TASK 6: SUMMARY MEETINGS AND REPORT

Task 6 Requirements:

The consultant shall provide a draft report for MassDEP review by ~~September 30, 2024~~, **October 14, 2024** or within an agreed-upon timeframe to ensure MassDEP has adequate time to review and provide comments. The results from Tasks 1-5 must be included in the draft report. It is envisioned that each of the tasks above will each be represented in a report chapter. The report will include methods, results, and conclusions as well as a list of definitions, developed in consultation with MassDEP.

The consultant will present draft results of Part 2: Tasks 1-5 at a stakeholder meeting which will be open to the public. MassDEP will coordinate and administer the online meeting.

MassDEP and the consultant will review stakeholder and public comments to identify those needing to be addressed in the final report. The consultant will prepare a final report addressing those comments, as well as MassDEP's comments, by ~~December 31, 2024~~ **January 14, 2025**.

Task 6 Deliverables:

- A. Draft report by ~~September 30, 2024~~ **October 14, 2024**
B. Final report by ~~December 31, 2024~~ **January 14, 2025**
C. Presentation at a meeting that MassDEP coordinates and administers online.

3.2. Bidder Qualifications

As part of the proposal submitted in response to this RFQ (see Section 3.3 below), Bidders must submit documentation that indicates their qualifications and ability to perform this project. Specifically, Bidders must address, in narrative form (fifteen page maximum length) the following qualification requirements:

- A significant understanding of Massachusetts sludge management and the following regulations: Surface Water Discharge Permit Program (314 CMR 3.00); Groundwater Discharge Permit Program (314 CMR 5.00); Surface Water Quality Standards (314 CMR 4.00); Land Application of Sludge and Septage (310 CMR 32.00); and Solid Waste Management (310 CMR 19.00).
- Relevant past experience with sludge disposal capacity management and PFAS mitigation.

- Relevant technical expertise in the requirements and performance of Massachusetts POTWs.
- Experience with legislative and policy matters.

3.3 Bidders' RFQ Response; Proposal Content and Format

Bidders shall submit a response to this RFQ in a Proposal format, in accordance with the requirements of this section. In addition to providing a narrative response to the qualification requirements of Section 3.2 above, the Bidder's Proposal sections for bullet items 1-4, shall be limited to fifteen (15) pages total in length (single-spaced, 8-1/2" by 11" sheet with 0.5" margins), excluding cover letter and attachments, and shall include the following sections:

1. Proposals must include a **concise problem statement** and brief **narrative**, to explain the objective(s) of the project and describe the activities.
2. Proposals must also include a **scope of services** with tasks/activities, discrete deliverables, and a **milestone schedule that addresses the task/deliverables set forth in section 3.1 above**.
3. Proposals must include the Bidder's **proposed project team, including the proposed project manager** and key project staff.
4. Proposals must include a **table of estimated effort** in hours, rates, and **line-item budget** for the various phases of the project.
5. Proposals should include the following information (as applicable) as Attachments, which demonstrates the qualifications and/or project/technical approach and capabilities of the Bidder: maps, reports, or links to reports, drawings, designs, photographs, resumes of key staff, and examples of similar projects. When supporting documents that are lengthy or oversized, include the information on multiple uploads to the COMMBUYS system, and include a table of supporting materials with a summary description of the electronic submittals.
6. A contact list, including consultant contacts email and telephone numbers, for MassDEP's use as references. MassDEP reserves the right to contact any reference provided by any Bidder, and also, in its discretion, to contact any other entities that may have had prior project experience with the Bidder. Bidders should submit no more than three (3) references in response to this requirement.

3.4 Compensation Structure/Pricing

3.4.1 Cost Tables

Compensation will be based solely on the Cost Tables (Budget) supplied by the Bidder in the proposal and as negotiated and accepted by MassDEP prior to contract award. Cost Tables must contain all goods and services to be provided through this Contract. Compensation will be

based on these Cost Tables. The Cost Tables must include a listing of project employees, wage rates, supplies, printing costs, postage, and mileage.

3.5 Supplier Diversity Program (SDP)

Pursuant to Executive Orders [523](#) and [565](#), the Commonwealth supports the use of diverse and small businesses through the Small Business Purchasing Program (SBPP) and the Supplier Diversity Program (SDP). Based on the estimated value of the procurement, SDP requirements would typically apply to this RFQ. However, due to the funding source of this procurement, which involves federal funds, the SDP requirements are superseded.

Accordingly, bidders must instead comply with federal requirements regarding EEO/AA and DBE participation. All bidders must complete and submit the forms in Attachment A – Required Federal Forms. Failure to complete and/or submit required forms as part of the response to this RFQ may result in bidder disqualification.

4.0. EVALUATION CRITERIA

Bidder scores will be used to rank Bidders and will determine which Bidders will proceed to subsequent stages of the evaluation and/or enter into negotiations with MassDEP to receive a Contract award.

4.1. Mandatory requirements

All Bidders are required to submit the documents outlined in Section 3.3 (“Bidders’ RFQ Response; Proposal Content and Format”) as part of their response to this RFQ. Failure to include these documents may result in bidder disqualification. The Department reserves the right, in its discretion, to determine if non-compliance with a Mandatory requirement is insignificant, or if it can be easily corrected.

In addition, all Bidders are advised that they are required to review, complete, and submit all applicable forms found in Attachment A – Required Federal Forms, due to the funding source for this procurement. Failure to complete and timely submit these forms may result in disqualification.

4.2. Evaluation Components

A selection committee will review proposals from responding consultants. Consultant selection will be based upon the following criteria, at a minimum:

1. Quality of Proposal

Quality and responsiveness of the proposal including completeness, organization, and conciseness.

Understanding of the requested services.

Description of the key elements and deliverables for each task.

2. Experience

Bidder’s overall qualifications and experience.

Qualifications and experience of the project team, including the project manager.

Consultant’s experience and success on prior projects of a similar nature.

3. Technical Approach

Detailed explanation of the technical approach including the logic of the plan, method to verify results, and method to identify key conclusions.

Realistic milestone schedule that adheres to the ~~December 31, 2024~~ **January 14, 2025** project completion deadline.

4. Cost

Cost-effectiveness and feasibility of the proposal.

5. Submission and Compliance with Required Federal EEO/AA and DBE Requirements

Compliance with Federal EEO/AA and DBE requirements.

5.0. HOW TO SUBMIT A QUOTE

All Bidders may begin creating and compiling Quote materials as soon as the Bid with all attachments is in the Sent document status. Bidders are instructed not to submit Quotes before the Bid Amendment Deadline has been reached (see Estimated Procurement Calendar).

5.1 Quote Submission Method

Online Quote Submission via COMMBUYS is required.

All Bidders must submit Quotes online using tools available only to Sellers registered in COMMBUYS. COMMBUYS provides Seller registration functionality at no charge. To register, go to www.COMMBUYS.com and click on the "Register" link on the front page. All Bidders who are awarded a contract resulting from this Bid, if any, will be required to maintain an active account during the duration of the Contract, by reviewing their registration information regularly and maintaining its accuracy.

5.2. COMMBUYS Quote Submission Training and Instructions

The following resources are provided to assist Bidders in submitting Quotes:

- **Instructions for Vendors Responding to Bids Electronically through COMMBUYS, which is part of this document; can be found on the main page of the COMMBUYS website.**

5.3 COMMBUYS Support

Technical assistance is available during the procurement process. Every effort is made to respond to inquiries within one business day.

Website: Go to www.mass.gov/osd/commbuys and select the COMMBUYS Resource Center link offered under Key Resources.

Email: Send inquiries to the COMMBUYS Helpdesk at COMMBUYS@state.ma.us

Telephone: Call the COMMBUYS Help Desk at 1-888-MA-STATE (1-888-627-8283). The Help Desk is staffed from 8:00 AM to 5:00 PM Monday through Friday Eastern Standard or Daylight time, as applicable, except on federal and state holidays.

Bidders are advised that COMMBUYS will be unavailable during regularly scheduled maintenance hours of which all users will be notified.

5.4. Bid Opening Date/Time

All Bids must be received by the Operational Services Division before the specified date, month, year, and time displayed as the Bid Opening Date/Time in the Header Information section of the Bid in COMMBUYS. Times are Eastern Standard/Daylight Savings (US), as applicable. All Bidders are advised to allow adequate time for submission by considering potential online submission impediments like Internet traffic, Internet connection speed, file size, and file volume. OSD is not responsible for delays encountered by Bidders or their agents, or for a Bidder's local hardware failures, such as computers or related networks, associated with bid compilation or submission. Bids submitted via COMMBUYS are time stamped by the COMMBUYS system clock which is considered the official time of record.

ATTACHMENT A – REQUIRED FEDERAL FORMS

AFFIRMATIVE ACTION AND DISADVANTAGED BUSINESS ENTERPRISE (DBE) REQUIREMENTS

In order for their responses to be considered complete and responsive to this RFQ, Bidders must provide with their responses the appropriate Equal Employment Opportunity/Affirmative Action (EEO/AA) and Disadvantaged Minority/Women Business Enterprise (D/MBE or D/WBE) information listed below. Commonwealth of Massachusetts Supplier Diversity Program requirements do not apply to this RFQ.

For responses, each Bidder must provide a signed EEO/AA Policy Statement on the organization's letterhead, which outlines its company's/agency's commitment to EEO/AA as a company/agency objective of equal importance to other company/agency objectives. Please refer to the EEO/AA Requirements and **Error! Reference source not found..** Each Bidder must also provide a Disadvantaged Minority/WBE Business Statement of Intent. Please refer to Sample Statement of Intent.

EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION FORMS **and GUIDANCE**

**Equal Employment Opportunity/Affirmative Action Requirements for
ProposalsUtilization of DBEs under the Federal Grant
Guidance for EEO/AA Policy Statement
Sample EEO/AA Policy Statement
Sample Statement of Intent
Request for Waiver Form**

EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION AND DISADVANTAGED BUSINESS ENTERPRISE (DBE) REQUIREMENTS

EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION REQUIREMENTS FOR PROPOSALS:

For all proposals, an Equal Employment Opportunity/Affirmative Action Policy Statement must be submitted with the proposal.

UTILIZATION OF DBEs UNDER THE FEDERAL GRANT

In May 2008 a United States Environmental Protection Agency (EPA) rule became effective that changed the Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Program to a Disadvantaged Business Enterprise (DBE) Program.

For firms to qualify under the previous MBE/WBE program, they needed to be socially disadvantaged and had to be certified by the Supplier Diversity Office (SDO). Under the DBE rule, the firms must be both socially and economically disadvantaged, citizens of the United States, and certified as a DBE either by the state or the federal government. Women and certain minorities are presumed to be socially disadvantaged. The economic disadvantage is measured by the owner's initial and continuing personal net worth of less than \$1,320,000.

MBEs and WBEs can still be utilized to meet utilization goals, but they must also be certified as DBEs. In essence the DBE regulations mean that only a subset of the universe of MBEs and WBEs can be used – those who are also certified as DBEs.

MassDEP has undertaken an availability analysis to develop DBE goals. These goals are 4.2% D/MBE and 4.5% D/WBE respectively for any subcontract for services, construction, goods, or equipment.

SDO will continue to be the certifying agency for D/MBEs and D/WBEs.

According to 40 CFR, Part 33 Subpart C, the grantee will make the following good faith efforts whenever procuring construction, equipment, services, and supplies.

(2) The six Good Faith Efforts shall include:

- (i) Require the DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. This will include placing qualified disadvantaged minority business and women's business enterprises on solicitation lists and soliciting them whenever they are potential sources;
- (ii) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids for a minimum of 30 calendar days before the bid or proposal closing date;

- (iii) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. This will include dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by DBEs;
- (iv) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually;
- (v) Use the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
- (vi) If the prime subcontractor awards subcontracts, require the prime contractor to take the steps listed in paragraphs (i) through (v) of this section.

GUIDANCE FOR EEO/AA POLICY STATEMENT

The policy statement outlines your company's/agency's commitment to equal employment opportunity and affirmative action as a company/agency objective of equal importance to other company/agency objectives.

The Policy Statement should include:

- A. Non-Discrimination in employment and service delivery as an organizational priority and practice.
- B. Access to employment and service delivery by all otherwise eligible persons regardless of their race, creed, color, sex, national origin, political affiliation, age, or disability.
- C. Goal of having staff at all levels of the organization reflect the proportion of minority, female and disabled persons represented in the service delivery area.
- D. Identification of an individual in the organization who is entrusted with enforcing the non-discrimination policy.
- E. Signature and title of the organization's Chief Executive Officer.

You may use the attached sample statement as a model. It must be completed and submitted to MassDEP on your agency letterhead. The Chief Executive Officer of your company/agency must sign the Statement, expressing the management endorsement of the policy and assigning responsibility for making that endorsement. The Policy Statement is the basis for the rest of the Affirmative Action Plan, which describes how you will put your commitment to Affirmative Action in practice. The Policy Statement can function as the introduction to your Affirmative Action Plan.

The key individual for developing and implementing the Affirmative Action Program is your company's Affirmative Action Officer. When assigning/appointing the individual designated on the Policy Statement it should be kept in mind that for the Affirmative Action Officer to be effective, he/she should:

- Participate in the planning, development and implementation of policies involving the budget, personnel, recruitment, contract compliance, training, performance appraisals and program and policy development. The Affirmative Action Officer should work in conjunction with the appropriate staff assigned to the aforementioned responsibilities.
- Be actively involved with minority and women's organizations, training programs and other organizations relating to people identified as members of protected groups.
- Conduct periodic audits of training programs and hiring and promotion patterns to remove barriers to goals and objectives, as well as audits of other plans.
- Review company/agency policies to assure equal opportunity for protected groups and prevent possible adverse impact on these groups.
- Hold regular discussions with managers and supervisors to advise them of their responsibilities and accountabilities, and review progress toward divisional affirmative action goals and implementation of agency affirmative action policies.
- Monitor and review the qualifications of all employees to ensure that minorities, women, and other protected group members are given full opportunities for training and promotion.
- Be familiar with and understand the various State and Federal regulations that impact employment practices (i.e., Title VII, Section 504, Chapter 533, Age Discrimination Act).
- Meet regularly with the hiring sources to review progress toward agency affirmative action goals.

SAMPLE: Place on Letterhead of Organization

EEO/AA POLICY STATEMENT

(Name of Organization) has a statutory mandate under law to guarantee equal treatment for all who seek access to its services or opportunities for employment and advancement. No discrimination will be tolerated on the basis of race, creed, political affiliation, color, sex, national origin, age, or handicap. The ultimate goal is for personnel of this organization to reflect the proportions of minority, female, and handicapped persons in the populations they serve.

(Name of Organization) will meet its legal, moral, social, and economic responsibilities for Equal Employment Opportunity/Affirmative Action as authorized and required by all pertinent state and federal legislation, executive orders and rules and regulations, including the following:

1. Title II of the Civil Rights Act of 1964 (42 USC s2000e et seq), which prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin; and
2. The Age Discrimination in Employment Act of 1967 (29 USC s621 et seq), which prohibits discrimination in employment on the basis of age with regard to those individuals who are at least 40 years of age, but less than 65 years of age; and
3. Section 504 of the Rehabilitation Act of 1973 (29 USC s794), and the regulations promulgated pursuant thereto (45 CFR Part 84), which prohibit discrimination against qualified handicapped individuals on the basis of handicap and requires employers to make reasonable accommodations to known physical or mental limitations of otherwise qualified handicapped applications and employees; and
4. M.G.L. c. 151B s4 (1), as amended by Chapter 533, 1983, which prohibits discrimination in employment on the basis of race, color, sex, religious creed, national origin, ancestry, age, or handicap,

In addition, the Provider agrees to be familiar with and abide by:

- * Massachusetts Executive Order 599
- * Massachusetts Executive Order 592
- * Equal Pay Act of 1963
- * Massachusetts Architectural Barriers Board Act
- * Federal Executive Orders 11246 and 11375 as amended.

All employees, unions, subcontractors, and vendors must make genuine and consistent efforts:

1. To ensure equal employment opportunities for present and future employees, and
2. To implement affirmative action, as legally required, to remedy the effects of past employment discrimination and social inequalities.

The responsibility for implementing and monitoring this policy has been delegated to:

Name and Title of Employee

Furthermore, _____ (Name of Organization)

prohibits that any employee, or applicant, be subjected to coercion, intimidation, interference or discrimination for filing a complaint or assisting in an investigation under this program. No portion of this Equal Employment Opportunity/Affirmative Action Policy shall be construed as conflicting with any existing or future judicial or legislative mandate where a constriction consistent with that mandate is reasonable.

Signature of Chief Executive

Title of Chief Executive

Date

SAMPLE
Place on Letterhead of Organization

(Must be included with the proposal package)

Statement of Intent

MassDEP and the PFAS and Residuals Technology and Management Study - Part 2, asks for a good faith effort that minimum Fair Share Disadvantaged Minority and Women Business Enterprise goals will be met or exceeded for this project. The ____ (name of your organization)____ plans to contract with DMBE/DWBE vendors for ____ (specify type of Construction, Equipment, Goods or Services)____ during this project.

The Fair Share utilization goals for this project are 4.2% DMBE and 4.5% DWBE on the total project dollars. To comply with the DMBE/DWBE participation goals, it is anticipated that \$____for DMBE and \$____DWBE will be adhered to. **REQUEST FOR WAIVER**

Upon exhausting all known sources and making every possible effort to meet the minimum requirements for DBE participation, the Contractor may seek relief from these requirements by filing this form with the request and submitting a completed waiver package. Failure to comply with this process shall be cause to reject the bid thereby rendering the Contractor not eligible for award of the subcontract.

General Information

Project Number: _____ Project Location: _____

Project Title: _____

Awarding
Authority/Contractor: _____

Mailing Address: _____

Contact Person: _____ Telephone No. () _____ Ext. _____

Minimum Requirements

The Contractor must show that good faith efforts were undertaken to comply with the percentage goals as specified. The Contractor seeking relief must show that such efforts were taken appropriately in advance of the time set for opening bid proposals to allow adequate time for response(s) by submitting the following:

- A. A detailed record of the effort made to contact and negotiate with disadvantaged minority and/or woman owned businesses, including:

1. names, addresses, telephone numbers and contact dates of all such companies contacted;
 2. copies of written notice(s) which were sent to DBE potential subcontractors prior to bid opening;
 3. a detailed statement as to why each subcontractor contacted (i) was not willing to do the job or (ii) was not qualified to perform the work as solicited; and
 4. in the case(s) where a negotiated price could not be reached the bidder should detail what efforts were made to reach an agreement on a competitive price.
 5. copies of advertisements, dated not less than ten (10) days prior to bid opening, as appearing in general publications, trade-oriented publications, and applicable minority/women-focused media detailing the opportunities for participation;
- B. MassDEP may require the Contractor to produce such additional information as it deems appropriate.
- C. No later than ten (10) days after submission of all required information and documentation, MassDEP shall make a determination, in writing, whether the waiver request is granted and shall provide that determination to the Contractor and Awarding Authority. If the waiver request is denied, the facts upon which a denial is based will be set forth in writing.

Special Note

If at any time, MassDEP determines that one or more of the DBE contractors as submitted by the Contractor is not certified, the Contractor shall have 10 working days, following notification to MassDEP, to either find a certified DBE contractor to perform work equal to or greater than that of the uncertified contractor or submit a waiver request.

CERTIFICATION

The undersigned herewith certifies that the above information and appropriate attachments are true and accurate to the best of my knowledge and that I have been authorized to act on behalf of the bidder in this matter.

(authorized original signature)

DATE

SUBMITTAL INSTRUCTIONS:

Submit through COMMBUYS and by email:

TO: jennifer.wood@mass.gov

CC: YitLing.Slayman@mass.gov

ATTACHMENT B – CREATING A QUOTE IN COMMBUYS: HOW TO RESPOND TO BID SOLICITATIONS

Also available at the following link: <https://www.mass.gov/doc/how-to-create-a-quote-in-commbuys/download>