

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes are primarily located on the left and right sides of the frame, creating a modern, layered effect. The central area is a plain white space where the text is placed.

# Breakout Session 1: Restoration Finance

# Procurement Standards (2 C.F.R. 200) & Contracting Workshop

Presented by: Melanie Green, Accounting Director, Office of Restoration

Coretta Jones, Office of Restoration

Tabatha Baum, Senior Attorney

Mississippi Department of Environmental Quality

# Office of Restoration Funding Stream Overview

- ▶ National Fish & Wildlife Foundation
- ▶ Natural Resources Damages Assessment
- ▶ RESTORE Act

# Federal Procurement Standards

2 CFR 200.317-326

<http://www.ecfr.gov>

# 2CFR Sections 200.318-326:

- ▶ **§200.318** General procurement standards
- ▶ **§200.319** Competition
- ▶ **§200.320** Methods of procurement to be followed
- ▶ **§200.321** Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms
- ▶ **§200.322** Procurement of recovered materials
- ▶ **§200.323** Contract cost and price
- ▶ **§200.324** Federal awarding agency or pass-through entity review
- ▶ **§200.325** Bonding requirements
- ▶ **§200.326** Contract provisions

## §200.318 General procurement standards

- ▶ Documented procurement procedures
- ▶ Oversight of contractor performance
- ▶ Written standards of conduct
- ▶ Avoid unnecessary or duplicative items
- ▶ Encouraged to enter Intergovernmental/inter-entity agreements
- ▶ Use excess/surplus in lieu of new, value engineering
- ▶ Award contracts to responsible contractors
- ▶ Maintain records
- ▶ Time and material type contracts
- ▶ Settlement of contract issues

# §200.319 Competition

- ▶ All transactions must provide full and open competition.
- ▶ The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference.
- ▶ The non-Federal entity must have written procedures for procurement transactions.
- ▶ The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition.

**\$200.320  
followed**

## **Methods of procurement to be**

- ▶ Procurement by micro-purchases
- ▶ Procurement by small purchase procedures
  - ▶ Procurement by sealed bids
- ▶ Procurement by competitive proposals
- ▶ Procurement by non-competitive



# Procurement by sealed bids

Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.

# Procurement by competitive proposals

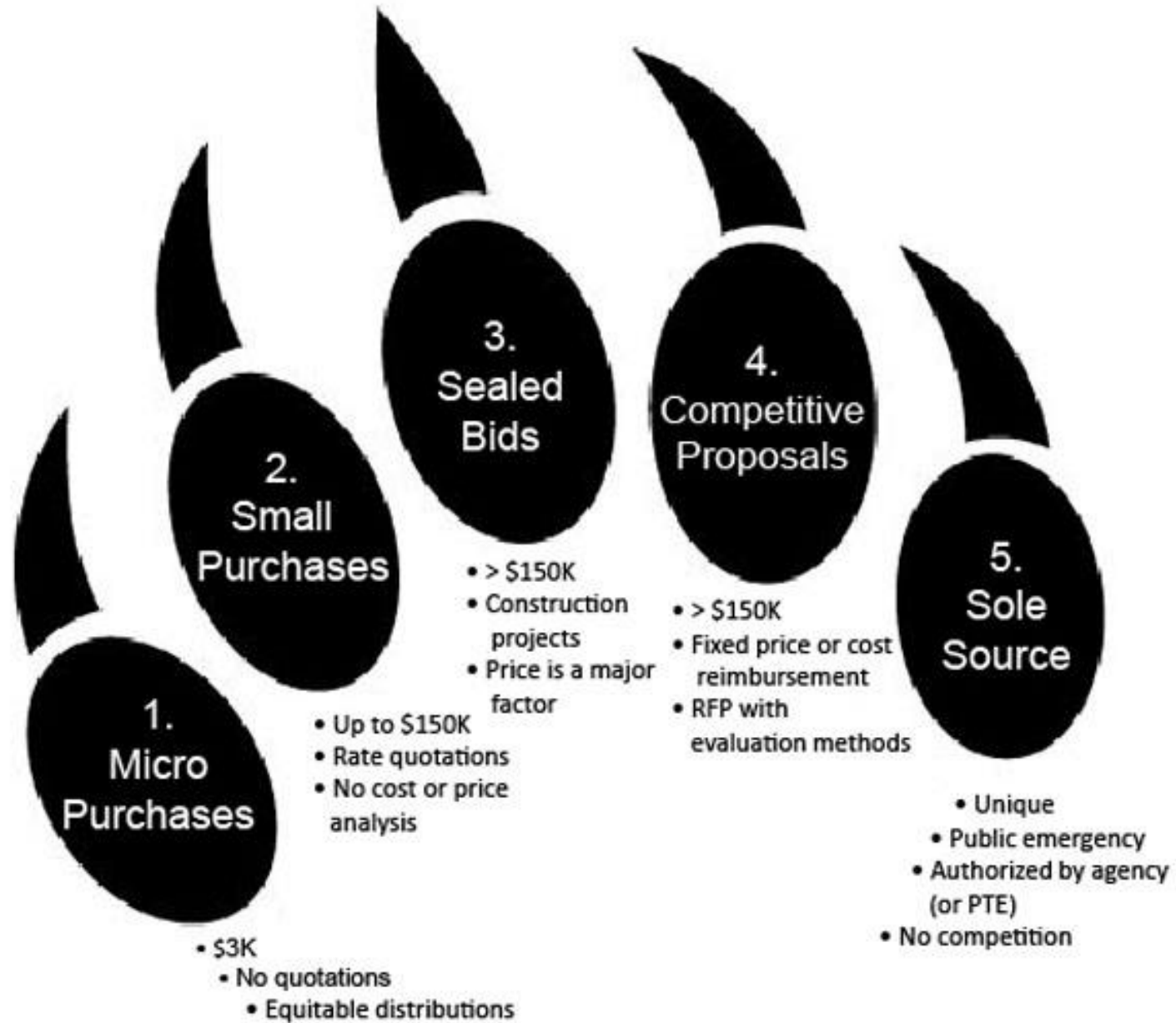
The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded.

# Procurement by non-competitive

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- ▶ The item is available only from a single source;
- ▶ The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- ▶ The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
- ▶ After solicitation of a number of sources, competition is determined inadequate

## Procurement “Claw” (Section 200.320)



# **\$200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms**

Affirmative steps must be taken to assure MBE/WBE are used when possible:

- ▶ Solicitation lists
- ▶ Solicited when sources are available
- ▶ Dividing total requirements, when economical feasible, to allow maximum participation
- ▶ Use Small Business Administration and Minority Business Development Agency
- ▶ Require prime contractor, in subcontracts, to use affirmative steps

## **§200.322 Procurement of recovered materials**

Organizations must comply with the Solid Waste Disposal Act, for procuring items designated in the EPA guidelines

# \$200.323 Contract cost and price

When purchase exceeds Simplified Acquisition Threshold including contract modifications

- ▶ Independent estimates prior to receiving bids/proposals
- ▶ When no price competition, negotiate fair and reasonable profit with considerations identified
- ▶ Costs must be allowable under Subpart E-Cost Principles
- ▶ No cost plus a % of cost % construction cost methods of contracting allowed

## §200.324 Federal awarding agency or pass-through entity review

Make proposed procurements available, upon request

when:

- ▶ Prior procedures are noncompliant
- ▶ Procurement exceeds Simplified Acquisition Threshold AND
  - ▶ No competition is received
  - ▶ “Brand name product” is specified
  - ▶ Award is to other than low bidder under sealed bids
- ▶ Contract modification changes scope of contract or increases the contract amount more than Simplified Acquisition Threshold



# §200.325 Bonding requirements

- ▶ (a) A bid guarantee from each bidder equivalent to five percent of the bid price.
- ▶ (b) A performance bond on the part of the contractor for 100 percent of the contract price.
- ▶ (c) A payment bond on the part of the contractor for 100 percent of the contract price.

## **§200.326 Contract provisions**

- ▶ **Contracts in excess of \$150,000** must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms and provide for such sanctions and penalties as breach contract terms, and provide for such sanctions and penalties as appropriate.
- ▶ **Contracts >\$10,000** must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be affected and the basis for settlement.



# MDEQ Office of Restoration Procurement/Contracting Workshop

DO's and DON'Ts

Presented by  
Melanie Green  
Accounting Director, Office of Restoration

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
COMPETITIVE SEALED  
REQUEST FOR QUALIFICATIONS**

**Request for Qualifications for Professional Engineering Services for the Habitat  
Restoration and Conservation in Turkey Creek Project**

The Mississippi Department of Environmental Quality (MDEQ) is soliciting written Statements of Qualifications (SOQ), subject to the conditions stated herein and attached hereto, from organizations licensed to do business in the State of Mississippi to assist MDEQ with engineering services, on an as needed basis, as more thoroughly described in the scope of work, in relation to the Habitat Restoration and Conservation in Turkey Creek Project (Project) funded through the National Fish and Wildlife Foundation (NFWF) Gulf Environmental Benefit Fund, Agreement #49979.

**SOQs shall be submitted by 1:00 p.m. CDT on Tuesday, October 17, 2017, to:**

**SOQ for Engineering Services – Turkey Creek  
Mississippi Department of Environmental Quality  
Attn: Melanie Green  
515 East Amite Street  
Jackson, Mississippi 39201**

**An optional pre-submittal conference will be held at 11:00 a.m. CDT on Tuesday, October 3, 2017, at the Holiday Inn – Gulfport Airport, 9515 Highway 49, Gulfport, MS 39503.**

The SOQ shall be limited to no more than a total of thirty (30) typed pages including contents pages, supporting appendices, and resumes. Paper size shall be 8 1/2" x 11". Text shall not be smaller than a font size of 12. Offerors shall submit the signed original and five (5) true and complete copies of the original SOQ, along with a digital copy of the SOQ in PDF format on a CD-ROM or USB flash drive, in a sealed envelope or package to MDEQ on or before the date and time specified. The original must be signed by an authorized representative of the Offeror.

MDEQ will receive SOQs offered from organizations having specific experience and qualifications as identified in this solicitation. For consideration, SOQs must contain evidence of the organization's experience and abilities as identified in this solicitation and other disciplines directly related to the proposed service. Other information required by MDEQ is included herein. Unless otherwise stated, all Offerors shall provide profiles and resumes of the staff to be assigned to the project, references, illustrative examples of similar work performed, and any other information that clearly demonstrates the Offeror's expertise as identified in this solicitation.

A selection committee shall review and evaluate SOQs. Therefore, Offerors should emphasize specific information pertinent to the work in the SOQ.

## **I. Project Description**

The Mississippi Comprehensive Ecosystem Restoration Tool (MCERT) identified the Turkey Creek watershed as a key area that has undergone substantial habitat conversion and loss, as well as predictable adverse changes in impacts to the delivery of water resources downstream. The creek itself has been altered in several ways including riparian vegetation loss, stream bank destabilization, and in-water debris that is not natural to the creek system. After storm and high precipitation events, large pulses of water from degraded habitat and urban areas enter the creek and are discharged into receiving waters at a fast rate causing erosion of the streambank and increased sediment, nutrients, and pollutants in the stream. Stream rehabilitation/restoration will occur that will remove river/creek blockages, improve fish habitat with specific debris anchors, and enhance stream bank stability. Habitat restoration and conservation on adjacent lands, including invasive species treatment, mechanical vegetation removal, and hydrological improvements will restore ecological functions and natural connections to the system. These restoration activities will provide floodwater storage capacity, decreased flooding, and improved hydrological connectivity of Turkey Creek to the Back Bay of Biloxi. Instream debris will be evaluated for treatment including flooding/fish habitat potential, obstruction removal or anchored in place. This project focuses on the portion of Turkey Creek from the eastern edge of its intersection with Canal Road northeasterly to the confluence with Bernard Bayou.

V. **Required Information**

**Failure to provide the information listed below could impact the evaluation of Offeror's SOQ or the SOQ may be deemed unacceptable and rejected any time prior to the award of the Contract.**

(A) **Company Information:** Provide the information below in the following manner:

1. Offeror's company name:	
2. Location of Offeror's principal place of business:	
3. The place of performance of the proposed contract:	
4. All appropriate company contact information, including the following:	

Company's Physical Address: Designated Company Contact: Contact's e-mail address: Contact's phone number:	
5. Offeror's Data Universal Number System (DUNS) number:	
6. The age of Offeror's business:	
7. The average number of employees over the past three (3) years:	

- (B) Project Plan Management: Provide a summary discussing the project management approach that the Offeror's Project team will take to achieving the tasks described in the scope of work and course of action necessary for completion of the scope of work in accordance with the anticipated period of performance.
- (C) Project Team, Resources and Résumés:
1. Résumés of key personnel who would be assigned to provide the required services, including, but not limited to, their respective backgrounds, experience, Project responsibilities, licenses, certifications, education, and skills.
  2. Information on the Offeror's access to or ability to obtain the equipment, facilities and financial resources to perform the work.
  3. The name of any company or individual anticipated to be used as a *subcontractor* on this Project, as well as that subcontractor's duties on the Project. If subcontractors have not yet been identified but offeror has certain duties that it anticipates subcontracting, Offeror shall delineate that scope of work to be subcontracted. Also, Offeror should be aware that all subcontractors must be approved by MDEQ.

Please note that the Offeror's proposed Project Manager **must** be located in the State of Mississippi for the duration of the Period of Performance.

- (D) Experience with Projects of Similar Scope and References:
1. A record of projects of similar size and scope completed by the proposed Project Team within the past five (5) years;
  2. For each project identified, identify which member(s) of the proposed Project Team participated and what role they served; and
  3. For each referenced project, provide the following:
    - a. The name,
    - b. telephone number, and/or
    - c. email address of a responsible individual who may be contacted for a reference.
- (E) Broad Cross-Section of Expertise: Provide a description of your Project team's expertise working on a variety of project types.
- (F) Coastal and Marine Environment Expertise: A description of your Project Team's expertise working in a coastal and marine environment with an emphasis on the Mississippi Gulf Coast, including, without limitation, extensive knowledge of Mississippi coastal ecology. Identify and describe any work associated with restoration projects performed by the Offeror for MDEQ or any other state, state agency or trustee arising out of the *Deepwater Horizon* Oil Spill.
- (G) Professional Licenses and Registrations: Copies of the Offeror's professional licenses applicable to the services requested in this RFQ. Further, provide a list of individuals and their professional license, certification, or registration numbers for the persons identified in subsection (V)(C). This information will not be included in the SOQ's thirty (30) page limit.
- (H) Certificate of Good Standing: Proof from the Office of the Secretary of State of the State of Mississippi demonstrating that Offeror is in good standing to do business in Mississippi, which will not be included in the SOQ's thirty (30) page limit. Governmental units and institutions of higher learning shall be exempt from this requirement.
- (I) MBE/WBE: Offeror **must** complete and attach the MBE/WBE Solicitation Form, which is attached hereto as Attachment "A". Any documentation submitted under this Section is not included in the thirty (30) page limit of the RFQ.
- (J) Offeror's Affidavit: Offeror **must** execute, notarize, and attach the Offeror's Affidavit to its SOQ, which will not be included in the SOQ thirty (30) page limit. A copy of the Offeror's Affidavit is attached hereto as Attachment "B".



- (K) Non-resident Contractor: If an Offeror is a non-resident contractor, a copy of the Offeror's current state bidder/offeror preference law pertaining to that state's treatment of non-resident contractors pursuant to Miss. Code Ann. § 31-7-47 or a statement on letterhead signed by an officer or manager of the offeror stating that no preference laws exist in that state. The state of residency of a contractor shall be the same as the corporate office reported by the offeror to the Mississippi Secretary of State. Any documentation submitted under this Section is not included in the thirty (30) page limit of the RFQ.
- (L) Acknowledgement of Amendments: Acknowledge receipt of any amendment to this RFQ by signing and returning the amendment with its SOQ. Any documentation submitted under this Section is not included in the thirty (30) page limit of the SOQ.
- (M) Acknowledgement of Response to Inquiries: Acknowledge receipt of any Response to Inquiries issued in regards to this RFQ by signing and returning the Response to Inquiries with its SOQ. Any documentation submitted under this Section is not included in the thirty (30) page limit of the SOQ.

**VI. Evaluation Procedure and Factors to Be Considered in the Evaluation Process**

A selection committee (Committee) shall review and evaluate each SOQ as set forth below.

- (A) Determination of Acceptability. SOQs will be reviewed to ensure compliance with the requirements of this RFQ. The Committee shall classify SOQs as "acceptable," "potentially acceptable," or "unacceptable." SOQs that do not comply with the requirements of the RFQ may be deemed "unacceptable" and rejected at any time prior to award of the Contract.
- (B) Discussions with Individual Offerors. At MDEQ's sole discretion, MDEQ may choose to hold discussions with individual Offerors whose SOQs are classified as "acceptable" or "potentially acceptable" to determine in greater detail each Offeror's qualifications and to determine if an Offeror classified as "potentially acceptable" should be reclassified as "acceptable." All Offerors so classified shall be given an equal and fair opportunity to participate in individual discussions. Discussions may also be held with acceptable Offerors to promote an understanding of MDEQ's requirements and the Offeror's SOQ and to facilitate arriving at a contract that will be most advantageous to MDEQ, taking into consideration price and other evaluation criteria set forth in the RFQ.
- (C) Evaluation Criteria. SOQs will be reviewed/analyzed by the Committee to determine which SOQ is most advantageous to the State based on the following factors:
  - (1) the overall quality of the SOQ, including its compliance with the requirements of the RFQ, and the overall quality of the Offeror's proposed plan and implementation for project management, project execution and performing the services described in the scope of work, which should reflect

- (B) Project Plan Management: Provide a summary discussing the project management approach that the Offeror's Project team will take to achieving the tasks described in the scope of work and course of action necessary for completion of the scope of work in accordance with the anticipated period of performance.

## **I. Project Description**

The Mississippi Comprehensive Ecosystem Restoration Tool (MCERT) identified the Turkey Creek watershed as a key area that has undergone substantial habitat conversion and loss, as well as predictable adverse changes in impacts to the delivery of water resources downstream. The creek itself has been altered in several ways including riparian vegetation loss, stream bank destabilization, and in-water debris that is not natural to the creek system. After storm and high precipitation events, large pulses of water from degraded habitat and urban areas enter the creek and are discharged into receiving waters at a fast rate causing erosion of the streambank and increased sediment, nutrients, and pollutants in the stream. Stream rehabilitation/restoration will occur that will remove river/creek blockages, improve fish habitat with specific debris anchors, and enhance stream bank stability. Habitat restoration and conservation on adjacent lands, including invasive species treatment, mechanical vegetation removal, and hydrological improvements will restore ecological functions and natural connections to the system. These restoration activities will provide floodwater storage capacity, decreased flooding, and improved hydrological connectivity of Turkey Creek to the Back Bay of Biloxi. Instream debris will be evaluated for treatment including flooding/fish habitat potential, obstruction removal or anchored in place. This project focuses on the portion of Turkey Creek from the eastern edge of its intersection with Canal Road northeasterly to the confluence with Bernard Bayou.


(C) Project Team, Resources and Résumés:

1. Résumés of key personnel who would be assigned to provide the required services, including, but not limited to, their respective backgrounds, experience, Project responsibilities, licenses, certifications, education, and skills.
2. Information on the Offeror's access to or ability to obtain the equipment, facilities and financial resources to perform the work.
3. The name of any company or individual anticipated to be used as a *subcontractor* on this Project, as well as that subcontractor's duties on the Project. If subcontractors have not yet been identified but offeror has certain duties that it anticipates subcontracting, Offeror shall delineate that scope of work to be subcontracted. Also, Offeror should be aware that all subcontractors must be approved by MDEQ.

Please note that the Offeror's proposed Project Manager must be located in the State of Mississippi for the duration of the Period of Performance.

(D) Experience with Projects of Similar Scope and References:

1. A record of projects of similar size and scope completed by the proposed Project Team within the past five (5) years;
2. For each project identified, identify which member(s) of the proposed Project Team participated and what role they served; and
3. For each referenced project, provide the following:
  - a. The name,
  - b. telephone number, and/or
  - c. email address of a responsible individual who may be contacted for a reference.

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- (E) Broad Cross-Section of Expertise: Provide a description of your Project team's expertise working on a variety of project types.

- (F) Coastal and Marine Environment Expertise: A description of your Project Team's expertise working in a coastal and marine environment with an emphasis on the Mississippi Gulf Coast, including, without limitation, extensive knowledge of Mississippi coastal ecology. Identify and describe any work associated with restoration projects performed by the Offeror for MDEQ or any other state, state agency or trustee arising out of the *Deepwater Horizon* Oil Spill.

- (G) Professional Licenses and Registrations: Copies of the Offeror's professional licenses applicable to the services requested in this RFQ. Further, provide a list of individuals and their professional license, certification, or registration numbers for the persons identified in subsection (V)(C). This information will not be included in the SOQ's thirty (30) page limit.



- (H) Certificate of Good Standing: Proof from the Office of the Secretary of State of the State of Mississippi demonstrating that Offeror is in good standing to do business in Mississippi, which will not be included in the SOQ's thirty (30) page limit. Governmental units and institutions of higher learning shall be exempt from this requirement.

- (I) MBE/WBE: Offeror **must** complete and attach the MBE/WBE Solicitation Form, which is attached hereto as Attachment "A". Any documentation submitted under this Section is not included in the thirty (30) page limit of the RFQ.



**2. Select one the following:**

- The Offeror is a MBE/WBE firm and at least one or more MBE/WBE firms were solicited and selected for the proposed contract, as indicated above. Prior to contract execution, the Offeror shall supply MDEQ with proof of offeror's and offeror's subcontractor's MBE/WBE status by providing the documentation required in XX(B) of this RFQ.
- The Offeror is a MBE/WBE firm and no other MBE/WBE firms were solicited for the proposed contract. Prior to contract execution, the offeror shall supply MDEQ with proof of Offeror's MBE/WBE status by providing the documentation required in XX(B) of this RFQ.

The offeror is not a MBE/WBE firm. However, at least one or more MBE/WBE firms were solicited and selected, as indicated above, for the proposed contract. Prior to contract execution, the offeror shall supply MDEQ with proof of offeror's subcontractor's MBE/WBE status by providing the documentation required in XX(B) of this RFQ.

- The offeror is not a MBE/WBE firm. However, at least one or more MBE/WBE firms were solicited (but not selected), as indicated above, for the proposed contract.
- The offeror submitting for the proposed contract is not a MBE/WBE firm and no MBE/WBE firms were solicited for the proposed contract. If so, please explain.

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- (J) Offeror's Affidavit: Offeror **must** execute, notarize, and attach the Offeror's Affidavit to its SOQ, which will not be included in the SOQ thirty (30) page limit. A copy of the Offeror's Affidavit is attached hereto as Attachment "B".

- (K) Non-resident Contractor: If an Offeror is a non-resident contractor, a copy of the Offeror's current state bidder/offeror preference law pertaining to that state's treatment of non-resident contractors pursuant to Miss. Code Ann. § 31-7-47 or a statement on letterhead signed by an officer or manager of the offeror stating that no preference laws exist in that state. The state of residency of a contractor shall be the same as the corporate office reported by the offeror to the Mississippi Secretary of State. Any documentation submitted under this Section is not included in the thirty (30) page limit of the RFQ.

- (L) Acknowledgement of Amendments: Acknowledge receipt of any amendment to this RFQ by signing and returning the amendment with its SOQ. Any documentation submitted under this Section is not included in the thirty (30) page limit of the SOQ.

- (M) Acknowledgement of Response to Inquiries: Acknowledge receipt of any Response to Inquiries issued in regards to this RFQ by signing and returning the Response to Inquiries with its SOQ. Any documentation submitted under this Section is not included in the thirty (30) page limit of the SOQ.



- (A) Determination of Acceptability. SOQs will be reviewed to ensure compliance with the requirements of this RFQ. The Committee shall classify SOQs as “acceptable,” “potentially acceptable,” or “unacceptable.” SOQs that do not comply with the requirements of the RFQ may be deemed “unacceptable” and rejected at any time prior to award of the Contract.

- (C) Evaluation Criteria. SOQs will be reviewed/analyzed by the Committee to determine which SOQ is most advantageous to the State based on the following factors:
- (1) the overall quality of the SOQ, including its compliance with the requirements of the RFQ, and the overall quality of the Offeror's proposed plan and implementation for project management, project execution and performing the services described in the scope of work, which should reflect an understanding of the Project and its objectives. Consideration will be given to the completeness of the response to the specific requirements of the solicitation. *[Critical, 30 points]*;
  - (2) a record of performance of similar projects. *[Very Important, 20 points]*;
  - (3) Offeror's ability to provide the required services as reflected/evidenced by qualifications (education, experience, professional certification and licensure (as applicable), etc.) and the personnel, equipment, facilities and financial resources to perform the services currently available or demonstrated to be available at the time of contracting. *[Very Important, 20 points]*;
  - (4) Offeror's expertise working on a variety of project types. *[Important, 10 points]*;
  - (5) coastal and marine environment with an emphasis on the Mississippi Gulf Coast, including, without limitation, extensive knowledge of Mississippi coastal ecology. *Critical, 20 points]*;

**XIV. SOQs Acceptance Period**

The original and five (5) true and complete copies of the original SOQ and all attachments shall be signed and submitted, along with a digital copy of the SOQ in PDF format on a CD-ROM or USB flash drive, in a sealed envelope or package to:

**SOQs for Engineering Services – Turkey Creek  
Mississippi Department of Environmental Quality  
Attn: Melanie Green  
515 East Amite Street  
Jackson, Mississippi 39201**

no later than 1:00 p.m. CDT on Tuesday, October 17, 2017. Timely submission of the SOQ is the responsibility of the offeror. SOQs received after the specified time shall be rejected.

The only acceptable evidence to establish the time of receipt at the MDEQ office identified for SOQs is the time and date stamp of that office on the SOQ's wrapper or other documentary evidence of receipt used by that office.

**MDEQ will not be responsible for delayed or lost mail received after the deadline. All packages received after this deadline will be held by MDEQ and remain unopened in the procurement file.**

## **XVIII. Pre-Submittal Conference**

**An optional pre-submittal conference will be held at 11:00 a.m. CDT on Tuesday, October 3, 2017, at the Holiday Inn – Gulfport Airport, 9515 Highway 49, Gulfport, MS 39503. The purpose of the pre-submittal conference is to allow potential offerors an opportunity to present questions to staff and obtain clarification of the procurement requirements. Minutes of the conference will not be published.**

## **XIX. Additional Information and Inquiries**

All questions/inquiries about this RFQ must be submitted in writing to the above address or via email or fax to **Melanie Green** at [mgreen@mdeq.ms.gov](mailto:mgreen@mdeq.ms.gov) or at fax number (601) 961-5275 and must be received by MDEQ by close of business on Friday, October 6, 2017. Offerors are cautioned that any statements made by any person shall not be relied upon unless subsequently ratified by a formal written response to the RFQ, such as an amendment or Response to Inquiries. MDEQ will issue one or more Response to Inquiries on or before Tuesday, October 10, 2017.

## **XXII. Debriefing Request**

Unsuccessful offerors may request a post-award offeror debriefing, in writing, by United States mail or electronic submission to **Melanie Green** at [mgreen@mdeq.ms.gov](mailto:mgreen@mdeq.ms.gov), to be received by the agency within ten (10) business days after notification of the contract award or notice that no contract was awarded. An offeror debriefing is a purely administrative function of MDEQ and not a hearing; therefore, legal representation is not required. If an offeror prefers to have legal representation present, the offeror must notify MDEQ and identify its attorney. MDEQ will strive to schedule the debriefing to occur within five (5) business days after receipt of the offeror's request, and the debriefing may be conducted during a face-to-face meeting, by telephonic or video conference, or by any other method acceptable to MDEQ. At a minimum, the debriefing information shall include the following:

- (A) the agency's evaluation of significant weaknesses or deficiencies in the offeror's SOQ, if applicable;
- (B) the overall evaluated cost or price and technical rating, if applicable, of the successful offer(s) and the debriefed offeror;
- (C) the overall ranking of all offerors, if a ranking was developed by the agency during the selection process;
- (D) a summary of the rationale for award; and
- (E) reasonable responses to relevant questions about selection procedures contained in the solicitation, applicable regulations, and other applicable authorities that were followed.

The debriefing **shall not** include point-by-point comparisons of the debriefed vendor's bid, proposal, or SOQ with those of other offering vendors.

### **XXIII. Contract Terms and Conditions**

Offeror's SOQ and any subsequently-awarded contract are subject to the Standard Contract Terms and Conditions, a copy of which is attached hereto as Attachment "C" and fully incorporated herein by reference, and any additional terms and conditions included in the subsequently-awarded contract.

# MBE/WBE in Mississippi Restoration

- ▶ No set-aside program under RESTORE, NFWF, or NRDA
- ▶ Policy of MDEQ to encourage MBE/WBE Participation
  - ▶ Accomplish this through solicitation requirements



- (I) MBE/WBE: Offeror **must** complete and attach the MBE/WBE Solicitation Form, which is attached hereto as Attachment "A". Any documentation submitted under this Section is not included in the thirty (30) page limit of the RFQ.



**2. Select one the following:**

- The Offeror is a MBE/WBE firm and at least one or more MBE/WBE firms were solicited and selected for the proposed contract, as indicated above. Prior to contract execution, the Offeror shall supply MDEQ with proof of offeror's and offeror's subcontractor's MBE/WBE status by providing the documentation required in XX(B) of this RFQ.
- The Offeror is a MBE/WBE firm and no other MBE/WBE firms were solicited for the proposed contract. Prior to contract execution, the offeror shall supply MDEQ with proof of Offeror's MBE/WBE status by providing the documentation required in XX(B) of this RFQ.

The offeror is not a MBE/WBE firm. However, at least one or more MBE/WBE firms were solicited and selected, as indicated above, for the proposed contract. Prior to contract execution, the offeror shall supply MDEQ with proof of offeror's subcontractor's MBE/WBE status by providing the documentation required in XX(B) of this RFQ.

- The offeror is not a MBE/WBE firm. However, at least one or more MBE/WBE firms were solicited (but not selected), as indicated above, for the proposed contract.
- The offeror submitting for the proposed contract is not a MBE/WBE firm and no MBE/WBE firms were solicited for the proposed contract. If so, please explain.

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**XX. Minority and Women Businesses**

MDEQ's policy is to promote participation of Minority Business Enterprises (MBE) and Women Business Enterprises (WBE) in the contracts let by MDEQ. The intent of the following provision is to encourage contractors to involve such businesses in a meaningful role in the provision of services under this RFQ.

- (A) Offeror's and offeror's subcontractors will abide by the following steps to encourage participation by MBE and WBE:
  - (1) Including MBE and WBE on solicitation lists;
  - (2) Assuring that MBE and WBE are solicited whenever they are potential sources;
  - (3) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of MBE and WBE;
  - (4) Establishing delivery schedules, where the requirements of the work permits, which will encourage participation by MBE and WBE;
  - (5) Using the services and assistance of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce or Mississippi Development Authority's Minority Business Small Business Development Division (Mississippi Procurement Technical Assistance Program), as appropriate; OR satisfying the self-certification requirements of this section where appropriate, and
  - (6) Including these steps in any subcontracts awarded under this Contract.
- (B) **If applicable, offeror shall supply MDEQ with proof of Offeror's and Offeror's subcontractor's minority status by providing the following prior to contract execution:**
  - (1) Certification by the Small Business Administration;
  - (2) Certification by the Mississippi Development Authority's Minority Business Certification Program; or
  - (3) Self-Certification through Notarized affidavit of the MBE/WBE documenting that said business is:
    - a. Wholly owned or majority controlled by a minority or woman; and
    - b. Has been doing business in Mississippi for a period of at least six months prior to the provision of work under this Contract.



# Contractual Requirements: Insurance

By: Tabatha Baum, Senior Attorney

# Insurance Required by Law

- ▶ Construction

- ▶ If project is over \$5,000, then a commercial general liability policy of at least \$1 Million is required. See Miss. Code § 31-5-51(7)

# Standard Contract Insurance Requirements with MDEQ

- ▶ Insurance costs are part of contractor's overhead
- ▶ Generally required for contractors and subcontractors
- ▶ Insurance vs indemnification

# Standard Contract Insurance Requirements with MDEQ

- ▶ Construction/Commodities
  - ▶ Longshore and Harbor Worker's Compensation Insurance
    - ▶ \$1,000,000 per occurrence
  - ▶ Comprehensive General Liability Insurance
    - ▶ \$1,000,000 per occurrence
    - ▶ \$2,000,000 aggregate
  - ▶ Contractors Pollution Liability Insurance
    - ▶ \$1,000,000 per occurrence
    - ▶ \$2,000,000 aggregate
  - ▶ Auto Liability Policy
    - ▶ \$1,000,000 Combined Single Limit
    - ▶ Requires coverage on owned and non-owned vehicles
    - ▶ Requires coverage on and off site
  - ▶ Errors and Omissions/Professional Liability Insurance
    - ▶ \$1,000,000 per occurrence
- ▶ Service Contracts
  - ▶ Generally, the same



# Always Required

- ▶ MDEQ named as an additional insured
  - ▶ Exception: Subrogation suffices for Worker's Compensation
  - ▶ Exception: Vicarious liability rider for E&O policies
- ▶ Waiver of subrogation rights against MDEQ
- ▶ Contractor's policies are to be primary coverage
- ▶ Endorsements required





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	NAME:	
	PHONE (INC. No. Ext):	FAX (INC. No.):
	E-MAIL:	
	ADDRESS:	
	PRODUCER CUSTOMER ID #:	
INSURED	INSURER(S) AFFORDING COVERAGE	
	INSURER A:	NAIC #
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	

**COVERAGES**      **CERTIFICATE NUMBER:**      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR. LTR.	TYPE OF INSURANCE	ADD. SUBR. (RGE./WVD)	POLICY NUMBER	POLICY EFF. (MM/DD/YYYY)	POLICY EXP. (MM/DD/YYYY)	LIMITS
	<b>GENERAL LIABILITY</b>					EACH OCCURRENCE \$
	COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (EA OCCURRENCE) \$
	<input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR					MED EXP (Any one person) \$
						PERSONAL & ADV INJURY \$
						GENERAL AGGREGATE \$
						PRODUCTS - COMP/OP AGG \$
	GEN'L AGGREGATE LIMIT APPLIES PER:					\$
	<input type="checkbox"/> POLICY <input type="checkbox"/> PROD. <input type="checkbox"/> LOC					
	<b>AUTOMOBILE LIABILITY</b>					COMBINED SINGLE LIMIT (EA ACCIDENT) \$
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS					PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS					\$
	<input type="checkbox"/> NON-OWNED AUTOS					\$
						\$
	<b>UMBRELLA LIAB</b>	<input type="checkbox"/> OCCUR				EACH OCCURRENCE \$
	<b>EXCESS LIAB</b>	<input type="checkbox"/> CLAIMS-MADE				AGGREGATE \$
	DEDUCTIBLE \$					\$
	RETENTION \$					\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>					NO STATUTORY LIMITS    BOTH \$
	ANY PROPRIETORS/PARTNERS/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in 304) If yes, provide under SPECIAL PROVISIONS below	<input type="checkbox"/> Y/N <input type="checkbox"/> N/A				E.L. EACH ACCIDENT \$
						E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

<b>CERTIFICATE HOLDER</b>	<b>CANCELLATION</b>
	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

“ **IMPORTANT:** If the certificate is an **ADDITIONAL INSURED**, the policy[ies] must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

”

<b>REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.</b>	
<b>IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy[ies] must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).</b>	
<b>PRODUCER:</b>	<b>CONTACT NAME:</b>
	<b>PHONE:</b>
	<b>FAX:</b>

# Procurement Opportunities

- ▶ Visit Mississippi's Restore.ms
- ▶ DFA's website:
  - ▶ [To search for procurement opportunities](#)
    - ▶ [https://www.ms.gov/dfa/contract\\_bid\\_search/Bid?autoloadGrid=False](https://www.ms.gov/dfa/contract_bid_search/Bid?autoloadGrid=False)
  - ▶ To register as a vendor
    - ▶ [https://sus.magic.ms.gov/sap/bc/webdynpro/sapsrm/wda\\_e\\_suco\\_sreg?sap-client=100#](https://sus.magic.ms.gov/sap/bc/webdynpro/sapsrm/wda_e_suco_sreg?sap-client=100#)
    - ▶ Must be registered in MAGIC, in order to enter into contract with State.
- ▶ Please visit SBA & MDA at their booths outside for questions/assistance on registering as a MBE/WBE, and registering as a vendor!

Questions?  
Please contact  
Melanie Green  
[mgreen@mdeq.ms.gov](mailto:mgreen@mdeq.ms.gov)

Tabatha Baum  
[Tbaum@mdeq.ms.gov](mailto:Tbaum@mdeq.ms.gov)

Correta Jones  
[cjones@mdeq.ms.gov](mailto:cjones@mdeq.ms.gov)