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MARK E. WEIDLER
SECRETARY
EDGAR T. THORNTON, III
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April 28, 1995

RE: Interim Proposal Bid Review Meeting for the WIPP Part B Permit Application, Response to Questions

Dear RFP Participant:

NMED appreciates the thoroughness and scope of the questions from all the participants at the meeting on April 19, 1995. This response to questions document will be sent to all participants at the meeting and to anyone who requested a copy of the RFP Information Packet.

The deadline for submitting proposals for professional services to NMED has been extended fifteen (15) calendar days until Thursday, May 25, 1995, at 4:00 pm MDT. Likewise, the notice of proposed award(s) will be June 26, 1995.

This response document provides answers to all questions raised either at the April 19 meeting or to written questions submitted prior to 5:00 pm April 21. NMED will no longer respond to technical questions for the duration of the solicitation period, with the exception of clarifying potential conflicts of interest. Direct all other questions either to Steve Zappe or myself at (505) 827-4308.

Sincerely,

Barbara Hoditschek
Barbara Hoditschek, RCRA Permits Program Manager
Hazardous and Radioactive Materials Bureau

Enclosures:

- Attachment A - Responses to Questions at the Interim Proposal Bid Review Meeting
- Attachment B - Responses to Written Questions
- Attachment C - RFP Mailing List
- Attachment D - Sign-in Sheet for Interim Proposal Bid Review Meeting
- Attachment E - WIPP Reading Room List
- Attachment F - Limits under the New Mexico Tort Claims Act
- Attachment G - Current Contract Brief
- Attachment H - Example Invoice



Responses to questions raised at the Interim Proposal Bid Review Meeting, Wednesday, April 19, 1995.

1. "Please provide a list of all potential bidders."

NMED Response: **Attachment C** is the mailing list (sorted by zip code) for every request for the RFP information packet received by NMED as of 4/26/95. Included on this list is an indication of whether a representative of the company attended the meeting on April 19, 1995, or if the company has informed NMED that it will not bid on this project. **Attachment D** is a copy of the sign-in sheet for the April 19 meeting.

2. "Please provide a list of locations where previous DOE WIPP RCRA applications may be reviewed."

NMED Response: **Attachment E** is the list of all WIPP Reading Rooms excerpted from a WIPP Fact Sheet provided by DOE.

3. "Will previous experience at WIPP be considered a plus?"

NMED Response: NMED will evaluate all previous technical RCRA experience, including WIPP-related RCRA experience, using the criteria in sections 2.a.1 and 2.a.2 of the Proposal Evaluation Criteria.

4. "The Conflict of Interest form on page 2c of the information package appears to have a typographical error in the first sentence."

NMED Response: The first sentence has been corrected to read "The Contractor warrants that it does **not** hold any other contract...", and a revised Conflict of Interest form has been included as a miscellaneous attachment.

5. "What sort of contract structure is NMED looking for?"

NMED Response: NMED expects a fee schedule proposal. The final contract will follow the contract structure included in the RFP information packet.

6. "Please provide an estimated budget, as alluded to on the Proposal Evaluation Criteria, 4.c., page 3e."

NMED Response: NMED's budget will be based upon the selected bidder's submittal of costs. Criteria 4.c., "Project within estimated budget (7 points)", will be used to rank all bidders from low bid (7 points) to high bid (zero points). No estimated budget will be provided to bidders.

7. "Please clarify whether evaluation criteria 4.b. and 4.c. on page 3e will be applied. How are overhead and administrative costs to be described in the bid?"

NMED Response: Criteria 4.c. will be applied as described above in the response to question #6. See also the response to question #9 from A.T. Kearney.

8. "Will there be any delay in the submittal deadline to compensate for the time required to answer questions raised at the interim proposal bid review meeting?"

NMED Response: NMED will delay the schedule by fifteen (15) calendar days as follows:

May 25, 1995 - Proposals due no later than 4:00 pm MDT
June 26, 1995 - Notice of proposed award(s), begin contract negotiations

9. "Please clarify the conflict of interest statement, 'The Contractor warrants that it does not hold ... any other contract with DOE for WIPP activities related to these applications.' What constitutes work for DOE on WIPP?"

NMED Response: Any work performed for DOE or its contractors in support of the RCRA Part A or B applications for WIPP constitutes a conflict of interest. This includes any work performed for a waste generator that would be in support of the RCRA Part A or B applications.

If any bidders believe they may have a potential conflict of interest, they should contact Barbara Hoditschek prior to submitting a proposal.

10. "What constitutes a local office? Must the staff level be determined by regular staff only, or can it be both prime and subcontract staff combined?"

NMED Response: The major reason NMED is requiring the contractor to have an office in New Mexico is to assure that the NMED has ready access to the contractor. The office therefore needs to be an office of the prime contractor. The proposal evaluation criteria on page 3e has been corrected as follows:

- 5. Local (New Mexico) office (15 points)
 - a. Has office; 3 staff or more (15 points)
 - b. Has office; 2 staff or fewer (10 points)

...

11. "There appear to be conflicting statements in III.A. on page 9a, 'Travel expenses that the contractor incurs in performance of this contract shall be at the cost of the contractor. The NMED may require that its designee approve in advance in writing any travel under this contract.' Please clarify."

NMED Response: Anticipated travel should be included in estimated costs for each task, and will be reflected in the total bid cost. Thus, anticipated travel by the contractor is at the cost of the

contractor, and those direct travel expenses are not reimbursable by NMED. Other travel under the contract which was not anticipated must be at the approval of NMED, since those costs would exceed the scope of the contract.

12. "Will there be any preferential consideration for minority- or women-owned small businesses?"

NMED Response: This is not a proposal evaluation criteria. NMED does encourage minority- or women-owned small businesses to apply.

Responses to written questions submitted prior to 5:00 PM, Friday
April 21, 1995:

A. T. Kearney Written Questions

1. "The technical review evaluation criteria specified in Section I.B.3 of the RFP Scope of Work indicates that the application shall be reviewed for compliance with (40 CFR 264) Subparts A-E, G, I, S, AA, and BB, part 268, and New Mexico regulations (20 NMAC 4.1) Subpart V, 40 CFR part 264(.601). The following questions pertaining to this reference are offered:

a. "40 CFR Subpart X, which addresses miscellaneous units, was not included in Section I.B.3, although it would appear to apply to WIPP and is discussed as a technical issue to address in the Proposal Evaluation Criteria, Section 2.a.2. Please clarify this omission."

NMED Response: This was inadvertently omitted by the typist during the many revisions of this document. 40 CFR Subpart X, which addresses miscellaneous units, will be included in Section I.B.3. See the attached change made to page 3b, I.B.3, as well as page 5a, II.C.1.

b. "Section 2.a.2 of the Proposal Evaluation Criteria specify groundwater monitoring waivers as a criteria to be evaluated. However, 40 CFR Subpart F, which discusses groundwater exemptions, is not included in Section I.B.3 of the RFP Statement of Work. Since groundwater waivers are addressed in Subpart F it may be desirable to include this subpart in the technical review section."

NMED Response: This also was inadvertently omitted by the typist during the many revisions of this document. See the attached change made to page 3b, I.B.3, as well as page 5a, II.C.1.

2. "Please clarify whether support materials, such as public meeting materials, fact sheets, public hearing notes, should be prepared in both English and Spanish."

NMED Response: Support materials, such as public meeting materials, fact sheets, public hearing notes, will be required to be prepared in both English and Spanish.

3. "Will WIPP-related experience that poses no conflict of interest be included as part of the Technical Evaluation Criteria?"

NMED Response: Yes. WIPP-related technical experience will be evaluated as RCRA experience in sections 2.a.1 and 2.a.2 of the Proposal Evaluation Criteria. See also the response to question #3 raised at the Interim Proposal Bid Review Meeting.

4. "Page 1a, Paragraph II. What are the applicable limits in the New Mexico Tort Claims Act, Section 41-4-1 et seq., NMSA 1978?"

NMED Response: Please see attachment F for limits under the New Mexico Tort Claims Act.

5. "Page 2a, Paragraph VII. Is a performance bond necessary under a service contract, or is Professional Liability Insurance acceptable?"

NMED Response: Professional Liability Insurance is acceptable under Paragraph VIII, page 2a.

6. "Page 8a, Paragraph III(A). Is travel to be computed as a factor that should be included in the hourly labor rates, or will travel be reimbursed at actual cost?"

NMED Response: Travel approved by NMED will be reimbursed at hourly labor rates. The cost of travel should be incorporated into hourly labor costs. See also the response to question #11 raised at the Interim Proposal Bid Review Meeting.

7. "Page 9a, Paragraph III (B). Does "percentage, if any is added to the billing" refer to G&A or any other burden?"

NMED Response: "Percentage" refers to administrative costs which is billed into the total cost.

8. "Page 8b, Paragraph VIII (B). Should the hourly rates be proposed by calendar year (1995, 1996, etc.), or by Contract performance period (Base period, 2 years, Option period 2 years)?"

NMED Response: The hourly rates applied to labor costs should be proposed for the length of the contract.

9. "Page 3e, 4 (b). Please provide further explanation as to the meaning of the terms "markup" and "general charge" as they relate to overhead and administrative costs. Does this mean that if, for example, as in government pricing, an overhead of 100% that would normally be applied to direct labor would receive "no points" under the Proposal Evaluation Criteria? Also does the term "fees" mean labor costs?"

NMED Response: The term "markup" refers to the percentage increase in cost over and above the hourly fee rate, and other task costs which the contractor may wish to charge for indirect costs. The term "general charge" refers to charges which take care of the business fees and is in addition to hourly rate fee. The term "fee" includes labor cost.

10. "The proposal includes evaluation criteria points for the presence of a local NM office. Please indicate if the number

of staff located in New Mexico can include the addition of both prime and subcontract personnel."

NMED Response: See the response to question #10 raised at the Interim Proposal Bid Review Meeting.

Geraghty and Miller, Inc. Written Questions

1. "Under the Proposal Evaluation Criteria, section 1.b., it states "Experience of staff in reviewing RCRA permit application..." does this experience have to be directly related to state or EPA oversight review? Or, can direct RCRA permit application preparation and review for commercial clients and responses to NODs suffice as experience?"

NMED Response: NMED will evaluate all experience on merit. The same experience, regardless of association to specific regulatory agencies or contractors, will be valued equally.

2. "Does working for DOE at sites other than WIPP create a conflict?"

NMED Response: Working for DOE by and of itself does not constitute a conflict. Working on DOE projects which directly or indirectly support the WIPP RCRA application may be considered to be conflicts. See also the response to question #3 raised at the Interim Proposal Bid Review Meeting.

3. "Is there a timeframe in which the State is required to submit the NOD to the WIPP site?"

NMED Response: NODs are the responsibility of the NMED. The contractor will not be responsible for any such action.

4. "Could there be a more task-specific timeframe presented by the State within which the bidders could work to produce accurate and comparable cost proposals (i.e., scope)?...or, is it the intent of the State that the respondent costs-out a full-time, two year schedule with as many FTEs as the respondent feels is necessary? The overall scope of work regarding the number and extent of documents to review, and the timeframe within which the review is to occur is not clear."

NMED Response: No, it is not the intent of NMED to have the contractor cost-out a full-time two year schedule. Rather, NMED is looking for a proposal that indicates the hourly cost for costs in different technical areas which the bidder may be able to offer NMED. NMED expects task costs then to be based on these hourly costs and task demands. With regard to the reference to "review of other documents" the contractor would use the hourly cost per FTE to develop the cost per task to perform "other document" review

requested by NMED. Total project costs would be based on task costs.

5. "Is this the first contract to be let by the State of New Mexico, NMED for RCRA permit application review at the WIPP site? If not, what was the preceding contract period, and what individual or firm provided the oversight?"

NMED Response: This is not the first contract to be let by the State for the review of a RCRA permit application for WIPP. A previous application had been submitted by DOE and the contractor who reviewed that application was A. T. Kearney who had a contract with NMED for a total of 3 years. See Attachment G for the contract brief. There is no "oversight" responsibility attached to the contract. The contract is for technical review and regulatory interpretation expertise only. NMED retains all authority and responsibility for oversight at WIPP. Please note on page 1a III. that the proposed contract will be for a period of 2 years, with an option to extend the contract for an additional 2 years.

NMSU Physical Science Laboratory Written Questions

1. "The Proposal requests total costs for the contract and for each task. NMSU/PSL has no difficulty providing identification of staff and hourly rates. However, for cost estimation purposes some appraisal of the hours anticipated is needed.

"NMSU/PSL requests that an amendment to the RFP be prepared stating the number of hours expected per task. If possible, the amendment should include an estimate of the number of hours for technical document review broken down by technical area such as air, soil and water modeling, and so forth. Technical document review is part of Task C, entitled, **Perform Technical Review of the Permit Application.**"

NMED Response: The bidders are encouraged to examine the previous RCRA application for WIPP by DOE (DOE/WIPP 91-005, Revision 3), available at the locations listed in Attachment E, to estimate the number of hours required to complete a technical review of this document. NMED will not estimate the expected number of hours per task for the bidders.

2. "What type of contract does NMED anticipate issuing? There are several types of contracts, for example: Cost reimbursable, Cost plus fixed fee, Time and materials, Fixed price. The type of contract has a direct bearing on preparing a cost estimate for the proposal."

NMED Response: See the response to question #5 raised at the Interim Proposal Bid Review Meeting.

Consolidated Technical Services, Inc., Written Questions

1. "Provide the total dollar value and contract term for the 'incumbent' support contract for review of the WIPP Test Phase application."

NMED Response: See Attachment G for the existing contract.

2. "Provide the approximate level of effort (billable hours/year) for the incumbent support contract."

NMED Response: See Attachment H for a summary of charges over the contract period.

3. "Provide the estimated budget for the proposed work scope."

NMED Response: See the response to question #6 raised at the Interim Proposal Bid Review Meeting.

4. "Provide a 'template' which described all the required elements for submittal of invoices. In particular, provide details regarding the appropriate reporting of actual labor charges and other direct charges."

NMED Response: See Attachment H for an example of an invoice provided by the incumbent contractor.

5. "Provide a description of the proposed contract structure, as well as a description of the contract structure used for the incumbent contract. It appears that we are being asked to provide fixed rates and an estimated contract ceiling. Should we propose our fully burdened hourly rates for each employee classification, along with a detailed estimate of labor hours for each category? In order to provide the basis for directly comparable cost proposals, should we estimate all other direct charges by category (e.g., travel, phone, postage, computer charges, etc.)?"

NMED Response: See the response to question #5 raised at the Interim Proposal Bid Review Meeting. Rates should be fully burdened hourly rates for both straight time and overtime for each task. Other direct charges should be estimated apart from labor rates.

6. "Clarify the extent to which WIPP related experience will be considered as relevant experience under the evaluation criteria. If WIPP related experience will be scored, please describe relevant experience (e.g., experience with TRU waste characterization, generator site operations, WIPP facility operations, etc.)."

NMED Response: See the response to question #3 raised at the Interim Proposal Bid Review Meeting.

7. "Please clarify the reference (page v., item XV) that '...Women Minority business Enterprises' are encouraged to apply. Are there point preferences or other considerations during the procurement process for women-owned small business bidders? If so, is self-certification acceptable, or is some other certification process required?"

NMED Response: See the response to question #12 raised at the Interim Proposal Bid Review Meeting.

8. "Clarify the extent to which 'approved' travel expenses will be billable under the proposed contract. If appropriate, please specify those cases in which travel will not be considered a billable expense, but must be addressed in burden rates. For example, if payment for travel to the Albuquerque/Santa Fe area will not be authorized under the contract, this should be stated in the RFP."

NMED Response: See the response to question #11 raised at the Interim Proposal Bid Review Meeting.

9. "Is it acceptable to propose payment terms and conditions which require payment of invoices in 30 days, with interest incurred for past due invoices?"

NMED Response: The current contract provides for 1% interest on past due invoices. "Past due" means 45 calendar days following receipt of a correct invoice.

10. "Please clarify the type and nature of conditions which would constitute a conflict of interest for the proposed scope of work. We believe that it is important for any successful offeror to commit to avoidance of conflicts of interest throughout the NMED contract term."

NMED Response: See the response to question #9 raised at the Interim Proposal Bid Review Meeting.

11. "Please confirm that if an offeror holds WIPP-related subcontracts with a DOE prime or sub-contractor, NMED will consider their proposal if the offeror certifies that prior to contract award, they will divest themselves of all subcontracts which are determined to present a conflict for the proposed work."

NMED Response: Direct any concerns related to actual or potential conflict of interest to Barbara Hoditschek.

12. "Provide a copy of the Part B checklist that NMED will require the contractor to use for completeness reviews of the permit application."

NMED Response: The checklist is a 41-page list copied directly from EPA guidance. It is a generalized list, containing many pages

unrelated to WIPP (e.g., specific requirements for surface impoundments, waste piles, land treatment units and landfills; financial assurance requirements, etc.). NMED is providing the checklist only to those who request it.

Dimitri Tellus Institute 11 Arlington Street Boston MA 02116	Cavander 617/266-5400	Victoria - unknown - 6201 Everglades Drive Alexandria VA 22312	Carter 703/ unknown	David H.P. & Associates P.O. Box 1885 Sulpher LA 70664	Angelo 318/625-5966
Pamela Arthur D. Little, Inc. - Gov't Business Serv. 1 J Acom Park Cambridge MA 02140-2390	Galaud 617/498-5000	Kristie Perrin Quarles Associates, Inc. 501 Faulconer Drive, Suite 2-D Charlottesville VA 22903	Hamlet 804/979-3700	Susan Biotechnical Services, Inc. 4610 West Commercial Drive North Little Rock AR 72116-7059	Gunnels 501/758-6290
Robyn NES, Inc. 44 Shelter Rock Road Danbury CT 06810	Whitely-Greaves 203/796-5231	Robert Sonalysts, Inc. 35 Varden Drive, Suite 4-G Aiken no bid	Hass 803/641-6705	Rodney S C & Associates 4104 Laverne Oklahoma City OK 73135	Crawford 405/672-9446
Steven MDS Environmental Services, Inc. 5 Century Drive Parsippany NJ 07054	Gladstone 201/292-0300	Michael Tauran Engineering 2119 Main Street Barnwell SC 29812	Thomas 803/259-5766	Steve SSCI 17041 El Camino Real Houston TX 77058-2623	Wells 713/486-1943
Rene Red Earth Environmental, Inc. 4357 Schenley Farms Terrace Pittsburgh PA 15213	Colbert 412/688-9913	Lori G.C.A.S., Inc. 120 South Olive Avenue, 7th Floor West Palm Beach FL 33401-5536	Horowitz 800/637-2237	Clyde Quality Service Associates 2007 Redway Lane Clear Lake TX 77062	Morell 713/488-3028
Patricia ERM Program Management Company 855 Springdale Drive Exton PA 19341	McAdams 610/524-3900	James Scientific Ecology Group, Inc 628 Gallaher Road Kingston TN 37763	Nicolosi 615/376-8208	Brad Epcos Industrial Systems, Inc. P.O. Box 7060 The Woodlands TX 77387-9974	Morello 409/273-1774
Sharon Roy F. Weston, Inc. 1 Weston Way West Chester PA 19380-1499	Fry 610/701-5134	Janet Integrated Computer Systems 215 South Rutgers Avenue Oak Ridge TN 37830	Moody 615/482-1999	Marie Malcolm Pirnie, Inc. 3737 Broadway San Antonio at meeting TX 78209	Wood 210/828-6060
Dee WESTAT 1650 Research Blvd. Rockville MD 20850-3129	Schofield 301/251-1500	Yingzhong PAI Corporation 116 Milan Way Oak Ridge TN 37830	Lu 615/483-0666	Ryan Environmental Management Corporation 16500 San Pedro Avenue, Suite 245 San Antonio TX 78232-2215	Zintgraff 800/460-0362
Paula BER Consultants, P.C. 2300 Twinbrook Parkway, Suite 410 Rockville MD 20852	Doboski 301/816-0700	Tracy Williams & Company Consulting, Inc. 1000 Illinois Street, Suite B Des Moines IA 50314-3047	Lemar 515/284-1616	Larry Management Assistance Corporation of America 8600 Boeing El Paso TX 79925	Bennett 915/772-4975
Joseph SKA Technologies, Inc. 12850 Middlebrook Road, Suite 304 Germantown MD 20874	Muskey 301/353-0031	Renee E. J. Riley, Inc. 1001 South 24th Street West, Suite 302 Billings MT 59102	Riley 406/652-9382	Bob Quanterra Environmental, Inc. 4955 Yarrow Street Arvada CO 80002	Hanisch 303/421-6611
Barry Louis Berger & Associates, Inc. 814 West Diamond Avenue, Suite 101 Gaithersburg MD 20878	Millman 301/216-0664	Al EMCON 850 Warrenville Road, Suite 106 Lisle IL 60532-4326	Larson 708/241-2901	Mark Evergreen Analytical, Inc. 4036 Youngfield Street Wheat Ridge no bid CO 80033-3862	Atwood 303/425-6021
Philip Intech, Inc. 845 J Quince Orchard Blvd. Gaithersburg MD 20878-1676	Lowe 301/670-8973	Doug Graef, Anhalt, Schloemer & Assoc Inc 8501 W. Higgins Road, Suite 280 Chicago IL 60631-2801	Hambley 312/399-0112	Carlos TECHLINK Environmental 6660 East Heritage Place North Englewood CO 80111	Tamayo 303/770-0654
Carl General Physics Corporation 6700 Alexander Bell Drive, M.S. 2-3 Columbia MD 21046	Gentilcore 410/290-2471	Bryan Schreiber Grana & Yonley, Inc. 271 Wolfner Drive Saint Louis MO 63026	Williams 314/349-8399	Mary Beth URS Consultants 1099 18th Street, Suite 700 Denver CO 80202	Sepper 303/296-9700
Gary Resource Applications, Inc. 2980 Fairview Park Drive North, Suite 1000 Falls Church VA 22042	Lewis 703/698-2000	Jane Grants Link, Inc. 5650A South Sinclair Road Columbia MO 65203	Rutter 314/882-0780	Connie A. T. Kearney 1200 17th Street, Suite 950 Denver at meeting CO 80202	Walker 303/572-6175
Robin Sanford Cohen & Associates, Inc. 1355 Beverly Road, Suite 250 McLean VA 22101	Kemper 703/893-6600	Richard DPR 200 Research Drive, P. O. Box 727 Manhattan KS 66502	Seltzer 913/539-3565	Lisa LT Environmental, Inc. 2150 West 29th Avenue, Suite 310 Denver CO 80211	Negri 303/433-9788
Luc Maria Elena Torano Associates, Inc. 2000 North 14th Street, Suite 450 Arlington VA 22201	Craven 703/243-3608	Sherri Jacobson Helgoth Consultants, Inc. 10838 Old Mill Road, Suite 1 Omaha NE 68154	Carson 402/697-0701	Thomas ERO Resources Corporation 1740 High Street Denver CO 80218	Flack 303/320-4400

Curtis Ahrendsen 303/914-1700 Industrial Compliance 165 South Union Blvd, Suite 1000 Lakewood CO 80228	Kathy Allen 505/247-4930 Brown & Root Environmental 2300 Buena Vista SE, Suite 110 Albuquerque NM 87106 at meeting	Denise Gonzales 505/884-2611 Dames & Moore, Inc. 6301 Indian School Road NE, Suite 700 Albuquerque NM 87110
Robin Barre 303/494-4067 Environmental Information Services, Inc. 4790 Shawnee Place, Suite 102 Boulder CO 80303-3818	John Montgomery 505/764-9780 Ecology & Environment 2021 Girard Blvd SE, Suite 203 Albuquerque NM 87106	Gilbert Trujillo 505/884-9000 NFT, Inc. 6200 Uptown Blvd. NE, Suite 310 Albuquerque NM 87110 at meeting
J. Craig Erickson 303/678-9603 Recom Applied Solutions, Inc. 2919 West 17th Street, Suite 207 Longmont CO 80503	? ? 505/? ERM 2201 Buena Vista SE, Suite 205 Albuquerque NM 87106	John Getty 505/299-1282 Gram, Inc 8500 Menaul NE, Suite B295 Albuquerque NM 87112
Barbara Trenchak 208/523-9195 WASTREN, Inc. 477 Shoup Avenue, Suite 205 Idaho Falls ID 83402 at meeting	Ken Walters 505/262-8808 IT Corporation 5301 Central Avenue NE, Suite 700 Albuquerque NM 87108	Francis Gonzales 505/345-3115 Resource Technology, Inc 2129 Osuna Road NE, Suite 200 Albuquerque NM 87113
Nick Stanisich 208/528-6608 Portage Environmental, Inc. 220 Fieldstream Idaho Falls ID 83404	Adrienne Holec 505/345-8732 Prindle - Hinds Environmental, Inc. 7208 Jefferson NE Albuquerque NM 87109 at meeting	Kathleen O'Day 505/986-0218 - none - 151 East Barcelona Santa Fe NM 87501
Brett Jensen 801/298-2401 REDCON, Inc. 655 E. Medical Drive, Suite 150 Bountiful UT 84010	David Smith 505/822-1968 Beta Corporation, International 6719 Academy Road NE Albuquerque NM 87109 at meeting	V. Ann Strickland 505/986-6700 Foster Wheeler Environmental Corporation 300 Paseo de Peralta, Suite 200 Santa Fe NM 87501-5501
Ray Connors 801/561-1555 EarthFax Engineering Inc. 7324 S. Union Park Avenue, Suite 100 Midvale UT 84047	Arian Gonzales 505/822-9400 Daniel B. Stephens & Associates, Inc. 6020 Academy Blvd, Suite 100 Albuquerque NM 87109 at meeting	Mark Sheppard 505/757-2899 Gila Earth Sciences P.O. Box 23421 Santa Fe NM 87502
Edward Jennrich 801/263-1600 Rogers & Associates Engineering Corp. P.O. Box 330 Salt Lake City UT 84110-0330 no bid	Betsy Kraus 505/828-1003 Environmental Evaluation Group 7007 Wyoming Blvd, NE, Suite F2 Albuquerque NM 87109	Patrick Josey 505/473-7842 - none - 4211 Roadrunner Lane Santa Fe NM 87505
Tug Sweeda 801/966-8288 El Dorado Engineering Inc. 2964 West 4700 South, Suite 109 Salt Lake City UT 84118	Jim Channell 505/837-2342 Sanford, Cohen, & Associates, Inc 7101 Carriage Road, NE Albuquerque NM 87109 at meeting	Robert Weeks 505/988- CERL Environmental Consultants, Inc. 1808 2nd Street, Suite D Santa Fe NM 87505 at meeting
Walter Cunningham 602/234-0696 GPI Environmental, Inc. 2922 West Clarendon Avenue Phoenix AZ 85017 at meeting	Bob Henderson 505/884-0950 Agra Earth Environmental 4700 Lincoln Road NE Albuquerque NM 87109	Richard Cassin 505/989-3340 Bioremediation Inc Route 3, Box 107-SG Santa Fe NM 87505
Peter Olszewski 520/629-9982 Malcolm Pirnie, Inc 1 South Church Ave, Suite 540 Tuscon AZ 85701	Brenda Bannowsky 505/255-6200 S. M. Stoller Corporation 1717 Louisiana Blvd NE, Suite 209 Albuquerque NM 87110	Arturo Torres 505/699-5299 - none - P.O. Box 4351 Española NM 87532
Michael Bone 505/867-4244 GFI International #5 Arroyo Venada Placitas NM 87043	Steve Irish 505/262-1800 Belfort Engineering 1720 Louisiana Blvd NE, Suite 400 Albuquerque NM 87110 at meeting	Sarah Basile 505/661-5200 ICF Kaiser Engineers 1900 Diamond Drive Los Alamos NM 87544 at meeting
Randy Roberts 505/246-1600 INTERA, Inc. 1650 University Blvd NE, Suite 300 Albuquerque NM 87102	Mike Malloy 505/265-8468 Gannett Fleming 4501 Indian School Road NE, Suite 101 Albuquerque NM 87110	John Smith 505/662-3700 ERM - Program Management Company 555 Oppenheimer, Suite 100 Los Alamos NM 87544
Kevin Flanigan 505/247-2000 Balleau Groundwater Inc. 423 6th Street NW Albuquerque NM 87102	Janine Arvizu 505/881-2338 Consolidated Technical Services, Inc. 7309 Indian School Road NE Albuquerque NM 87110 at meeting	Terry Blankenship 505/662-7246 Parsons Engineering Science, Inc. 1475 Central Avenue, Suite 220 Los Alamos NM 87544 at meeting
Tina Alarid 505/842-0001 Geoscience Consultants, Ltd. (GCL) 505 Marquette NW, Suite 1100 Albuquerque NM 87102 at meeting	Steve Brewer 505/881-3077 Camp Dresser & McKee, Inc. 2400 Louisiana Blvd NE, Bldg 5 Suite 740 Albuquerque NM 87110 at meeting	Jeffrey Miller 505/672-0018 Radian Corporation 115 Longview Drive White Rock NM 87544 at meeting
Louis Martinez 505/843-7714 LRL Sciences, Inc. 616 Central Avenue, Suite 205 Albuquerque NM 87102 at meeting	Clyde Yancey 505/881-7660 Geraghty & Miller, Inc. 6400 Uptown Blvd. NE, Suite 330-W Albuquerque NM 87110 at meeting	Ann Lewis 505/521-5000 Physical Science Laboratory P.O. Box 30002, Anderson Hall Las Cruces NM 88003

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Bell Environmental Consultants, Inc.
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Las Vegas NV 89119
at meeting

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Impact Assessment, Inc.
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La Jolla CA 92037

Azita Yazdani 714/255-1650
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Law Companies
2710 Gateway Oaks, Suite 150 N
Sacramento CA 95833

Margaret Lamb Merrens 206/525-3362
Environment International
10334 48th Avenue NE
Seattle WA 98125

Lana Leiding 206/438-0115
Coe-Truman Technologies, Inc.
669 Woodland Square Loop SE, Suite C
Lacey WA 98503-1045

A. Azim Khan 509/332-0666
Environmental & Ecological Engineers, Inc.
NE 2345 Hopkins Court
Pullman WA 99163

Scott Lawrence 509/783-5571
Columbia Environmental Sciences, Inc.
8300 W. Gage Boulevard, #114
Kennewick WA 99336

RFP Department 509/946-7111
Columbia Energy & Environmental Services, Inc
1204 George Washington Way, Suite 22
Richland WA 99352

SIGN-IN SHEET

INTERIM PROPOSAL BID REVIEW MEETING
MARQUEZ PLACE CONFERENCE ROOM
525 CAMINO DE LOS MARQUEZ
SANTA FE, NEW MEXICO
WEDNESDAY, APRIL 19, 1995

for

NMED HAZARDOUS & RADIOACTIVE MATERIALS BUREAU
WIPP RCRA PERMIT APPLICATION REVIEW

PLEASE PRINT

Name: STEVE IRISH
Company: BELFORT ENGINEERING
Address: 1720 LOUISIANA BLD, NE, STE 400
City, zip: ALBUQUERQUE, NM 87110
Phone: 505/262-1800

Name: David F. Smith
Company: Beta Corp. Intl
Address: 6219 Academy
City, zip: ALBU NM
Phone: (505) 822-1968

Name: Charles Remkes
Company: Brown & Root Env.
Address: 2300 Buena Vista SE, Suite 110
City, zip: Albuq NM 87110
Phone: (505) 247-4933

* REQUEST BIDDER INFO.
Name: Kathleen M. Allen
Company: Brown & Root Environ.
Address: 2300 Buena Vista S.E. Suite 110
City, zip: Albuquerque, NM 87106
Phone: 505 247 4933

Request Bidder Information
* Name: John G. Darabaris June
Company: A.T. Kearney Direct
Address: 1200 17th St, Suite 950
City, zip: Denver Co 80202
Phone: 303 - 572 - 6175

Name: Eugene C. Lucero
Company: Environment Dept.
Address: Harold Runnels Bld.
City, zip: Santa Fe N.M.
Phone: (505) 827-2844

(Shirley White)
Name: Steve Gunther
Company: Professional Analysis, Inc.
Address: 2155 LOUISIANA NE #2100
City, zip: Albuquerque, NM 87110
Phone: (505) 883-0942
RFP sent to PAI, Oak Ridge TN

Name: Cind. Byrns
Company: Bell Environmental
Address: 2200 East Patrick Ln #25
City, zip: Las Vegas NV 89015
Phone: (702) 795-4770

Name: Roger E. Palmenberg
Company: GPI
Address: 2922 W. Cleveland
City, Zip: Phoenix, AZ 85017
Phone: (602) 234-0696

Name: MARIA ARRIETA
Company: Prindle-Hinds Environmental
Address: 7208 Jefferson NE
City, Zip: Albuquerque, NM 87109
Phone: 505-345-8732

Name: Ed Juddo
Company: Prindle-Hinds Environmental
Address: 7208 Jefferson NE
City, Zip: Albuquerque, NM 87109
Phone: 505-345-8732

Name: TRENT W. THOMAS
Company: GEO SCIENCE CONSULTANTS
Address: 505 MARQUETTE N.W., Suite 1100
City, Zip: ALBUQ., N.M. 87102
Phone: (505) 842-0001

Name: Robert Nicol
Company: Malcolm Pirnie
Address: 220 E. Mariposa 3737 Broadway
City, Zip: San Antonio, Tx 78222 78209
Phone: (210) 828-6060

Name: Amy Lewis
Company: Daniel B. Stephens + Associate
Address: 6070 Academy NE
City, Zip: Albuquerque, NM 87109
Phone: (505) 877-7480

Name: JANINE ARVIZO
Company: CONSOLIDATED TECHNICAL SERVICES
Address: 7309 INDIAN SCHOOL RD NE
City, Zip: ALBUQUERQUE
Phone: (505) 881-2338

Name: Maureen Blalock
Company: WASTREN, Inc.
Address: 2201 San Pedro, NE, B3, Suite 210
City, Zip: ABQ, NM 87110
Phone: (505) 880-1134

Name: ROBERT WEEKS *PLEASE SEND BIDDING INFO
Company: CERL, Inc
Address: Sta D, 1808 2nd St
City, Zip: SANTA FE, NM 87544 05
Phone: (505) 988-4143
734-9251

Name: John Dresser
Company: Camp Dresser and McKee
Address: 2400 Louisiana Blvd Suite 740
City, Zip: Albuquerque, N.M. 87110
Phone: (505) 881-3077

Name: Julie Wanslow
Company: ICF Kaiser
Address: 1900 Diamond Drive
City, Zip: Los Alamos, NM 87544
Phone: 505-661-5214

Name: James K Channell
Company: S. Cohen & Associates Inc.
Address: 7101 Carriage Rd NE
City, Zip: Albuquerque, NM 87109
Phone: (505) 837-2342

Name: Jeffrey Miller
Company: Radian Corp.
Address: 115 Longview
City, zip: White Rock, NM 87544
Phone: 505/672-0327

Name: _____
Company: _____
Address: _____
City, Zip: _____
Phone: _____

Name: James F Bresson
Company: NFT Inc.
Address: 6200 Uptown Blvd #310
City, zip: Albuquerque, NM 87110
Phone: (505) 884-9146

Name: _____
Company: _____
Address: _____
City, Zip: _____
Phone: _____

Request
bidder info.

Name: Terry D. Blankenship
Company: Parsons Engineering Science, Inc.
Address: 1475 Central Avenue, Suite 220
City, zip: Los Alamos, NM 87544
Phone: (505) 662-7246

Name: _____
Company: _____
Address: _____
City, Zip: _____
Phone: _____

Request
bidder info.

Name: Louis Martinez
Company: LRL Sciences, Inc.
Address: 616 Central SE, Suite 205
City, zip: Albuquerque, NM 87102
Phone: (505) 843-7714

Name: _____
Company: _____
Address: _____
City, Zip: _____
Phone: _____

Name: Brian A. Smith
Company: Geraghty & Miller, Inc
Address: 6400 Uptown Blvd 330 W NE
City, zip: Albuquerque 87110
Phone: (505) 841-7660

Name: _____
Company: _____
Address: _____
City, Zip: _____
Phone: _____

Name: _____
Company: _____
Address: _____
City, Zip: _____
Phone: _____

Name: _____
Company: _____
Address: _____
City, Zip: _____
Phone: _____

WIPP READING ROOMS

The DOE provides documents pertaining to the Waste Isolation Pilot Plant for public review in these WIPP Reading rooms:

DOE/Forrestal Building
Public Library Reading Room
AD-234.1
FOI - USDOE
1000 Independence Avenue SW
Washington, DC 20585

Defense Nuclear Facilities Safety Board
625 Indiana Ave NW, Suite 700
Washington, DC 20004

Office of Scientific and Technical Information
Technical Information Center
P.O. Box 62
Oak Ridge, TN 37831

Thomas Brannigan Memorial Library
200 E. Picacho
Las Cruces, NM 88005

New Mexico State Library
325 Don Gaspar
Santa Fe, NM 87505

Pannell Library
New Mexico Junior College
5317 Lovington Highway
Hobbs, NM 88240

Carlsbad Public Library
101 South Halagueno Street
Carlsbad, NM 88220

Zimmermann Library
Government Publications Department
University of New Mexico
Albuquerque, NM 87138

WIPP Public Reading Room
National Atomic Museum
U.S. Department of Energy
Albuquerque Field Office
Albuquerque, NM 87115

Sandia National Laboratories
Technical Library
Organization 3144
P.O. Box 5800
Albuquerque, NM 87185

Sandia National Laboratories
Waste Management and Transportation Library
Organization 6332
P.O. Box 5800
Albuquerque, NM 87175

Martin Speare Memorial Library
New Mexico Institute of Mining and Technology
Campus Station
Socorro, NM 87801

Raton Public Library
244 Cook Avenue
Raton, NM 87740

**NEW MEXICO
STATUTES
1978**

ANNOTATED

**Chapter 41
Torts
Pamphlet 63**



1994 CUMULATIVE SUPPLEMENT

This supplement includes laws enacted since the 1989 Replacement Pamphlet through the Second Regular Session of the Forty-First Legislature (1994) and annotations through 865 P.2d 55, 114 S. Ct. 751, 11 F.3d 1074, 838 F. Supp. 817, 151 F.R.D. 143, and 162 Bankr. 50.

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CHARLOTTESVILLE, VIRGINIA

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Law reviews. — For annual survey of civil procedure in New Mexico, see 18 N.M.L. Rev. 287 (1988).

For survey of medical malpractice law in New Mexico, see 18 N.M.L. Rev. 469 (1988).

For survey of 1990-91 tort law, see 22 N.M.L. Rev. 799 (1992).

41-4-16. Notice of claims.

Due process.

Application of the notice provision of Subsection A to any minor, whatever the circumstances, would not, in every circumstance, violate due process. *Erwin v. City of Santa Fe*, 115 N.M. 596, 855 P.2d 1060 (Ct. App. 1993).

Contents of notice.

The notice required is not simply actual notice of

the occurrence of an accident or injury but rather actual notice that there exists a likelihood that litigation may ensue. *Dutton v. McKinley County Bd. of Comm'rs*, 113 N.M. 51, 822 P.2d 1134 (Ct. App. 1991).

Am. Jur. 2d, A.L.R. and C.J.S. references. — Insufficiency of notice of claim against municipality as regards statement of place where accident occurred, 69 A.L.R.4th 484.

41-4-18. Jurisdiction; appeals; venue.

Federal jurisdiction barred. — Inmate could not pursue his claim against the New Mexico Department of Corrections and its employees acting within the scope of their employment in the federal district court, but rather was relegated to the state

district court to seek relief consistent with the limited waiver of immunity under this section. *Bishop v. Doe 1*, 902 F.2d 809 (10th Cir. 1990), cert. denied, 498 U.S. 873, 111 S. Ct. 198, 112 L. Ed. 2d 159 (1990).

41-4-19. Maximum liability.

A. In any action for damages against a governmental entity or a public employee while acting within the scope of his duties as provided in the Tort Claims Act [41-4-1 to 41-4-27 NMSA 1978], the liability shall not exceed:

(1) the sum of one hundred thousand dollars (\$100,000) for damage to or destruction of property arising out of a single occurrence; and

(2) the sum of three hundred thousand dollars (\$300,000) for all past and future medical and medically-related expenses arising out of a single occurrence; and

(3) the sum of four hundred thousand dollars (\$400,000) to any person for any number of claims arising out of a single occurrence for all damages other than property damage and medical and medically-related expenses as permitted under the Tort Claims Act; or

(4) the sum of seven hundred fifty thousand dollars (\$750,000) for all claims other than medical or medically-related expenses arising out of a single occurrence.

B. No judgment against a governmental entity or public employee for any tort for which immunity has been waived under the Tort Claims Act shall include an award for exemplary or punitive damages or for interest prior to judgment.

History: 1953 Comp., § 5-14-3, enacted by Laws 1976, ch. 58, § 3; 1977, ch. 386, § 2; 1983, ch. 123, § 2; 1983, ch. 242, § 1; 1985, ch. 76, § 1; 1988, ch. 31, § 1; 1991, ch. 205, § 3.

Bracketed material. — The bracketed material in this section was inserted by the compiler. It was not enacted by the legislature and is not a part of the law.

The 1991 amendment, effective July 1, 1992, in Subsection A, added Paragraph (2), redesignated former Paragraphs (2) and (3) as Paragraphs (3) and (4), substituted "four hundred thousand dollars (\$400,000)" for "three hundred thousand dollars (\$300,000)" and inserted "and medical and medically-related expenses" in Paragraph (3), and substituted "seven hundred fifty thousand dollars (\$750,000)" for "five hundred thousand dollars (\$500,000)" and inserted "other than medical or medically-related expenses" in Paragraph (4).

Level of scrutiny of cap on damages. — A tort victim's interest in full recovery of damages calls for a form of scrutiny somewhere between minimum

rationality and strict scrutiny. Therefore, intermediate scrutiny should be applied to determine the constitutionality of the cap on damages in Subsection A(2) of this section. *Trujillo v. City of Albuquerque*, 110 N.M. 621, 798 P.2d 571 (1990).

"Single occurrence" construed. — In a negligence action against a city for injuries sustained in a collision with a city-owned crane, there was but a single occurrence when successive negligent acts or omissions of the governmental entity combined concurrently to create a singular risk of collision and to proximately cause injury triggered by a discrete event. *Trujillo v. City of Albuquerque*, 110 N.M. 621, 798 P.2d 571 (1990).

In a wrongful death and personal injury action brought against the state highway department and others for deaths and injuries from a runaway truck, all injuries proximately caused by a governmental agency's successive negligent acts or omissions that combined concurrently to create a singular, separate, and unitary risk of harm fell within the meaning of a "single occurrence" when triggered by the discrete

State Contracts Review Office (SCRO)
BFA Budget Division
Bataan Memorial Bldg. - Room 194
Santa Fe, New Mexico 87503

TECHNICAL AND PROFESSIONAL SERVICES CONTRACT BRIEF

SCRO 1, Revised 10/90

(TYPE OR PRINT FIRMLY USING BLACK BALL-POINT PEN)

CONTRACTOR: A.T. Kearney, Inc. 01-667.50
ADDRESS: 225 Reinekers Lane, P.O. Box 1405, Alexandria, VA Dept. No./Div. No.
PHONE: 303-572-6175 STATE TAX ID: 02-200809-008 FEDERAL ID: 36-6080235 22313 80.667.50.0
SOCIAL SECURITY NO.: _____ AGENCY CONTACT PERSON: Barbara Hoditschek PHONE: 827-4308
Agcy. Contr./Amend. No.

CONTRACT OR AMENDMENT AMOUNT: GENERAL FUND: \$ _____
OTHER STATE FUNDS: \$ 650,000.00
FEDERAL: \$ _____
TOTAL: \$ 650,000.00

CONTRACT TERM - FROM: 2-16-93 TO: June 30, 1995
(DFA APPROVAL DATE)
TO BE FILLED IN BY STATE CONTRACTS OFFICER

BRIEF DESCRIPTION OF SERVICES: To provide technical expertise in review of (1) a permit application for a Resource Conservation & Recovery Act (RCRA) permit and (2) other technical documents on DOE's Waste Isolation Plan. Expertise not available in the FD Department.

PROCUREMENT PROCEDURE — PLEASE CHECK ONE OR MORE OF THE FOLLOWING:

- _____ Does not exceed \$20,000 (Excluding gross receipt taxes)
- _____ Amendment (Requires written justification, if applicable)
- X _____ Competitive Proposal (I certify that the competitive sealed proposal process required by the Procurement Code has been followed.)
- _____ Sole Source (A written determination signed by the Cabinet Secretary, Agency Head, or Designee is attached.)
- _____ Exempt procurement from a state agency

OTHER REQUIREMENTS — ENTER Y (YES), N (NO), OR N/A (NOT APPLICABLE) TO EACH OF THE FOLLOWING:

- No _____ Is contract with a state employee, legislator or former state employee employed within the preceding year? If yes, please indicate which: State Employee _____; Legislator _____; or Former State Employee _____. (Conflict of Interest Act, Sections 10-16-7, 10-16-8 or 10-16-9 NMSA 1978).
- No _____ Has contractor earned more than \$5,000.00 from one or more state agency professional services contracts within the last 12 months? If yes, has conflict of interest form been filed with the Secretary of State? (Section 10-16-12 NMSA 1978.)
- Yes _____ The agency hereby certifies to the DFA that the contractor will perform at all times as an independent contractor for purposes of IRS tax compliance and is not performing services as an employee of the agency.
- NA _____ Architect/Engineer/Land Surveyor selection process has been followed.
- _____ Information Systems Council approval has been obtained.
- Yes _____ Attorney General review (If contract is greater than \$200,000, or may violate the Conflict of Interest Act) has been obtained.
- Yes _____ Agency is unable to perform services to be provided by contractor.

(Cabinet Secretary, Agency Head or Designee) Title Date

DFA USE ONLY	CATEGORY: _____ STAFF: _____ KW1: _____ KW2: _____ FY: _____
	1ST RECPT: _____ RETURNED/HELD: _____ MO: _____
	SUBS RECPT: _____ SENT TO F/C: _____ NO: _____
	RET FR F/C: _____ RESUB TO F/C: _____ AM: _____
	ENCUMBRANCE # 1: _____ MED #1: _____ Amount # 1: \$ _____
	ENCUMBRANCE # 2: _____ MED #2: _____ Amount # 2: \$ _____

COMMENTS:

STATE OF NEW MEXICO

ENVIRONMENT DEPARTMENT

AMENDMENT NO. 2 TO

PROFESSIONAL/TECHNICAL SERVICES CONTRACT NO. 30.667.50.023.

THIS AGREEMENT to amend the above identified contract is entered into by the state of New Mexico Environment Department (hereafter "Department") and A.T. Kearney, Inc.
_____ (hereafter "CONTRACTOR").

IT IS AGREED by the parties:

Article 2A. Compensation, of said contract is hereby amended to read as follows: Compensation is increased by \$350,000.00, from \$300,000.00 to \$650,000.00. The Department shall pay the Contractor a sum not to exceed \$650,000.00; full payment for services rendered.

Article 2C. Compensation, of said contract is amended to read as follows: The total amount of this contract shall not exceed \$650,000.00.

Article _____. _____, of said contract is amended by

All other articles of the contract remain unchanged.

STATE OF NEW MEXICO CONTRACT NO. 80.667.50.023 WITH A.T. KEARNEY
 SUMMARY OF CHARGES FOR CURRENT CONTRACT PERIOD: JANUARY/FEBRUARY, 1995

TASK NO.: ALL

PERSONNEL	CATEGORY	CURRENT PERIOD								CONTRACT TO DATE					
		REG RATE	OT RATE	REG HOURS	OT HOURS	TT HOURS	LABOR COST	OUT-OF-POCKET EXPENSES	TOTAL COST	REG HOURS	OT HOURS	TT HOURS	LABOR COST	OUT-OF-POCKET EXPENSES	TOTAL COST
MID TECHNICAL ASSISTANT		67.00	67.00	.00	.00	.00	.00	.00	.00	6.50	.00	.00	435.50	.00	435.50
CLERICAL SUPPORT		33.00	49.00	.00	.00	.00	.00	.00	.00	272.25	.00	.00	8984.25	.00	8984.25
MID ENGINEER		58.00	56.00	.00	.00	.00	.00	.00	.00	44.50	.00	6.75	2648.50	811.54	3460.04
CLERICAL SUPPORT		33.00	49.00	.00	.00	.00	.00	.00	.00	162.00	.00	.00	5346.00	.00	5346.00
PROGRAM DIRECTOR		87.00	46.00	.00	.00	.00	.00	.00	.00	384.00	16.50	96.13	35128.30	8004.72	43133.02
JUNIOR ENVIRONMENTAL SCIENTIST		52.00	49.00	.00	.00	.00	.00	.00	.00	20.00	.00	.00	1040.00	.00	1040.00
PIO HAZARDOUS WASTE MANAGEMENT SPECIALIST		99.00	78.00	.00	.00	.00	.00	.00	.00	744.00	22.50	31.75	75728.50	6384.89	82113.39
JUNIOR ENVIRONMENTAL SCIENTIST		52.00	49.00	.00	.00	.00	.00	.00	.00	495.50	.00	54.50	26311.00	4638.37	30949.37
SR HAZARDOUS WASTE MANAGEMENT SPECIALIST		154.00	70.00	.00	.00	.00	.00	.00	.00	4.00	.00	.00	616.00	.00	616.00
SR HAZARDOUS WASTE MANAGEMENT SPECIALIST		154.00	70.00	.00	.00	.00	.00	.00	.00	76.50	.00	9.25	11873.50	602.91	12476.41
JUNIOR ENVIRONMENTAL SCIENTIST		52.00	49.00	.00	.00	.00	.00	.00	.00	70.00	.00	.00	3640.00	.00	3640.00
SENIOR ENGINEER		75.00	48.00	.00	.00	.00	.00	.00	.00	24.00	.00	.00	1800.00	.00	1800.00
SENIOR ENVIRONMENTAL SCIENTIST		155.00	78.00	.00	.00	.00	.00	.00	.00	103.00	.00	5.50	16020.00	585.18	16605.18
JUNIOR ENVIRONMENTAL SCIENTIST		52.00	49.00	.00	.00	.00	.00	.00	.00	36.00	.00	.00	1872.00	.00	1872.00
JUNIOR ENVIRONMENTAL SCIENTIST		52.00	49.00	.00	.00	.00	.00	.00	.00	320.50	.00	11.50	16781.00	1303.87	18084.87
SENIOR ENGINEER		75.00	48.00	.00	.00	.00	.00	.00	.00	16.00	.00	.00	1200.00	.00	1200.00
SENIOR ENGINEER		75.00	48.00	.00	.00	.00	.00	.00	.00	636.00	7.00	70.50	48741.00	4801.81	53542.81
MID ENVIRONMENTAL SCIENTIST		99.00	78.00	.00	.00	.00	.00	.00	.00	1023.00	64.50	59.75	106905.50	16433.74	123339.24
MID ENGINEER		58.00	56.00	.00	.00	.00	.00	.00	.00	903.00	.00	22.75	52601.50	3104.39	55705.89
MID ENVIRONMENTAL SCIENTIST		99.00	78.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00
JUNIOR ENVIRONMENTAL SCIENTIST		57.00	49.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00
TOTAL				.00	.00	.00	.00	.00	.00	5340.75	110.50	368.38	417672.55	46671.42	464343.97
CORPORATE EXPENSES (ODC) BY TYPE:															
														150.41	150.41
														4196.06	4196.06
							28.27	28.27						3695.25	3695.25
														810.02	810.02
														.00	.00
							186.78	186.78						3268.60	3268.60
							35.43	35.43						5773.95	5773.95
														8698.97	8698.97
							250.48	250.48						28593.26	28593.26
							250.48	250.48						75264.68	492937.23
							945.02	945.02						29884.32	29884.32
							1195.50	1195.50						105149.00	522821.55

ADDITIONAL DATA:

ESTIMATED ACCRUED GROSS RECEIPTS TAX	.00	.00	.00	.00
ESTIMATED TOTAL TASK COST	1195.50	1195.50	105149.00	522821.55

TASK BUDGET	607556.00	TASKS 1
ESTIMATED % OF TASK BUDGET SPENT	86.05%	
ESTIMATED BUDGET BALANCE AVAILABLE	84734.43	

REQUEST FOR PROPOSALS

- I. The New Mexico Environment Department is soliciting proposals from qualified firms to provide the following services:

Expertise in the review of the Resource Conservation and Recovery Act permit application and other technical documents submitted to the State of New Mexico for the Department of Energy's Waste Isolation Pilot Plant. The review process will entail a completeness determination, technical evaluation, evaluation of responses from the applicant, decision analysis and administrative support of general permitting activities and technical evaluation of WIPP-related documents.

- II. This request is to provide professional services to two (2) years from the date of the contract award with an option to extend the contract for up to a total of four (4) years. Proposals should include the qualifications of all personnel to be used in permit review activities and define what the role of each person will be in satisfying the scope of work of the proposed contract.

III. Tentative Schedule

March 29, 1995 - RFP released
April 19, 1995 - Interim proposal bid review conference
May 25, 1995 - Proposals due no later than 4:00 pm MDT
June 26, 1995 - Notice of proposed award(s) begin
contract negotiations

- IV. To obtain the Request for Proposals application packet, contact:

Barbara Hoditschek
Hazardous & Radioactive Materials Bureau
New Mexico Environment Department
525 Camino de Los Marquez
P.O. Box 26110
Santa Fe, New Mexico 87502-6110
(505) 827-4308

- V. An original and five (5) typed copies of the proposal must be received by registered mail or hand delivered to:

Cliff Hawley, Chief
Personnel Services Bureau
New Mexico Environment Department
P.O. Box 26110
1190 St. Francis Drive
Santa Fe, New Mexico 87502-6110

by 4:00 pm, MDT, May 25, 1995.

- VI. The following weighted evaluation factors will be used in rating the proposals:
- 20 - Personnel qualifications and experience
 - 20 - RCRA experience
 - 20 - Review Capabilities: in-house equipment, materials, staff expertise and services offered
 - 25 - Costs
 - 15 - Local (New Mexico) office
- VII. Any proposal may be rejected in whole or in part when it is in the best interest of the New Mexico Environment Department.
- VIII. The Procurement Code: Sections 13-1-28 to 13-1-199 NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal gratuities and kick-backs.
- IX. Offerors submitting proposals may be afforded an opportunity for discussion and revision of proposals. Revision may be permitted after submission of proposals and prior to award, for the purpose of obtaining the best and final offers.
- X. The contents of any proposal shall not be disclosed so as to be available to competing offerors during the negotiation process.
- XI. All costs incurred by the offeror in the preparation transmittal or presentation of any proposal or material submitted in response to this RFP will be borne solely by the offeror.
- XII. The New Mexico Environment Department may negotiate provisions in addition to those stipulated in this RFP with a successful offeror.
- XIII. Offerors must prepare a certification of independent price determination which certifies that no collusion, as defined by the Federal and State anti-trust laws, occurred during proposal preparation.
- XIV. Award of contracts may not necessarily go to the lowest bidders.
- XV. Minority Business Enterprises and Women Minority Business Enterprises are encouraged to apply.

REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES

I. Background Information

The New Mexico Environment Department seeks proposals from firms with expertise in the technical review of (1) a permit application for a Resource Conservation and Recovery Act (RCRA) permit and (2) other technical documents on the Waste Isolation Pilot Plant (WIPP). The review must compare the applicant's Part B submittals to the permitting requirements and technical standards in the New Mexico Hazardous Waste Management Regulations (20 NMAC 4.1), Subpart IX, 40 CFR Section 270 and Subpart V Section 264. The other WIPP technical documents for review would include, but not be limited to: hydrogeological reports; waste packaging and placement criteria; waste treatment; explosiveness, gas production and emergency response reports; sampling and statistical programs; radiation standards and protection; long-term impact on public health, safety and the environment. This Request for Proposals (RFP) must be responded to as a unit; no part can be responded to individually.

II. Liability Insurance

- A. The contractor warrants that it shall, at all times during the term of this contract, have and keep in force liability insurance in at least the amount of the applicable limits in the New Mexico Tort Claims Act, Section 41-4-1 et seq., NMSA 1978, and any amendments thereto. Such insurance shall be written by an insurance company licensed to do business in New Mexico and shall cover all liability which might arise from the provision of services under this contract.
- B. The contractor shall immediately notify the New Mexico Environment Department upon the cancellation of any insurance policy required by this article.
- C. The contractor shall provide Workers' Compensation insurance for its employees as required by New Mexico law.

III. Contract Term

This request is for proposals to provide completeness and technical application review for two (2) years from the date of the contract award, with an option to extend the contract for an additional two (2) years for a total of four (4) years.

- III. Evaluation of NOD responses from the applicant.
- A. The contractor shall review any application revisions made in response to the contractor's or NMED's technical review letters.
 - B. Support the state in preparing for and conducting meetings or conference calls with applicants regarding comments provided by the contractor to the state as a result of completeness and/or technical reviews.
 - C. This support shall include but not be limited to developing agendas for meetings, providing summaries of the major issues to be discussed and review of relevant regulations and guidance that may be discussed at the meeting.
 - D. The state will conduct all such meetings, but the contractor shall be ready to respond to the applicant's comments/questions when directed by the RPPM.
- IV. Decision analysis after completion of completeness technical reviews.
- A. The contractor as a part of the completeness and technical reviews shall prepare a report which provides a basis for permit denial decisions at that step in the review.
 - B. The contractor shall detail in the report whether or not enough information exists to support continuation of the permitting process following a completeness review and whether or not adequate technical information has been provided to support continuation of the permitting process following a technical review.
 - C. The contractor shall furnish the report for or against continuation of the permit process at the time of the submission of the completeness review and/or technical report.
 - D. The state will make all decisions regarding the permitting process and policies.

- d. The Contractor shall be available to conduct task C. (Evaluation of NOD Responses from Applicant) upon notification by the RPPM.
3. Perform technical review of the permit application
- a. The Contractor shall review the application for compliance with the technical requirements detailed in 20 NMAC 4.1, Subpart V, 40 CFR Part 264, Subparts A-G, I, S, X, AA and BB, and Part 268.
 - b. The Contractor shall provide technical expertise in air, soil and water modeling, meteorology, and risk assessment to determine if the standards required under 20 NMAC 4.1, Subpart V, Section 264.601 are met.
 - c. The Contractor must review the waste analysis plan with particular attention being focused on quality assurance/quality control portions associated with the sampling and analysis functions being performed at a generating site. The review must also determine whether the waste characterization is adequate for all waste packaged for transport to WIPP. A report on the proposed waste analysis plan and the quality assurance/quality control procedures shall be submitted to the Department and a meeting scheduled with the RPPM to discuss the findings in the report.
 - d. The Contractor shall review the data and the discussion to evaluate the logical progression of the information and the assumptions involved in the permit application.
 - e. The Contractor shall review the data contained in the tables, figures, technical drawings and elsewhere and verify the calculations presented in support of the application.
 - f. The Contractor shall review the applicant's conclusions to ensure compatibility with the data presented and the validity of the proposed conclusions.

- g. Upon completion of the technical evaluation, the Contractor shall schedule a meeting with the RPPM to discuss the findings. The RPPM will make the final determination as to whether or not the permit application meets the technical standards.
- h. The Contractor shall be available to conduct task C. (Evaluation of NOD Responses from Applicant) upon notification by the RPPM.

C. Evaluation of NOD or Other Responses From the Applicant

- 1. The Contractor shall review any application revisions made in response to the Contractor's or the Department's technical review letters.
- 2. Support the Department in preparing for and conducting meetings or conference calls with the applicant regarding comments provided by the Contractor to the Department as a result of completeness and/or technical reviews.
- 3. This support shall include but not be limited to developing agendas for meetings, providing summaries of the major issues to be discussed and review of relevant regulations and guidance that may be discussed at the meeting.
- 4. The Department will conduct all such meetings, but the Contractor shall be ready to respond to the applicant's comments/questions when directed by the RPPM.

D. Decision Analysis After Completion of Completeness Technical Reviews

- 1. The Contractor as a portion of the completeness and technical reviews shall prepare a report which provides a basis for permit denial decisions at that step in the review.
- 2. The Contractor shall detail in the report whether or not enough information exists to support continuation of the permitting process following a completeness review and whether or not adequate technical information has been provided to support continuation of the permitting process following a technical review.



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SECRETARY
EDGAR T. THORNTON, III
DEPUTY SECRETARY

CONFLICT OF INTEREST
PERSONS OR RETAINER OR ON CONTRACT

The Contractor warrants that it does not hold any other contract with the Department of Energy for the writing and/or review of the Part A and B applications for the permit required by the Resource Conservation and Recovery Act or any other contract with DOE for WIPP activities related to these applications. The Contractor also assures the same for its subcontractors working on this contract.

Last Name First Name Middle Initial

Title

Corporation Name

Corporation Address Number Street City Zip Code

Signature

Date

WIPP PERMIT APPLICATION RFP
PROPOSAL EVALUATION CRITERIA
PAGE 3 OF 3

- g. Are the company's internal structure and review procedures clear (3 points)?
- 4. Costs (25 points)
 - a. Reliance on and costs of subcontractors?
 - 1. Two or more services in house (9 points)
 - 2. Only one service in house (5 points)
 - 3. Rely on four subcontractors (1 point)
 - b. How do overhead and administrative costs compare with other respondents
 - 1. No markup (9 points)
 - 2. No general charge (7 points)
 - 3. 1-14% markup (1 point)
 - 4. 15% or more markup (no points)
 - 5. General administrative charge on all fees (no points)
 - c. Project within estimated budget (7 points)
- 5. Local (New Mexico) office (15 points)
 - a. Has office; 3 staff or more (15 points)
 - b. Has office; 2 staff or less (10 points)
 - c. No office in NM (no points)
 - d. Left off address (-1 point)
 - e. Staff not named (-1 point)