

Wayne County Regional Land Bank
Request for Proposals
EPA Brownfield Grant Application and Implementation Assistance

RFP Release Date: August 7, 2022

Proposal Due Date: September 7, 2022

I. General Information

a. Purpose of this RFP

The Wayne County Regional Land Bank (Land Bank) through this Request for Proposals (RFP), is seeking a qualified environmental consulting and/or planning firm to provide assistance with: (a) securing United States Environmental Protection Agency (U.S. EPA) multipurpose grant and potentially other federal or state grants for the assessment, cleanup, or redevelopment of brownfields properties within Wayne County, NY, and (b) implementation of environmental assessment, remedial design and planning, grant administration, community outreach, and other environmental or planning components of grants for which funding is secured. The initial focus for the contract will be securing a U.S. EPA multi-purpose grant as part of the U.S. EPA's annual Brownfields Grant Competition, for which it is anticipated grant applications will be due in November 2022. This solicitation is being issued in part to comply with Federal procurement standards outlined in CFR §200.317-326 that are applicable to hiring of Architectural and Engineering Service firms to assist communities with grants awarded by the U.S. EPA, where price is not a selection factor, provided a fair and reasonable compensation is negotiated.

b. Background Information

Brownfields are defined by U.S. EPA as: *"real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant."*

The purpose of the U.S. EPA brownfields multipurpose grant is to provide funding for communities to carry out a range of eligible assessment and cleanup activities, including planning and additional community engagement activities. The Land Bank is applying for funds to use at brownfield sites located within Wayne County.

The successful consultant will bring extensive and documented success, experience, and insight to a partnership with the Land Bank to obtain and implement this brownfield grant, as well as explore other grants and brownfields initiatives as funding opportunities become available.

The Land Bank currently owns several properties in the Town of Lyons with completed Phase I or II Environmental Assessments to be considered for the fiscal year 2023 U.S. EPA annual brownfields grant competition. The properties have potential developers, but no available

cleanup funding sources. There are also several potential development parcels in proximity to these core properties that would benefit from multi-purpose brownfield funding.

Long term, the Land Bank will likely have many properties across Wayne County that would benefit from brownfield funding.

II. Scope of Work

a. Activities Required Under this Request for Proposals

This RFP is intended to identify the best qualified consultant who is expected to provide a wide range of potential grant, assessment, and planning services to the Land Bank and any co-applicants who may join in an application for U.S. EPA funds or other federal and state brownfield funds. The scope of work to be performed by the successful consultant at a minimum is expected to include, but is not limited to:

- Provide assistance with the preparation of an application for U.S. EPA Multi-purpose Grant for FY 2023.
- Provide assistance with the preparation of subsequent U.S. EPA, federal, and state funds as opportunities arise and are appropriate.
- Provide assistance with revision and resubmittal of applications if the initial applications are unsuccessful.
- Provide assistance with development of U.S. EPA and other funding source required project work plan(s) for all applications that are successful.
- Prepare and maintain schedules and budgets for assessment, cleanup activities, and reuse planning.
- Conduct and supervise site assessment studies and prepare appropriate technical reports required by the U.S. EPA, NYS DEC and other appropriate agencies in print and electronic format.
- Conduct field investigations including sample collection and lab analysis.
- Conduct interviews with neighboring property owners.
- Evaluate cleanup options and risk assessment analysis and costs.
- Prepare written Quality Assurance Project Plan (QAPP) in compliance with U.S. EPA or other funding source regulations.
- Deliver to the Land Bank completed Phase I and Phase II ESA reports, site investigation reports, response action plans and other environmental reports or plans required under the applicable NY environmental regulations.
- Provide project management, implementation, and/or technical oversight.
- Provide professional advice regarding environmental issues associated with land reuse and redevelopment.
- Provide regulatory and financial information as needed.
- Attend meetings of the advisory committee as requested.
- Prepare presentations to provide information about the project's progress, as requested.
- Develop preliminary budget, financing options and implementation plan for cleanup/reuse.

- Complete contaminant characterization and risk assessments as determined necessary following Phase II activities (as funds allow).
- Involve public and private opportunities for citizen participation in all phases of projects.
- Prepare a comprehensive community outreach program and public participation program.
- Implement site specific cleanup or remediation (if future funding becomes available through this or another grant funded program).
- Redevelopment planning and market research as related to environmental site reuse.
- Other appropriate tasks related to the application, implementation and administration of grant funding

b. Project Management

The successful consultant, under direction from the Land Bank, will:

1. Work with the Land Bank in writing the text for the grant application.
2. Compile any required demographic data to bolster the grant application.
3. Assist the Land Bank with solicitation of letters of support from local stakeholders.
4. Review existing comprehensive plans as they relate to redevelopment within Wayne County and specific site reuse.
5. Facilitate community outreach activities as needed to enhance the grant application.
6. Coordinate any necessary activities with U.S. EPA Region 2 staff for U.S. EPA grant(s).
7. Coordinate any necessary activities with NYS DEC as appropriate.
8. Meet established schedules in a timely manner and complete all deliverables as agreed upon.
9. Multipurpose grant responsibilities may include, but are not limited to:
 - a Assistance with site eligibility preparation for EPA submittals.
 - b Review of Analysis of Brownfield Clean-up Alternatives (ABCA).
 - c Preparation of Remediation Plans.
 - d Preparation of Quality Assurance Project Plans (QAPPs).
 - e Preparation of Health & Safety Plans (HASPs).
 - f Community Relations Plan Documentation
 - g Review of Progress Reports and Requests for Payment
 - h Redevelopment planning.
 - i Review the Clean-up Completion Report and Submit Required Report to EPA
 - j Other appropriate tasks related to the application, implementation and administration of grant funding.

III. Proposal Requirements

Consultants are asked to submit very concise proposals describing their capacity and success within the U.S. EPA brownfield grant program, as well as their ability to manage and implement these types of grant funded projects on behalf of local units of government. The proposals should include a clear outline of how the firm would help the Land Bank in preparing successful grant applications, as well as the firm's ability to fully and effectively meet the requirements of assisting with implementation of grant(s) secured.

Clarification or questions regarding this proposal shall be submitted to the below contact person, clarification will be provided within 3 business days of receipt:

Dr. Mark Humbert, Executive Director
director@waynecountylandbankny.com

Proposals should be limited to eight (8) single sided standard sized pages exclusive of:

- Attached resumes
- One-page cover letter
- One-page table of contents
- One-page rate schedule

Standard advertising brochures should not be included in the proposal.

DBE/WBE/MBE enterprises are encouraged to apply.

The proposal shall include the following information in the order presented below:

a. Business/Organization

This section shall include the firm's name, areas of expertise, a brief history of the firm, size, office locations, and business addresses. The name, address, and telephone number of a contact person and/or prospective project manager regarding the proposal shall be included.

b. Management Outline and Project Approach

A description of the project and how the consulting firm will work with the Land Bank in preparing a successful application for the 2023 U.S. EPA Multi-purpose Grant for FY 2023 and subsequent implementation of said brownfields grants. This section shall include the applicant's approach to grant preparation, community outreach activities, planning, organization, and management. Each consulting firm shall provide a list of proposed key personnel.

c. Experience and Capabilities

The relevant management and technical experience and capabilities of the consulting firm shall meet the following minimum criteria:

- Demonstrated experience preparing successful U.S. EPA brownfield grant applications on behalf of New York State municipalities and Land Banks.
- Experience conducting Phase I and Phase II ESAs.
- Experience conducting environmental investigations and cleanups.
- Experience implementing U.S. EPA grant funded projects performed on behalf of local units of government and land banks.
- Development/redevelopment experience and market feasibility research.

- Demonstrated experience with redevelopment planning & community involvement activities related to brownfields properties.
- Performance of environmental inventories utilizing GIS in conjunction with U.S. EPA brownfields grants.
- Knowledge and expertise pertaining to federal and state environmental grant programs and documented track record preparing successful grant applications.
- Knowledge and expertise pertaining to EPA and other federal and state environmental statutes or associated regulations.
- Individual staff knowledge and technical experience relative to ESAs, brownfield projects, and contaminated site remediation.

d. **Proposed fee schedule**

Outline the fees your firm would charge for grant application preparation and for the implementation of the program, should funding be awarded.

Please use the example table as a framework for your fee schedule with additional categories as appropriate:

| Category | Estimated Hours | Hourly Rate | Personnel Cost |
|-------------------------------------|-----------------|-------------|-----------------|
| Professional | 300 | \$ 30.00 | \$9,000 |
| Nonprofessional | 2000 | \$ 25.00 | \$50,000 |
| Clerical | 800 | \$ 15.00 | \$12,000 |
| Total Direct Personnel Costs | | | \$71,000 |

Proposals must be submitted by 2 PM EST Friday, September 7, 2022.

Proposals can be submitted in hard copy or as a single PDF via email.

Single PDF application must be received by 2 PM EST Friday, September 7, 2022 at: director@waynecountylandbankny.com.

Hard copies must be received by 2 PM EST Friday, September 7, 2022 and addressed to:

Wayne County Regional Land Bank
 Dr. Mark Humbert, Executive Director
 Wayne County Regional Land Bank
 16 William Street
 Lyons, NY 14489

IV. Selection Process

Proposals will be reviewed by the Land Bank's staff and Board of Directors. We anticipate that the Board will authorize the organization to enter into a contract at a Board of Directors meeting tentatively the week of September 12, 2022.

The Land Bank will review and evaluate the proposals with the following criteria in mind: successful track record in obtaining grant funding; expertise related to relevant project components; firm and staff experience related to brownfields assessment, cleanup, and redevelopment planning; project approach; ability to facilitate public outreach activities; demonstrated ability to provide comprehensive and innovative environmental services; and cost. The Land Bank reserves the right to accept or reject any or all proposals on any basis it deems appropriate. No late submissions will be accepted.

The proposal scoring system is based on a 100-point scale as follows:

- 10 points Business/Organization
- 25 points Management Outline and Project Approach
- 50 points Experience, Capabilities and Success Obtaining Brownfield Grants
- 15 points Cost

V. If Awarded

a. Type of Contract and Contract Term

The Wayne County Regional Land Bank prefers to award a contract to one full-service firm to serve as a partner in successfully obtaining initial U.S. EPA brownfield multi-purpose grant funding and then achieving the goals within the subsequent U.S. EPA Cooperative Agreement (CA) and Work Plan. The contract period will begin after the contract approval and continue for 3 years, with an option to renew for additional years, or to complete the implementation of any successful grants awarded during the contract period. The contract period may be extended at the option of the Wayne County Regional Land Bank if additional EPA, other federal and State grant funds are applied for and obtained.

b. Payment Procedures

Payments for grant preparation services will be on a lump sum basis, as agreed upon and outlined in the Cost section. Payments for implementation of any successful grants will be made no more than monthly, for work specified and completed, and in accordance with the budget developed and approved by the Land Bank and the EPA or other funding source.

Invoices will be submitted with specific details including employment category, hours worked, description of task, and at payment rate.

**Attachment to Wayne County Regional Land Bank
Request for Proposals EPA Brownfield Grant Application and Implementation Assistance**

ATTACHMENT A
Certification Regarding Lobbying

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the Undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
2. If any funds other than federal appropriated funds have been paid or will be paid to any Person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contacts, sub-grants, and Contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Grantee/Contractor Organization

Program/Title

Name of Certifying Official

Signature

Date: _____

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**ATTACHMENT B
NON-COLLUSION STATEMENT**

The company responding to this Request for Proposals certifies that it is being submitted without any collusion, communication or agreement as to any matter relating to it with any other respondent or competitor. We understand that this response must be signed by an authorized agent of our company to constitute a valid response.

Grantee/Contractor Organization

Program/Title

Name of Certifying Official

Signature

Date:_____

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**ATTACHMENT C
Certificate of Compliance with Iran Divestment**

As a result of the Iran Divestment Act of 2012 (the "Act"), Chapter 1 of the 2012 Laws of New York, a new provision has been added to State Finance Law (SFL) §165-a and New York General Municipal Law §103-g, both effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law) (the "Prohibited Entities List"). Pursuant to SFL §165-a (3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date at which time will be posted on the OGS website.

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, each Bidder/Contractor, any person signing on behalf of any Bidder/Contractor and any assignee or subcontractor and, in the case of a joint bid, each party thereto, certifies, under penalty of perjury, that once the Prohibited Entities List is posted on the OGS website, that to the best of its knowledge and belief, that each Bidder/Contractor and any subcontractor or assignee is not identified on the Prohibited Entities List created pursuant to SFL §165-a(3)(b).

Additionally, Bidder/Contractor is advised that once the Prohibited Entities List is posted on the OGS Website, any Bidder/Contractor seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to this solicitation must certify at the time of the Contract is renewed, extended, or assigned that it is not included on the Prohibited Entities List.

During the term of the Contract, should the County receive information that a Bidder/Contractor is in violation of the above-referenced certification, the County will offer the person or entity an opportunity to respond. If the person or entity fails to demonstrate that he/she/it has ceased engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the County shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Bidder/Contractor in default.

The County reserves the right to reject any bid or request for assignment for a Bidder/Contractor that appears on the Prohibited Entities List prior to the award of a contract and to pursue a responsibility review with respect to any Bidder/Contractor that is awarded a contract and subsequently appears on the Prohibited Entities List.

I, _____, being duly sworn, deposes and says that he/she is the _____ of the _____ Corporation and that neither the Bidder/Contractor nor any proposed subcontractor is identified on the Prohibited Entities List.

SIGNED

Sworn to before me this _____
Day of _____, 20__

Notary Public

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ATTACHMENT D
Certification re. Debarment, Suspension and Responsibility

The undersigned certified, to the best of his/her knowledge and belief, that the Contractor and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.
2. Have not within a three-year period preceding the proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
4. Have not within a three-year period preceding the Agreement had one or more public transactions (Federal, State or Local) terminated for cause or default.

Print Name of
Contractor:

By:

Signature of Authorized Representative

Print Name:

Title:

Date:
