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November 27, 2017

**RFP #18-668-0100-0002, Question and Response Sheet #1**  
**Professional Services for Natural Resource Damage Assessment and Restoration**

The Office of Natural Resources Trustee, (ONRT), received questions relating to RFP #18-668-0100-0002. The following are questions that were received by ONRT and the Agency's responses to those questions. This documentation shall become permanent and part of the Agency file.

1. **Question:** IV.B.1.C. One of the Mandatory Specifications states that "Offerors must include all potential responsible parties or responsible parties under state or federal law with a site or operations in New Mexico for whom they have provided work." Could ONRT provide a list of these PRPs or RPs to the offerors?

**Response:** An amendment to the RFP will be posted to replace Section IV.B.1.C. with the following: "Offerors must identify all entities with a site or operations in New Mexico for whom they have provided work."

2. **Question:** IV.B.1.C. One of the Mandatory Specifications states that "Offerors must include all potential responsible parties or responsible parties under state or federal law with a site or operations in New Mexico for whom they have provided work." Our company has been working for over 5 decades. Is there a time frame (number of years) over which this requirement applies?

**Response:** There is no time frame which this specification applies to.

3. **Question:** IV.B.7. "Offerors must provide labor categories appropriate to implement the scope of work." It's unclear to what scope of work this refers. Can you please clarify?

**Response:** The scope of work applies to the description in I.C. Specific task orders will be issued as they are needed.

4. **Question:** IV.B.6. "Two trustee client references must be provided for each proposed manager and senior level technical staff member." Does this requirement include subcontractors proposed at a senior level?

**Response:** Yes, two trustee client references must be provided for each proposed manager and senior level technical staff member including subcontractors proposed at a senior level.

5. **Question:** I.B, IV.A.4. Please clarify whether Offerors should anticipate a start date of February 2018 or March 2018 for proposal purposes.

**Response:** The contract is anticipated to begin in March 2018. An amendment to the RFP will be posted to correct the text on page 6.

6. **Question:** IV.B.10. This section (Pay Equity Reporting) states "A statement of concurrence with this requirement must be included in Offeror's submitted proposal." In which section of the proposal should this statement be included?

**Response:** Offerors should respond in the form of a thorough narrative to each mandatory specification as stated on Page 24, Section IV. Narrative should be included in Binder 1, Item c.

7. **Question:** V.B.3-7. Please confirm the alignment of evaluation factors in these sections to the mandatory specifications in Section IV.B. For example, should item V.B.3 reference Section IV.B.2, rather than IV.B.1?

**Response:** The evaluation factors in Section V.B. should align with the mandatory specifications in IV.B.1-11. An amendment to the RFP will be posted to correct the references in Section V.B.

8. **Question:** II.C.30.A; Appendix C, Section 22. The RFP states: "Out-of-state contractors that have no facilities and no employees working in New Mexico are exempt [from this reporting requirement] if the contract is directly with the out-of-state contractor and fulfilled directly by the out of state contractor, and not passed through a local vendor." That same language is omitted from the sample contract (Appendix C). Could the Agency please confirm that if an out-of-state Offeror is awarded a contract, the exemption would apply?

**Response:** As long as an out-of-state offeror meets the requirements for the exemption referenced in the RFP, the exemption would apply. For additional information on pay equity reporting and correlated exemptions, please see the following provided by the New Mexico State Purchasing Division:

<http://www.generalservices.state.nm.us/uploads/FileLinks/864df4748b2440569b3af8a95ce155d8/ContractorFAQs.pdf>

9. **Question:** Appendix C, Section 2 (Compensation), Paragraph B. This paragraph states "All invoices MUST BE received by the Agency no later than fifteen (15) days after the termination of the Fiscal Year in which the services were delivered," but the sample contract (and RFP) do not state the period of NM's fiscal year. Could you please confirm whether NM's FY runs July 1 through June 30 or some other period?

**Response:** The State of New Mexico's fiscal year does run from July 1<sup>st</sup> through June 30<sup>th</sup>.

10. **Question:** IV.B.5.(b)"Staff members in the RFP response will be bound by the contract. Any changes to proposed staff must be approved by the Agency." Does this apply to support and administrative staff (e.g., finance and contracts support, document editing, formatting support)?

**Response:** Yes, this applies to all staff members including support and administrative staff.

11. **Question:** IV.B.3.B. "Situation: There is disagreement between state, tribal, and federal co-trustees and the Responsible Party regarding the trusteeship of a natural resource. Offeror's response: Provide suggestions for how to address this issue so that the cooperative assessment process can proceed forward and eventually lead to settlement. Provide an example of a NRDA case you were involved with in which you facilitated such an issue, and explain your role in the case and lessons learned."

Given the potential sensitivities and precedential implications of disputes regarding trusteeship, responses to this question (including specific issues, facilitation roles, and lessons learned) could raise concerns for other Trustees, particularly given that responses to this RFP are not confidential or privileged. Can offerors instead provide hypothetical responses to the scenario and identify case examples in which issues regarding state-federal-tribal trusteeship were addressed?

**Response:** It is ONRT's preference that an actual example be provided. Specifics that would identify a state or facility state or facility are not required and exclusion of identification could provide a layer of protection of privileged information. If this is not feasible, a hypothetical could be provided.

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