



Clinton County Port Authority
1113 Airport Road
Wilmington OH, 45177

REQUEST FOR QUALIFICATIONS (RFQ)

The Clinton County Port Authority (Port Authority) is soliciting Qualifications from firms interested in providing professional environmental services to support implementation of the Port Authority's U.S. Environmental Protection Agency (EPA) Grant and Brownfield Redevelopment Programs. Disadvantaged Business Enterprises (DBEs) are encouraged to respond to this solicitation.

Project Name: U.S. EPA Brownfields Grant Management and Brownfield Redevelopment Consulting Services

RFQ ISSUE DATE: July 31, 2015

QUALIFICATIONS SUBMISSION INSTRUCTIONS:

Copies Required: One (1) unbound original, 2 bound copies, and one (1) electronic copy on Flash Drive. Facsimile or email submissions will not be accepted.

Submissions must be in a sealed envelope labeled with Project Name (above).

Due Date and Time: On or before 4 p.m. August 21, 2015

Submission Delivery Location: Clinton County Port Authority
Mr. Kevin Carver
Executive Director
1113 Airport Road
Wilmington OH, 45177

Late submissions will not be accepted or considered.

Questions about submission procedures should be directed to:

Beth Huber
1113 Airport Road
Wilmington, OH 45177
Phone: 937-655-7040
Fax: 937-366-5005

Specifications, terms, conditions and instructions for submitting qualifications are contained herein.

INSTRUCTIONS FOR SUBMISSION OF QUALIFICATIONS

SUBMISSION PROCEDURES

One (1) unbound original, 2 bound copies, and one (1) electronic copy on flash drive of the Qualifications Submission must be submitted to:

Clinton County Port Authority
Mr. Kevin Carver
Executive Director
1113 Airport Road
Wilmington OH, 45177

Submissions must be received no later than 4:00 p.m. on August 21, 2015. The Respondent shall assume full responsibility for delivery of the Qualifications Submission to the Port Authority at the appointed hour for opening same and shall assume the risk of late delivery or non-delivery regardless of the manner he/she employs for the transmission thereof. Late submissions will not be accepted or considered. The Qualifications Submission must be contained in a sealed, opaque envelope clearly labeled with the Project Name and Submitter's company name and address.

Submissions must be signed by a representative of the Respondent organization authorized to submit and establish fees on behalf of the Respondent and bind the Respondent to the terms and conditions of this RFQ.

Submissions will be opened on or after the submission due date and time, at the sole discretion of the Port Authority.

QUESTIONS

Questions regarding the RFQ may be directed to Beth Huber, Associate Director of the Port Authority, at the above address in writing, facsimile transmission, or e-mail only. All questions or requests for clarifications must be directed to the person listed above.

Disclosing any questions received by the Port Authority to all respondents will be at the sole discretion of the Port Authority. Any attempt to contact another Port Authority department or employee regarding this RFQ may be grounds for disqualification as a vendor. The deadline date to submit questions is August 12, 2015 at 3:00 p.m. Written responses from the Port Authority will be provided via U.S. Postal Service, facsimile transmission, or e-mail to all respondents no later than August 17, 2015 at 3:00 p.m.

INSPECTION OF DOCUMENTS

Documents in the possession of the Port Authority and related to this solicitation, but not included in this RFQ, will be available for review beginning at 8 a.m., August 4, 2015, at the offices of Beth Huber, Associate Director of the Port Authority, 1113 Airport Road, Wilmington OH, 45177. Documents shall not be removed from the offices, and the Port Authority will not provide copies to respondents.

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INCURRED COSTS

The Port Authority shall not be liable for any costs, including any travel, incurred by the Respondent prior to award of the contract(s). Total liability of the Port Authority is limited to the terms and conditions of this request and any resulting contract.

ECONOMY OF PREPARATION

Each response to this RFQ should be prepared simply and economically providing a straightforward concise description of the respondent's ability to meet the requirements of the RFQ. Decorative bindings, colored displays, promotional material, etc. will receive no evaluation credit. Emphasis should be on completeness and clarity of the content.

NEWS RELEASES, MEDIA ADVISORIES AND MEDIA INTERACTION

The respondent shall not discuss the RFQ with any member of the media or issue news releases or media advisories pertaining to this request, or the work to which it relates, without prior expressed approval of the Port Authority. Should a member of the media or press contact the respondent regarding this request, or the work to which it relates, the media or press should be referred to the Port Authority. This request, the work to which it relates, or any representative of the Port Authority associated with the request, or the work to which it relates, shall not be used for referral purposes without expressed approval from the Port Authority.

INDEPENDENT PRICE DETERMINATION

Each submission shall include a signature page that includes the following certifications:

- A. By submission of these Qualifications and Fee Schedule, the Respondent certifies and, in the case of a joint proposal, each party thereto certifies as to its own organization, that in connection with this submission:
 1. The fees in the proposal have been arrived at independently, without consultation, communication or agreement for the purposes of restricting competition, as to any matter relating to such prices with any other Respondent, or with any competitor; and
 2. Unless otherwise required by law, the fees which have been quoted in the proposal have not been knowingly disclosed by the Respondent, and will not knowingly be disclosed by the Respondent prior to award directly or indirectly to any other Respondent, or to any competitor; and
 3. No attempt has been made or will be made by the Respondent to entice any other person or firm to submit or not to submit a proposal for the purpose of restricting competition.

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- B. The undersigned certifies that they are authorized by the Respondent's organization to decide as to the services and fees being offered in this submission, and that they have not participated and will not participate in any action contrary to "A-1, 2 and 3" above .

A submission will not be considered for award if the language of A. or B. above has been modified or deleted.

NO THIRD PARTY RIGHTS

It is agreed and understood that the contract is made solely for the benefit of the Port Authority and the Provider of Services, not made for the benefit of any third party, and that no action or defense may be founded upon this contract except by the parties signatory hereto.

DISCLOSURE OF PROPOSAL CONTENTS

All responses to this RFQ become the property of the Port Authority and shall be subject to disclosure under the Freedom of Information Act. If a proposal contains any information that the Respondent does not want disclosed to the public or used by the Port Authority for any purpose other than proposal evaluation, each sheet of such information must be marked with the following legend:

"This information shall not be disclosed outside the Port Authority or be duplicated, used or disclosed in whole or in part for purposes other than to evaluate the proposal; provided that if a contract is awarded to the Respondent, as a result of, or in connection with the submission of such information, the Port Authority shall have the right to duplicate, use or disclose this information to the extent provided in the contract. This restriction does not limit the Port Authority's right to use information contained herein if obtained from another source."

AWARD OF CONTRACTS/REJECTION OF PROPOSALS

If a Contract is awarded by the Port Authority, it will be awarded to the Respondent deemed the most qualified and responsive as determined at the sole discretion of the Port Authority based on the Port Authority's review of the Respondent's ability to provide the required services. This contract will require completion of the work pursuant to these documents.

The Port Authority reserves the right to reject any and/or all proposals and to waive any irregularity in proposals received, whenever such rejection or waiver is in the Port Authority's best interest. The Respondent to whom the award is made will be notified at the earliest possible date.

The Contract shall not be considered executed unless approved of and signed by the Executive Director of the Port Authority. Signatures on behalf of the Port Authority other than that cited above shall not constitute contract execution by the Port Authority and the contract shall be null and void.

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TYPE OF CONTRACT

It is proposed that an indefinite quantity, cost reimbursement contract will be entered into as a result of this RFQ. The contract will have a fee structure based on the fee schedule proposed by the selected Consultant. Only work performed on tasks for which the scope of work and specified maximum, not to be exceeded, cost have been approved by the Port Authority will be compensated. At the sole discretion of the Port Authority, the total contract value may be limited to the amount of funds available under the current U.S. EPA Grant(s) and future brownfield redevelopment funding sources. Negotiations may be undertaken with those Respondents whose qualifications and proposal as to price and other factors show them to be qualified, responsible and capable of performing the work.

The contract with the selected Consultant will require compliance with all Federal U.S. EPA laws, rules, and regulations listed in the Port Authority's U.S. EPA grant, including but not limited to, 40 CFR Part 33. The contract with the selected Consultant will require the selected Consultant to enroll in and verify the work eligibility status of all newly hired employees through the E-Verify program as defined in IC 22-5- 1.7-3 (see attachment).

The Port Authority reserves the right to consider proposal modifications received at any time before the award is made, if such action is deemed to be in the best interest of the Port Authority.

CONTRACT DURATION

This contract will be for a period of three (3) years from the date of contract execution. The contract will include the option for two, one-year, extensions or a single extension until the date of completion of activities funded by, or expiration date of, any U.S. EPA Brownfields Grant or other state or federal grant or loan awarded to the Port Authority during the contract term, if mutually agreed by the Port Authority and the Consultant.

INSURANCE

The selected firm will be responsible for providing certificates of insurance to the Port Authority which prove the firm has not less than \$1,000,000 coverage for **COMPREHENSIVE GENERAL LIABILITY AND PROPERTY DAMAGE** and proof of **WORKER'S COMPENSATION INSURANCE and EMPLOYER'S LIABILITY INSURANCE**. The Comprehensive General Liability and Property Damage certificate shall name the Port Authority, its officers, employees, agents and representatives as additionally insured, without exceptions, shall contain a waiver of subrogation, and shall carry a thirty (30) day written Notice of Cancellation. The Limit for the Workers' Compensation Insurance and Employer's Liability Insurance shall be the Statutory Limits of the State of Ohio. Proof of the insurances stipulated above shall be provided to the Port Authority within ten (10) working days of a firm receiving notice from the Port Authority of intent to enter into a contract. The acceptance of any such certificate by the Port Authority shall in no way relieve the Consultant of obligations to provide and to cause its subconsultants and subcontractors to provide the insurance herein referenced.

The Consultant and all subconsultants and subcontractors shall, at their own expense, obtain and maintain **AUTOMOBILE LIABILITY** insurance such that it will protect against liability imposed

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by law for loss or damage, including personal injuries and death arising from the ownership, use or operation of any motor vehicle as specified below:

1. Coverage that complies with the requirements of Ohio Law.
2. Coverage for Owned, Hired, and Non-owned vehicles.
3. Residual liability coverage with a combined single limit of at least \$1,000,000 for both Bodily Injury and Property Damage.

The consultant shall also provide proof of **PROFESSIONAL LIABILITY INSURANCE** which shall insure against acts which are in the nature of professional services performed by architects and engineers. If a contract is entered into, the consultant shall maintain such during the life of the contract. Professional Liability Coverage shall be provided in an amount not less than \$1,000,000 per occurrence and \$2,000,000 in aggregate.

If the selected firm neglects or refuses to provide any insurance required herein, or if any insurance is canceled, the Port Authority may, at its option, terminate its contract with the Respondent or procure such insurance and adjust the contract price downward by the reasonable amount of premiums paid or to be paid.

Notwithstanding anything appearing to the contrary in the Contract Documents, in the event any damages are incurred by the Parties during the work pertaining to this request, the Port Authority and the Consultant agree to initially proceed against such insurance to the extent that it is available and results in payment of such damages and to waive their respective rights of subrogation against each other to the extent valid insurance covers the damages incurred; provided, however, that if any such damages are not insured and/or do not result in payment of such damages, the same shall not affect the liabilities of the Parties as otherwise provided in the Contract.

COMPLIANCE WITH 40 CFR PART 33

The Port Authority encourages qualified DBEs, i.e. Minority Business Enterprise (MBE) or Women Business Enterprise (WBE), to respond to this RFQ. The Port Authority also encourages RFQ respondents to identify and include qualified DBE subcontractors in their response.

The Respondent shall clearly identify their status as a DBE or non-DBE in their response. If the Respondent is claiming DBE status, the Respondent shall submit a valid certification as part of the response.

If the Respondent solicits subcontractors for work as part of the response, the solicitation must comply with the requirements of 40 CFR Part 33. This shall include, but is not limited to, requiring each subcontractor to complete and submit U.S. EPA Form 6100-3 – DBE Program Subcontractor Performance Form (<http://www.epa.gov/osdbu/grants.htm>) as part of the subcontractor's response. The response to this RFQ shall include the completed form (6100-3) for the selected subcontractor(s) and supporting documentation to demonstrate that the solicitation of subcontractor work was in compliance with 40 CFR Part 33.

The Respondent must complete and submit U.S. EPA Form 6100-4 - DBE Program Subcontractor Utilization Form (<http://www.epa.gov/osdbu/grants.htm>) as part of the response. Each subcontractor (solicited or direct award) for work described in this RFQ must be identified as a

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DBE or non-DBE on the form. If a subcontractor is identified as a DBE, a valid copy of the subcontractor's DBE certification shall be included with the form.

TERMS, CONDITIONS AND EXCEPTIONS

The Port Authority does not create any obligation, expressed or implied, of any kind or description in issuing this RFQ or receiving a response. Neither this RFQ nor the response shall be considered as a legal offer.

The Port Authority reserves the right to alter, amend, or modify any provision of this RFQ, or to withdraw the RFQ, at any time prior to the award of a contract pursuant thereto, if it is in the best interest of the Port Authority to do so.

The Port Authority reserves the right to reject any and all responses without cause, waive irregularities or informalities in procedures related to the RFQ, and make inquiries as deemed necessary of Respondents and their references and clients regarding qualifications and information submitted as part of their responses.

Some or all of the work performed under this U.S. EPA Assessment Grant will be subject to federal contractual and cross-cutting provisions. The Port Authority hereby notifies Respondents that a successful award may be contingent upon the agreement and ability of the selected Respondent to comply with these required contractual provisions, including, but not limited to minimum wage rates (e.g. Davis-Bacon Act, DBE utilization, etc.).

In the event the selected Respondent(s) do not enter into the required agreement to carry out the purposes described in this RFQ, the Port Authority may commence negotiations with another Respondent.

By submitting a response to this RFQ, each Respondent waives all rights to protest or seek remedies whatsoever regarding any aspect of this RFQ, the selection of a Respondent or Respondents with which to negotiate a contract, the rejection of any or all offers to negotiate, or a decision to terminate negotiations.

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REQUEST FOR QUALIFICATIONS

INTRODUCTION

The Port Authority is seeking to select an environmental services consultant (Consultant) to assist in fulfilling the Cooperative Agreement and Work Plan obligations of a U.S. EPA Brownfields Assessment Grant awarded to the Port Authority. The selected Consultant also will assist the Port Authority in identifying, obtaining, and managing other U.S. EPA, federal, state, and local grants and loans and other programs that will support brownfield redevelopment in the community. The Port Authority will choose a Consultant using a Qualifications-Based Selection (QBS) process in accordance with the procurement policies and procedures of the Port Authority. The QBS process will rely on evaluations of written responses to this Request for Qualifications (RFQ) and subsequent supplemental evaluation processes, such as requests for additional information, as may be instituted by the Port Authority at its sole discretion.

BACKGROUND

The Port Authority has been awarded a U.S. EPA Brownfields Assessment Grant of \$200,000 to support redevelopment of brownfields contaminated with hazardous substances. Grant funds will be used to develop a community-wide inventory of brownfields sites, prioritize those sites for environmental assessment, conduct appropriate environmental assessments, and conduct remedial planning needed to prepare the sites for redevelopment. Information generated by the Assessment Grant program will be provided to prospective purchasers and developers to encourage the redevelopment of brownfields in Clinton County. The Port Authority has created an Assessment Grant Work Plan (attached) and is now seeking to retain a qualified Consultant to assist in implementing that Work Plan. If requested by the Port Authority, the retained consultant also will be expected to support the Port Authority in acquiring and managing additional U.S. EPA Grants of all types; acquiring and managing other federal, state and local brownfield redevelopment financing and incentives; and providing general support for the Port Authority's brownfield redevelopment program.

SCOPE OF SERVICES

The selected Consultant will conduct some or all of the tasks described below:

Task 1 – Implement the Approved U.S. EPA Brownfields Assessment Grant Work Plan

The Port Authority has been awarded a U.S. EPA Brownfields Assessment Grant(s) as described above. The selected Consultant will perform the contractual tasks assigned to the environmental consultant in the approved Grant Work Plan. These will include all or some of the following:

- Assist the Port Authority in designing and conducting community outreach and participation activities;
- Prepare and obtain EPA approval of an appropriate quality assurance plan;

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- Prepare Site Eligibility Determinations;
- Plan and perform Environmental Site Assessments (ESAs);
- Conduct hazardous materials, asbestos and/or lead-based paint assessments;
- Conduct cleanup and redevelopment planning allowed under the grant;
- Create and maintain ACRES database entries for each site on which grant funds are expended; and
- Assist with project reporting.

Task 2 – Identify, Acquire and Manage Additional Brownfield Redevelopment Financing

The consultant will assist the Port Authority in identifying additional federal, state, and local sources of financing to support brownfield redevelopment in the community. At the request of the Port Authority, the Consultant will assist in the preparation of applications for one or more of the following U.S. EPA Brownfields Grants: Assessment (hazardous substances and/or petroleum), Cleanup, and Revolving Loan Fund (RLF). The Consultant then will assist the Port Authority in managing those funds in the manner described in, or similar to, Task 1, Task 3, and/or Task 4 below.

At the request of the Port Authority, the Consultant will assist in the identification of other applicable brownfield incentive programs and preparation of applications for funding. The Consultant then will assist the Port Authority in managing those funds in the manner appropriate for funds source(s).

Task 3 – Assist in Managing a U.S. EPA Cleanup Grant

For the duration of the contract awarded through this solicitation, if the Port Authority is awarded a U.S. EPA Brownfields Cleanup Grant, the selected Consultant will perform the contractual tasks assigned to the environmental consultant in the approved Grant Work Plan. These will include all or some of the following:

- Assist the Port Authority in designing and conducting community outreach and participation activities;
- Prepare and obtain EPA approval of an appropriate quality assurance plan;
- Prepare Site Eligibility Determinations;
- Prepare and manage the review and approval of, in accordance with EPA guidance, all documentation necessary to initiate the cleanup project;
- Develop response action plans and specifications;
- Develop and manage the state involvement process;
- Assist with contractor retention;
- Monitor progress of environmental response actions;
- Monitor and document compliance with Davis Bacon Act and other federal cross-cutters;
- Create and maintain ACRES database entries for each site on which grant funds are

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expended; and

- Provide administrative support for other operational, financial, and reporting activities as requested.

Task 4 – Assist in Managing a U.S. EPA Brownfields RLF Grant

For the duration of the contract awarded through this solicitation, if the Port Authority is awarded a U.S. EPA Brownfields RLF Grant, the selected Consultant will perform the contractual tasks assigned to the environmental consultant in the approved Grant Work Plan. These will include all or some of the following:

- Assist the Port Authority in designing and conducting community outreach and participation activities;
- Prepare and obtain EPA approval of an appropriate quality assurance plan;
- Prepare Site Eligibility Determinations;
- Assist the Port Authority in developing a project/loan application, review and approval process and loan documents;
- Prepare and manage the review and approval of, in accordance with EPA guidance, all documentation necessary to initiate each RLF loan-funded cleanup project;
- Develop and manage the state involvement process;
- Monitor progress of environmental response actions;
- Monitor and document compliance with Davis Bacon Act and other federal cross-cutters;
- Create and maintain ACRES database entries for each site on which grant funds are expended; and
- Provide administrative support for other operational, financial, and reporting activities as requested.

CONSULTANT SELECTION PROCESS

A service provider (consultant) will be selected using a Qualifications-Based Selection process in accordance with the requirements of 40 CFR 31.36. Interested qualified Respondents are to submit Qualification Statements as described below to the Port Authority for review. After review of submitted qualifications, the Port Authority may request additional information from one or more Respondents. The Consultant will be selected based on qualifications and project understanding as determined to be in the best interests of the Port Authority. All decisions will be final.

SUBMISSION OF QUALIFICATIONS

Qualified Consultants are invited to submit a written qualifications statement to the Port Authority for consideration. The minimum content of that submission is outlined below:

- I. Brief description and history of the firm; the firm's names, address, contact information, federal identification number, and DUNS number.

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- II. State the firm's status as a DBE or non-DBE and if a DBE subcontractor is being included as part of the response. If the firm is claiming DBE status for itself or a subcontractor, valid certification must be included in the response. Neither the respondent nor a subcontractor will be considered a DBE without valid certification submitted as part of the response. If subcontracted services were solicited as part of the response, describe and document the firm's compliance with 40 CFR Part 33. Reference completed and attached U.S. EPA Forms 6100-3 (if applicable) and 6100- 4.
- III. Proposed project team and qualifications, including an organization chart identifying all key project team members and demonstration that each team member is qualified to perform the assigned role and tasks.

Identity and qualifications of the Ohio Certified Professional (CP) assigned to the project; a CP directly employed by the Respondent must be a member of the project team.

Listing of subcontractors, their DBE or non-DBE status, and percent of contract to be completed by each; complete and attach U.S. EPA Forms 6100-3 (if applicable) and 6100-4.

- IV. Firm qualifications and related experience, with references (contact name, affiliation, telephone number and/or email address), demonstrating the firm's capabilities related to providing services described in the Scope of Services above.
- V. Descriptions of technical and operational approaches for performing the project services described above.
- VI. Representative cost estimates for task activities and deliverables for management of an Assessment Grant and a representative schedule (from Cooperative Agreement execution through first due diligence project) for task activities of an Assessment Grant; these will be used to evaluate the Respondent's practical understanding of the project tasks.
- VII. Fee schedule(s) for services provided to the Port Authority during the project.

The requested information must be submitted as specified in the **Submission Procedures** section above.

EVALUATION OF QUALIFICATIONS

Qualifications submitted in response to this RFQ primarily will be evaluated according to the following criteria: 1) demonstrated capabilities and experience in the following areas: a) role of Consultant for grantees awarded U.S. EPA Brownfields Redevelopment Grants, b) supporting community brownfield redevelopment programs, c) supporting successful brownfield redevelopment projects, and d) development and management of brownfield financing programs; 2) qualifications and availability of project staff; 3) scope of brownfield redevelopment services provided by the firm; and 4) demonstrated understanding of the requirements and tasks associated with successfully managing and operating U.S. EPA Assessment, RLF and Cleanup Grants. A summary of the specific evaluation factors and associated evaluation weighting criteria is presented below:

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1. Demonstrated stability and capabilities of the firm (15% of the evaluation criteria)
 - a. Staff and financial stability
 - b. Capability to meet project staffing and schedule needs
 - c. Geographic availability of staff
 - d. Breadth of U.S. EPA Brownfields Grant support and brownfield redevelopment support capabilities and services
2. Structure and demonstrated capabilities and qualifications of project team (20% of the evaluation criteria)
 - a. Project team organizational structure, project position/role descriptions and responsibilities, and key staff assignments
 - b. Qualifications and experience of key project staff related to U.S. EPA Brownfields Grant implementation, brownfields redevelopment, and technical requirements of the Scope of Services
 - c. Identification and qualifications of all proposed subcontractors and descriptions of the services to be provided
3. Demonstrated qualifications and experience of the firm (25% of the evaluation criteria)
 - a. Project experience related to U.S. EPA Brownfields Grants acquisition, management and implementation; acquisition and management of brownfield redevelopment financing; brownfields redevelopment; and assisting local communities successfully support brownfields redevelopment.
 - b. Project experience related to the technical requirements for completing the tasks described in the Scope of Services.
 - c. Project experience, relevant to the scope of Services described above, during the past three years.
 - d. Project summaries for representative projects, including client name, dates of service and references (contact name, title, and telephone number), demonstrating experience related to the U.S. EPA Brownfields Grant Program, technical activities required in the Scope of Services, state and local brownfield redevelopment incentives programs, and brownfield redevelopment projects.
4. Demonstrated understanding of the U.S. EPA Brownfields Grant program, operations of each grant type, and the project Scope of Services (25% of the evaluation criteria)
 - a. The role of U.S. EPA Brownfield Grants and respective eligible environmental activities in a brownfield redevelopment program generally, and the Port Authority brownfield redevelopment program specifically
 - b. Understanding of the technical requirements and approaches for conducting the tasks described in the Scope of Services
 - c. Quality assurance and health/safety requirements and procedures

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- d. The Ohio EPA and its relationships with U.S. EPA Grant tasks
 - e. Policies, protocols, laws, and regulations applicable to the conduct of U.S. EPA Grant and brownfield redevelopment activities
5. Demonstrated understanding of the Scope of Services and task implementation as evidenced by discussions of estimated costs and schedules where requested (15% of the evaluation criteria)
- a. Representative costs for the project activities required to accomplish the Consultant's scope of services described in this RFQ
 - b. Overall project budget breakdown by task, including estimated numbers of grant-specific activities to be completed and work products prepared in each task

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Attachment

Employment Eligibility Certification

This Certification is submitted by the undersigned, _____, as part of the contract with the Clinton County Port Authority for the project known as _____ entered into on the _____ day of _____, 2015. The undersigned affirms under the penalties of perjury that the Contractor does not knowingly employ an unauthorized alien.

The Contractor shall enroll in and verify the work eligibility status of all newly hired employees through the E-Verify program as defined in IC 22-5-1.7-3. The Contractor is not required to participate if the Contractor is self-employed and does not employ any employees.

The Contractor shall not knowingly employ or contract with an unauthorized alien. The Contractor shall not retain an employee or contract with a person that the Contractor subsequently learns is an unauthorized alien.

The Contractor shall require all subcontractors who perform work under its contract, to certify to the Contractor that:

1. The subcontractor does not knowingly employ or contract with an unauthorized alien;
2. The subcontractor has enrolled and is participating in the E-Verify program. The Contractor agrees to maintain this certification at least two years after the term of a contract with a subcontractor.

The Port Authority may terminate the contract if the Contractor fails to cure a breach of this provision no later than thirty (30) days after being notified by the Port Authority.

The terms of this Certification shall be incorporated within the contract between the Contractor and the Port Authority.

I, _____, verify under the penalties of perjury that the facts set out in the above Employment Eligibility Certification are true.

Witness this _____ day of _____, 2015.

Contractor: _____

Address: _____

Signature: _____, _____

Printed: _____ Title _____

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