

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

REMEDIATION DIVISION

VOLUME II

CERTIFICATIONS, AFFIRMATIONS, AND OTHER DELIVERABLES

Relating to

Superfund Engineering Services
(Service Type)

582-12-10084
(RFQ Number)

Wednesday, June 22, 2011 at 3:00 PM (Central Standard Time)
(Closing Date and Time)

STATEMENT OF QUALIFICATIONS SUBMITTED BY

(RESPONDENT'S Name)

(ENGINEER'S Program Director)

(Street Address)

(City, State, Zip)

(Telephone Number)

(Fax Number)

(Date Submitted)

VOLUME II CERTIFICATIONS, AFFIRMATIONS, AND OTHER DELIVERABLES

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List of Acronyms

| | |
|--------|--|
| CAD | Computer-Aided Design |
| CERCLA | Comprehensive Environmental Response, Compensation and Liability Act |
| CFR | Code of Federal Regulations |
| CPA | Comptroller of Public Accounts |
| ESBD | Electronic State Business Daily |
| EIN | Employer Identification Number |
| FS | Feasibility Study |
| GWTO | Groundwater Treatment Operation |
| GWTPO | Groundwater Treatment Plant Operator |
| HUB | Historically Underutilized Businesses |
| JV | Joint Venture |
| LPST | Leaking Petroleum Storage Tank |
| O&M | Operation and Maintenance |
| PE | Professional Engineer |
| PID | Photo Ionization Detector |
| PM | Project Manager |
| RAO | Remedial Action Oversight |
| RCRA | Resource Conservation and Recovery Act |
| RD | Remedial Design |
| RFQ | Request for Qualifications |
| RPR | Resident Project Representative |
| SOQ | Statement of Qualifications |
| SVOCs | Semi-volatile Organic Compounds |
| TCEQ | Texas Commission on Environmental Quality |
| TPASS | Texas Procurement and Support Services |
| VOCs | Volatile Organic Compounds |

VOLUME II - CERTIFICATIONS, AFFIRMATIONS, AND OTHER DELIVERABLES

I. GENERAL INSTRUCTIONS FOR THE PREPARATION OF THE STATEMENT OF QUALIFICATIONS

A. STATEMENT OF QUALIFICATIONS

Volume II is your Statement of Qualifications (SOQ). Review it carefully, sign it where signatures are required, fill in all required information, and attach all required documents. Hereinafter, "SOQ" means the complete Volume II Statement of Qualifications submitted by RESPONDENT in strict compliance with the requirements stated herein.

As stated in Volume I 0100 Introduction, responses to this Request for Qualifications (RFQ) will consist of **three** volumes and be delivered in two phases. Phase One is comprised of the SOQ response to Volume II. If the respondent has been determined qualified by TCEQ during Phase One, then Phase Two will be submitted in two separate parts. Part 1, Volume IIIA (INDIRECT, INTERNAL AND OTHER DIRECT AND LABOR RATE COST PROPOSAL), will first be requested by TCEQ. Part 2, Volume IIIB (UNIT RATE COST PROPOSAL), will be requested by TCEQ at a time following RESPONDENT's delivery of Part 1, Volume IIIA.

The directions for completing the SOQ presented in this RFQ need not be repeated in the SOQ. The SOQ shall be organized, using labeled tabs, according to the instructions of the RFQ.

B. SOQ LABELING AND ORGANIZATION

The SOQ shall be clearly labeled and organized as described in this RFQ. The RESPONDENT may not submit other documents and shall limit the SOQ to the number of pages and specific type of documents specified for each section. The SOQ shall be entirely reproducible in black and white. Statements of Qualifications using elaborate brochures, art work, expensive binding, or other complex visual aids are unnecessary.

The SOQ shall be organized as a series of tabs. Each section of this RFQ details the forms or information to be placed behind each tab.

| | |
|-------|---|
| TAB A | Signature Pages |
| TAB B | Business Entity Experience |
| TAB C | Organization and Management Approach |
| TAB D | Personnel |
| TAB E | General Deliverables |
| TAB F | Historically Underutilized Businesses (HUB) Subcontracting Plan (HSP) |

C. NUMBERS OF COPIES

One (1) original and three (3) copies of the SOQ shall be submitted. Each SOQ shall be placed in a single, separate, three-ring binder (therefore the total submittal shall consist of four (4) three-ring binders). Each binder shall have a full-size copy of the title page to this Volume II, with all blanks filled-in, inserted in a clear sleeve on the outside of the binder to serve as the cover of the binder. This same page shall be copied as the first page visible upon opening the binder to serve as the "title page." The required cover page and title page shall not be obscured or supplemented by any corporate logo or other corporate cover page.

On the cover page and title page, in the space provided below the "Date Submitted" line, RESPONDENT shall print, in letters approximately one (1) inch high, the word "ORIGINAL" on the SOQ bearing original signatures, seals and documents. In the same location and in the same manner, each of the copies shall be marked "COPY 1", "COPY 2", etc. through "COPY 3".

Each SOQ binder shall be placed in a sealed envelope labeled on the outside with all of the information contained on the cover/title page. The four (4) binders in envelopes comprising the entire SOQ shall be placed in a single box labeled on the outside with all of the information contained on the "ORIGINAL" cover/title page, which shall then be placed inside of any shipping box used to deliver the SOQ to the TCEQ.

Additionally RESPONDENT shall provide a CD ROM disc with a complete copy of their SOQ as an Adobe Acrobat™ (.pdf) file, and in MS Word 2007 and MS Excel 2007.

D. PAGES OF THE SOQ

All pages of the SOQ shall be submitted on standard 8½ by 11 inch paper. A "page" is considered either the front or the back of a standard 8½ by 11 inch paper (in other words a piece of paper with printing on two sides will be counted as two pages). Unless otherwise specified, page limits include any tables, diagrams, maps, charts, figures, text or other depictions. Each page of the SOQ shall be numbered consecutively as "SOQ, Page x of y", where "x" is the page number and "y" is the total number of pages of SOQ. Additionally, each page of SOQ shall be labeled at the bottom with the RESPONDENT'S name, copy number, date and solicitation number shall be included in all the footers of all the copies. Electronic copies of all the forms shall be provided to all RESPONDENTS.

E. SIGNATURES

Section II. A. (Checklist of Deliverables) of Volume II of this RFQ requires the signature of the ENGINEER'S Program Director and ENGINEER'S Alternate Program Director certifying that all the deliverables and certifications and affirmations are included in the SOQ. Each RESPONDENT shall complete and sign the Checklist of Deliverables. Failure to sign the Summary or fully complete any certification may disqualify the SOQ.

F. RESPONDENT'S QUALIFICATIONS AND PAGE LIMITS

Section III of Volume II of this RFQ is the RESPONDENT'S Qualifications. This section requires the RESPONDENT to submit a response to several different topics, which will be used to evaluate the RESPONDENT'S Qualifications. Allowable page limits for each part of the Technical Qualifications are listed in Section III RESPONDENT'S Qualifications. Any information provided by the RESPONDENT in excess of the allowable page limits will not be evaluated.

G. HUB REQUIREMENTS

The RESPONDENT'S HUB Subcontracting Plan referenced in Section V and included in Tab F will be used to evaluate the RESPONDENT'S commitment to meet HUB requirements.

II. SIGNATURE PAGES (TAB A)

There are signature pages and sign off sheets that must be submitted. Please file these under Tab A.

A. CHECKLIST OF DELIVERABLES

The "Checklist of Deliverables" is to be signed and placed in Tab A. It may also be used as a checklist while preparing the SOQ.

B. GENERAL CERTIFICATIONS AND AFFIRMATIONS

Following the "Checklist of Deliverables" is the "General Certifications and Affirmations". There are several blanks within the text which are to be filled out by the preparer of the SOQ. This document is to be signed and placed in Tab A after the "Checklist of Deliverables".

III. RESPONDENT'S QUALIFICATIONS (TAB B)

Each of the required sections of this SOQ will be evaluated using a numerical scale and pass/fail process by the TCEQ Review Committee. The guidelines contained in this section shall be construed as minimum requirements for acceptance of the SOQ. Failure to meet the requirements of any one of the Pass/Fail elements listed in Volume I Section 0200 may result in the SOQ being disqualified.

The purpose of the SOQ is to allow each RESPONDENT the opportunity to describe its knowledge, experience and expertise in performing the tasks identified in the RFQ, its understanding of the CONTRACT'S scope, its proposed personnel and the structure of its organization; such that the TCEQ can evaluate the RESPONDENT'S qualifications to provide the services listed in the Specifications.

A Respondent maybe requested to provide additional information to clarify the SOQ. Not all RESPONDENTS may be requested to provide additional information (written or verbal presentations).

The total (100%) score for the RESPONDENT'S qualifications will be divided into Business Entity Experience, Organization and Management Approach and Personnel. The maximum percentage available for Business Entity Experience is twenty-five percent (25%). Organization and Management Approach is twenty percent (20%). The Personnel category is fifty-five percent (55%) and is comprised of Staffing Structure (10%) and Personnel Resumes (45%). Company Qualifications (including Business Entity Experience, Organization and Management, and Staffing Structure) will be evaluated to develop a list of companies determined by TCEQ as qualified to participate in subsequent sections of the evaluation. Only companies whose scores are sufficient to pass the Company Qualification portion of the evaluation will continue in the Personnel Resume evaluation. Only after the RESPONDENT'S total qualifications (including Company Qualifications and Personnel Resumes) have been determined, will Price Negotiations be entered into with RESPONDENTS determined by TCEQ to be qualified, as described in Section I A.

| |
|---|
| Qualifications 100% |
| Business Entity Experience 25% |
| Organization and Management Approach 20% |
| Personnel 55% Comprised of Staffing Structure (10%) and Personnel Resumes (45%) |
| Total 100% |

Listed below are general descriptions of the major project phases of environmental engineering services that are included in this solicitation:

- **Feasibility Study (FS):** Develop and evaluate remedial action alternatives which meet the criteria specified in the Texas Health and Safety Code, the NCP and any other applicable state or federal Laws or Regulations.
- **Remedial Design (RD):** Develop technical drawings and specifications for the use of the TCEQ to implement the selected remedy as specified in the Record of Decision or the Remedy Selection Document.
- **Remedial Action Oversight (RAO):** Oversee and manage the implementation of remedial action/removal activities and construction activities that utilize Owner-Contractor/Owner-Engineer contracts.
- **Operation and Maintenance (O&M):** Evaluate implemented remedy and conduct long term operation and/or maintenance activities. Conduct evaluations of implemented remedies and maintenance activities.
- **Groundwater Treatment Operation (GWTO):** Evaluate the effectiveness of the pump and treat system and conduct operation and maintenance of a groundwater treatment system.

The submitted SOQ must be a complete description of the RESPONDENT'S capability and experience to meet and perform the requirements of this solicitation.

The RESPONDENT'S Qualifications are organized into three broad sections and shall not exceed the number of pages, if any, specified for each section. Pages limits include any tables, diagrams, charts, figures or text unless specifically noted.

A. BUSINESS ENTITY EXPERIENCE (25 %) (Tab B)

The purpose of this section is to provide information such that the TCEQ can evaluate the RESPONDENT'S capability and experience to provide services under this solicitation. The RESPONDENT'S response to this section (Business Entity Experience) will represent twenty-five percent (25%) of the overall score of the SOQ.

RESPONDENTS will be evaluated on:

- Technical experience at a wide variety of sites contaminated with hazardous substance addressing the various phases of potential work listed in this solicitation (i.e., FS, RD, RAO, O&M and GWTO);
- The variety of corporate experiences in a variety of remedial technologies, classes of contaminants of concern and the type of media addressed;
- Primary emphasis will be placed on design and construction oversight work experiences;
- Demonstrated knowledge of relevant federal and Texas Specific Rules and Regulations;
- Seven Case Histories; and
- Superfund Projects or projects with similar complexity (LPST experience will not be considered unless it is demonstrated by the RESPONDENT to be significantly complex).

1. GENERAL BUSINESS ENTITY INFORMATION

The RESPONDENT shall provide the required information by completing Form III.A.1 (General Business Entity Information). Additional pages of this table may be included as necessary in the SOQ. If the RESPONDENT is a Joint Venture (JV), the RESPONDENT must so state and, in addition to Form III.A.1 (General Business Entity Information), provide the following information under Tab B:

- Proof of registration with the Texas Board of Professional Engineers. If the JV is not registered with the Texas Board of Professional Engineers, the JV must provide evidence that it applied for registration prior to submitting the SOQ. If the JV is requested to submit Volume IIIA, Indirect, Internal Other Direct and Labor rate Cost Proposal, it must submit proof that it is proceeding at a reasonable rate in obtaining the registration. If at any time it appears that the JV is not proceeding at a reasonable rate TCEQ may reject the JV's solicitation. The JV must submit proof of registration with the Texas Board of Professional Engineers by the due date for conclusion of negotiations.
- The JV's Vendor Identification Number from the Comptroller of Public Accounts.

2. EXECUTIVE SUMMARY (1 page limit)

The Executive Summary shall demonstrate the RESPONDENT'S overall understanding of the work required under this solicitation and shall describe any unique capabilities the RESPONDENT possesses which would add value to the services provided to the TCEQ. RESPONDENT shall describe its corporate experience in providing services that are similar to the work described in this RFQ. (The required experience of individual personnel shall be described under Section III.C. Personnel, and may not be considered toward the corporate experience of the business entity). The Executive Summary is a narrative prepared by the RESPONDENT and placed under Tab B.

3. SEVEN CASE HISTORIES WITH REFERENCES (1 Form and 1 page of text per each case history)

RESPONDENT shall submit 7 project Case Histories which demonstrate the RESPONDENT'S capability to perform the work required under this solicitation. The Case Histories should

demonstrate the RESPONDENT'S experience in managing contracts requiring multi-disciplinary teams and its ability to resolve problems similar to those that may be encountered under the Contract. Each Case History shall include the Form III.A.3 (Case History) and one page of text describing the case. (*Reference Notification Letters for Case Histories Attachment III.C.3.A will be included in Tab D with Personnel Reference Notification Letters*)

The TCEQ may contact and interview a representative of the client for each Case History. Case Histories whose references cannot be reached for any reason (including but not limited to: those clients whose names cannot be listed or released under the State or Federal Open Records Acts, who are unwilling to have their evaluations released or who simply do not wish to be contacted) must not be used. If TCEQ is unable to interview references for any reason, the SOQ will be evaluated as if the Case History and reference information had not been supplied.

The TCEQ reserves the right to perform reference checks for some or all Case Histories but is not required to do so. Any information obtained during a reference check that is inconsistent with representations made in the response or supporting documents may affect the qualification of the RESPONDENT.

Case Histories shall meet the following requirements:

- 7 Case Histories forms shall be submitted. It is acceptable to present two Case Histories for the same site.
- Each Case History must not exceed two pages.
- 5 of the 7 Case Histories must have been completed within the last ten years.
- At least 5 of the 7 Case Histories must be projects for which RESPONDENT was the Prime Contractor (or if not, for which RESPONDENT provided project management, but in this case RESPONDENT must submit an explanation showing that RESPONDENT managed the project in spite of being in a Subcontractor role).

The Case Histories shall be submitted and numbered in the following order:

- 1) **Case History 1:** 1 case history demonstrating RESPONDENT'S experience in conducting a feasibility study.
- 2) **Case History 2:** 1 remedial design project which must include excavation and on-site containment or off-site disposal as the major elements of the design.
- 3) **Case History 3:** 1 remedial design Case History which must include stabilization of waste as the major element of the design (preference will be given if the project involves the stabilization of organic waste).
- 4) **Case History 4:** 1 remedial design Case History which must include the design of a treatment system for groundwater or wastewater contaminated with hazardous constituents.
- 5) **Case History 5:** 1 remedial action oversight Case History which must include the administration, and oversight of the implementation, of on-site containment such as a landfill or similar.
- 6) **Case History 6:** 1 remedial action oversight Case History which must demonstrate oversight

and management of the implementation of remedial action/removal activities where the Respondent represented the Owner while overseeing an RA Contractor (preference will be given if the project involves Owner-RA Contractor/Owner-Engineer contracts).

- 7) **Case History 7:** 1 Case History must be related to the evaluation, operation and management of a groundwater treatment system.

RESPONDENT must include the following information for each Case History:

- Name and location of the Project;
- Phase of work (e.g., FS, RD, RAO) and waste management technology of the primary component of the project (i.e., containment, disposal, stabilization, pump and treat);
- RESPONDENT'S role in the project (Prime or Subcontractor);
- Name of the Client and Client Representatives with contact information including mail address, telephone number and email address. One project may be from a confidential client;
- RESPONDENT must use Reference Notification Letter Form (Attachment III.C.3.A) to inform clients that TCEQ will contact them regarding the Case Histories. A copy of the Reference Notification Letter for each Case History must be submitted along with the SOQ in Tab D (the letter will not count toward the page limits);
- Contract Scope and Total Project Costs (amount performed by RESPONDENT and amount and scope of Subcontracts);
- Period of Performance (if the project is currently in progress an estimated completion date must be provided);
- Segment/Region (profit centers) of RESPONDENT'S Business Entity responsible for the project;
- Name of the Project Manager, Project Engineer and other Key technical personnel (specify whether these personnel are still with the business entity);
- Brief description of services provided, areas or fields of expertise involved, relevant management and technical experience and how this project experience relates to the scope described in this RFQ;
- The corrective actions taken for the problems encountered (cost over-runs, schedule over-runs);
- The primary class of contaminants of concern (i.e. metals, VOCs, SVOCs, pesticides) and media of concern (soil, sediment, surface water, groundwater, other);
- Whether or not the plans and specifications produced were performance or prescriptive based (if the project involved RD); and
- Whether or not the project was conducted under a design-build (turnkey construction)

contract.

B. ORGANIZATION AND MANAGEMENT APPROACH (20%) (TAB C)

The purpose of this section is to provide information such that the TCEQ can evaluate whether the RESPONDENT has adequate management structure and operating procedures to control, coordinate and keep records to provide services in a timely manner. The RESPONDENT'S response to this section (Organization and Management Approach) will represent twenty percent (20%) of the overall score of the SOQ.

RESPONDENT will be evaluated on:

- the approach to planning and organizing CONTRACT activities as presented in the RFQ, including the management of subcontractors and the roles and responsibilities of KEY PERSONNEL;
- the extent to which it can meet the requirements of the CONTRACT through clear lines of authority, communication and responsibility;
- the ability to integrate the complex tasks of the RFQ and oversee concurrent implementation;
- the ability to resolve potential problems arising during CONTRACT performance;
- the approach to commit personnel and maintain a high degree of responsiveness to the periodic, unpredictable nature of activities associated with the RFQ;
- the ability to effectively track project schedule and budget and ensure timely invoicing; and
- primary emphasis will be given to RESPONDENTS with more than one office in Texas.

1. PROJECT MANAGEMENT

In this section, the RESPONDENT shall describe its overall proposed management structure for performing the requirements set forth in the RFQ. The RESPONDENT must submit a written narrative describing its approach to planning, organizing, and controlling contract activities as described in the RFQ, so as to ensure effective, efficient, timely, and responsive support. Complete Form III.B.1 (Project Management) and place behind Tab C. The RESPONDENT shall provide details on:

- the roles and responsibilities of all individuals identified in the Organizational Chart, and how they will be effectively incorporated into the overall management structure under the CONTRACT;
- the procedures for planning and resource management to ensure that Work Orders issued by TCEQ will be completed in an effective, efficient, timely and responsive manner.
- the procedures for obtaining resources (the services of personnel) with additional or specialized expertise or process or situational knowledge or experience who are not currently included under the SOQ whether or not the resources are within the

corporation;

- the procedures for communication, interaction and authority between managers and other KEY PERSONNEL and non-key personnel from within the same office and outside of the Contracting Office;
- the procedures for soliciting and awarding subcontracts for nonprofessional services for this contract and subsequent Work Orders, including: how these procedures ensure competition, control costs and expedite subcontract procurement; and how equipment, supplies and other materials, necessary for the completion of the work will be acquired, provided, stored and maintained;
- the procedures for soliciting and awarding subcontracts for professional services using the procedures of the Professional Service Procurement Act including the procurement of engineering and survey services and how these procedures ensure quality and price reasonableness;
- the procedures for anticipating, communicating and resolving potential problems; and
- a description of how the RESPONDENT plans to organize and manage resources for effective, efficient, timely and responsive support if issued multiple Work Orders simultaneously with little or no advance warning; and
- a description of how the RESPONDENT shall fulfill the CONTRACT requirements if workloads exceed the capacity of the resources identified in this RFQ.

If other divisions, subsidiaries, a parent corporation or affiliated companies will perform work or furnish materials under this contract, the inter company pricing policy must be provided as an attachment to Volume III B if Volume III B is requested.

2. ORGANIZATIONAL CHART

The organizational chart shall be placed behind Tab C. This section shall include an organizational chart or diagram showing:

- management structure and lines of communication and authority between the TCEQ, the RESPONDENT, subcontractors and other vendors;
- the function of each subcontractor and other vendor; and
- the name and responsibilities of each KEY PERSONNEL.

3. OFFICE LOCATIONS LIST

The RESPONDENT shall provide a list of the physical location and addresses of RESPONDENT'S offices organized as follows: Contracting Office (office where ENGINEER'S Program Director is situated), offices in Texas and other offices within the U.S. If applicable the offices of the vendors or subcontractors that provide core functions under the contract. The Office Locations List shall be placed behind Tab C.

4. WORK ORDER MANAGEMENT

RESPONDENT must describe in detail how it intends to plan and manage performance of work under individual Work Orders issued by TCEQ to meet the requirements of the CONTRACT. Complete Form III.B.4 (Work Order Management) and place it under Tab C. The following information must be provided:

- The level of authority (receiving, assigning, and supervising work) and responsibility delegated to the project manager and other KEY PERSONNEL;
- The procedures and tools to be used to develop and track Work Orders, schedules, and budgets. Whether or not these procedures and tools are currently in use by the RESPONDENT'S business entity, and the number of KEY PERSONNEL currently trained in their use;
- How the budget status will be communicated between offices and the personnel performing the work;
- The frequency with which budget status for current projects are updated and available to the project manager, other KEY PERSONNEL, and the TCEQ;
- How subcontractor's costs are incorporated, updated and tracked in the overall budget management system; and
- The procedures for ensuring timely invoicing (within 30 days of work being completed by RESPONDENT and their subcontractor).

C. PERSONNEL (55%) (TAB D)

The purpose of this section is to provide information so that the TCEQ can evaluate the experience, credentials and knowledge of the personnel proposed to work under the CONTRACT. The RESPONDENT'S response to this section (Personnel) will represent fifty-five percent (55%) of the overall score of the SOQ and is comprised of **Staffing Structure (10%)** and **Personnel Resumes (45%)**.

The RESPONDENT will be evaluated on:

- The proposed KEY PERSONNEL'S demonstrated management and technical experience as applicable to their labor category.
- Whether their past experiences are comparable to work contemplated in this contract.
- The depth of the technical experience of the RESPONDENT'S staff as it relates to the various remedial technologies.
- The RESPONDENT'S staffing capacity, including non-key personnel, to support Work Orders
- Primary emphasis will be placed on design and remedial action oversight work experience.

- Greater consideration will be given to RESPONDENTS with resources located in Texas.

1. TCEQ LABOR CATEGORIES

The TCEQ Labor Categories anticipated for this CONTRACT are listed in **Form III.C.1** (Labor Categories) with minimum qualifications and descriptions of typical duties performed by each Labor Category. These Labor Categories, which correspond to the hourly pay items provided in the Specifications, may not be altered. TCEQ labor categories that are considered Key Personnel are also identified in **Form III.C.1** (Labor Categories).

For the purposes of the SOQ only, no more than two (2) of the required minimum four (4) proposed Project Engineer personnel may have a pending Texas PE License application. RESPONDENT must include with its SOQ an affidavit signed by both the applicant and the RESPONDENT attesting that a complete TX PE Application has been submitted to the Texas Board of Professional Engineers prior to submittal of the SOQ to the TCEQ. RESPONDENT shall add "TX PE Pending" after that individual's name in all tables and resumes where the individual's name appears in the SOQ. **Throughout the term of the Contract, all Project Engineers shall be licensed in the state of Texas.**

In order to ensure that adequate resources are available for the variety of work anticipated for this CONTRACT, the RESPONDENT must propose and maintain the following minimum number of individuals in the Key Labor Categories:

- Four (4) Project Engineers (PE) - maximum six (6);
- Three (3) Project Managers (PM) - maximum six (6);
- Three (3) Resident Project Representatives (RPR) - maximum three (3); and
- One (1) Groundwater Treatment Plant Operator (GWTPO) - maximum three (3).
- **If resumes are submitted that exceed the maximum number of individuals that may be proposed for this SOQ, the additional resumes will not be evaluated.**

All Project Managers, all Project Engineers, and 25% of all other Engineers must be direct employees of the RESPONDENT.

2. EXPERIENCE OF KEY PERSONNEL IN ROLE/PHASE/TECHNOLOGY COMBINATIONS

Work to be performed under this CONTRACT will vary with the phase being conducted and the waste management technology utilized at the site. Table 1 lists the phase/waste management technologies expected to be utilized most frequently under the CONTRACT and the minimum number of KEY PERSONNEL for each media technology and phase which must be provided for the purpose of this RFQ. Using **Form III.C.2** (Key Personnel for Phase and Waste Management Technologies), the RESPONDENT must list the names of all staff intended to fill each role. Key Personnel for other phases or waste management technologies that may be utilized for the duration of the contract will be approved at the time of Work Order execution.

Table 1: Key Personnel for Phase and Waste Management Technologies

| Phase/ Media | Soil and Sludge (including Containment Cap/Cell ¹ and Stabilization ²) | Groundwater (including Groundwater treatment ³ , Containment ⁴ , and in-situ) |
|-------------------------|--|---|
| RD | PE (1) | PE (1) |
| RAO | PE (1) RPR (1) | PE (1) RPR (1) |
| O&M | | GWTP0 (1) |

The number in parentheses indicates the minimum number of Key Personnel that must have experience in the media technology and phase. The PE for FS, O&M, and other engineering activities will be approved on a site specific basis.

1 Includes cap/cover in situ, new cell construction, leachate systems, and excavation for consolidation or off-site disposal.

2 Stabilization of soil and sludge with metal and organic contaminants (for placement in on-site cell or as pre-treatment for off-site disposal).

3 Includes systems for ex-situ active treatment of contaminated waters from all sources.

4 Includes slurry walls and other engineered plume containment systems.

Key Personnel proposed to fulfill the roles identified in Table 1 must demonstrate the following experience in addition to fulfilling the minimum qualifications for the applicable labor category:

- At least two (2) years experience in the role, phase and waste management technology for which they are proposed. **Experience in the role means the person must have been the primary (not supporting) person responsible for similar project activities;** and
- A minimum of two (2) key projects for each proposed key personnel, including one (1) key project for each media technology and phase for which they are proposed.
- Key Personnel (PE and RPR) proposed to fulfill roles during the remedial action oversight phase must possess experience in management and oversight of construction using Owner>Contractor and Owner>Engineer contracts. Turnkey or design built construction by the engineer or oversight of construction by subsidiaries or partners of the engineer may not be applicable experience credit.

3. RESUMES OF KEY PERSONNEL

The RESPONDENT must include a resume for all personnel proposed as KEY PERSONNEL except the Program Director. **The key projects shall describe the individual’s work and not the company’s work.** The work history of each individual as it relates to the areas of the solicitation for the labor category in which the person is being proposed shall be clearly described. The required format for KEY PERSONNEL resumes is included as **Form III.C.3** (Resume Parts 1 and 2). All of the information requested in **Form III.C.3** (Resume Parts 1 and 2) must be included.

One (1) reference (including contact information) must be included for each of the KEY

PROJECTS. The reference should be able to discuss the key project and the proposed KEY PERSONNEL'S role. The TCEQ reserves the right to perform reference checks for some or all personnel but is not required to do so. Any information obtained during a reference check that is inconsistent with representations made in the response or supporting documents, including resumes, may affect the qualification of the RESPONDENT.

- A brief description of technical expertise shall be included.
- A list of degrees, certificates, and active professional registrations, including the institution from which the degree or certificate was earned, and the year of graduation or initial registration, must be included in the Credentials section of the Resume.
- The Employment History must include title or role, company and the specific years employed in that capacity. A brief description of the type of work conducted with the business entity shall be included.

If a person is proposed for more than one (1) Labor Category (Form III.C.1), separate resumes (Form III.C.3) must be submitted for each Labor Category.

Every Resume must include a **minimum of two (2) Key Projects**. The required number of Key Projects per Resume is explained below:

- Project Managers and Groundwater Treatment Plant Operators shall include exactly two (2) key projects with their resumes.
- Project Engineers and RPRs listed in Form III.C.1 but not in Form III.C.2 shall include exactly two (2) key projects with their resumes.
- Project Engineers and RPRs who are listed only once in Form III.C.2 shall include exactly two (2) key projects, one (1) of which demonstrates the applicable phase of work.
- Project Engineers and RPRs who are listed twice in Form III.C.2 shall include one key project to demonstrate each applicable phase of work, for a total of two (2) key projects.
- Project Engineers who are listed three times in Form III.C.2 shall include one key project to demonstrate each applicable phase of work, for a total of three (3) key projects.
- Project Engineers and RPRs who are listed four times in Form III.C.2 shall include one key project to demonstrate each applicable phase of work, for a total of four (4) key projects.

Only those projects where the person had the primary (not the supporting) responsibility shall be included. This must be clearly stated and indicated on the resume.

For key projects in the Project Engineer labor categories, the proposed Project Engineer must have been the "Engineer of Record". This must be clearly stated and indicated on the resume.

The following information shall be included for each Key Project which demonstrates the person's experience relevant to the labor category for which the person is proposed:

- name of the Key Project;

- a brief summary of the project;
- a brief description of the specific role performed by the person;
- a labor category for which the project is intended to demonstrate the person's relevant experience;
- duration of the project;
- project End Date; and
- reference name, reference contact including mailing address, telephone number and email address.

The TCEQ may contact and interview any Key Project reference. Key Projects whose references cannot be reached for any reason (including but not limited to: those clients whose names cannot be listed or released under the State or Federal Open Records Acts, who are unwilling to have their evaluations released or who simply do not wish to be contacted) shall not be used. RESPONDENT must use the Reference Notification Letter Form (Attachment III.C.3.B) to inform all references that TCEQ will contact them regarding the Key Projects. A copy of the Reference Notification Letter for each Reference must be submitted in Tab D (the letter does not count toward the page limits).

The TCEQ reserves the right to perform reference checks for some or all personnel but is not required to do so. Any information obtained during a reference check that is inconsistent with representations made in the response or supporting documents, including resumes, may affect the qualification of the RESPONDENT. **If TCEQ is unable to interview reference for any reason, the SOQ will be evaluated as if the Key Project and reference information had not been supplied.**

Spreadsheet-1 (List of References) is provided for the RESPONDENT to fill in all the references being contacted via the Reference Letters. Spreadsheet-1 (List of References) is to be submitted electronically and placed under Tab D.

It is preferred that resumes are signed and dated by the employee.

All resumes and notification letters shall be placed under Tab D, sorted by Key Personnel category.

IV. GENERAL DELIVERABLES (TAB E)

A. CERTIFICATE OF ACCOUNT STATUS AND LETTER OF EXISTENCE

The RESPONDENT shall include a Certificate of Account Status issued by the Texas Comptroller of Public Accounts which establishes that the RESPONDENT is current with any and all taxes, if any, due to the State of Texas. If the RESPONDENT is a corporation, either Texas or foreign, a Letter of Existence issued by the Texas Secretary of State shall be included in the Statement of Qualifications.

B. CORPORATE RESOLUTION

RESPONDENT shall provide a signed corporate resolution stating that the person executing this Statement of Qualifications (ENGINEER'S Program Director) and the ENGINEER'S Alternate Program Director have the authority to bind the corporation to all terms and conditions of the RFQ Requirements, the Contract Documents, any Contract and all documents necessary to complete the contracting process. If the RESPONDENT is not a corporation then no resolution is required.

C. EXPLANATION IN LIEU OF CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

If the RESPONDENT is unable to certify to any of the statements contained in the Certification Regarding Debarment, Suspension and Other Responsibility Matters (paragraph C. 8), then an explanation shall be included in the Statement of Qualifications. Use as many pages as necessary.

D. DISCLOSURE OF LOBBYING ACTIVITIES

If the RESPONDENT has or will pay any person for lobbying activities pursuant to 31 U.S.C. Section 1352 from funds other than Federal appropriated funds, please fill out and include Standard Form LLL - Disclosure Form to Report Lobbying Activities in the Statement of Qualifications. Use the continuation sheet if necessary.

E. SOCIAL SECURITY NUMBERS

If Social Security numbers are required to be submitted under any of the Certifications or Affirmations above, RESPONDENT must submit social security numbers on a separate sheet of paper clearly labeled "Social Security Numbers." The separate sheet of paper must be attached to the Statement of Qualifications. RESPONDENT must indicate which Certification(s) or Affirmation(s) it is responding to.

F. EXPLANATION IN LIEU OF AFFIRMATION RELATING TO RELEASE OF HAZARDOUS WASTE

If RESPONDENT is unable to affirm that it has not been adjudicated during the preceding three-year period to have committed violations resulting in an actual release of hazardous waste, RESPONDENT must include a full, true and correct explanation of all the circumstances surrounding the adjudication.

G. ALTERNATE CERTIFICATION OF AUTHORITY TO SIGN STATEMENT OF QUALIFICATIONS, COST PROPOSAL (if requested), OR ANY RESULTING CONTRACT

If required under the Certification of Authority to Sign Statement of Qualifications, Cost Proposal (if requested), or Any Resulting Contract, the RESPONDENT must submit an "ALTERNATE CERTIFICATION OF AUTHORITY TO SIGN SOQ, COST PROPOSAL (if requested), OR ANY RESULTING CONTRACT."

H. EXPLANATION IN LIEU OF VIOLATING FACILITIES CERTIFICATION

If RESPONDENT is unable to certify that it has not been convicted of an offense described in 40 CFR §32.1105 or that it is in compliance with all applicable standards, orders or requirements issued under Executive Order 11738 and with any applicable laws or EPA regulations which prohibit the awarding of nonexempt Federal contracts, subcontracts, grants, loans, or nonprocurement benefits to facilities included in the EPA List of Violating Facilities, RESPONDENT must include a full, true and correct explanation of its inability to make the certification.

I. EXPLANATION IN LIEU OF CERTIFICATION REGARDING HEAD OF STATE AGENCY

If the RESPONDENT is unable to certify to any of the statements contained in the Certification regarding Head of State Agency, then RESPONDENT must include the following information on a separate page with the deliverables:

Name of Former Executive:

Name of State Agency:

Date of Separation from State Agency:

Position with RESPONDENT:

Date of Employment with RESPONDENT or Date of Ownership of RESPONDENT:

J. CERTIFICATION FOR JOINT VENTURES

If the SOQ is being submitted by a Joint Venture, then please insert the Certification for Joint Ventures with the Deliverables.

V. HISTORICALLY UNDERUTILIZED BUSINESSES (HUB) SUBCONTRACTING PLAN (HSP) (TAB F)

All forms and information regarding HUB is to be placed behind Tab F.

VI. FORMS AND ATTACHMENTS FOR RESPONDENT USE

This section has all the TCEQ supplied forms and attachments that the RESPONDENT needs to complete and return with their SOQ. These forms and attachments are arranged below in the final Tab structure of the SOQ. This list also includes documents and forms that are acquired from outside this RFQ (i.e. Organization charts, etc).

To be included under Tab A:

Checklist of Deliverables

General Certifications and Affirmations

To be included under Tab B:

Form III.A.1 General Business Entity Information

Attachment III.A.2 Executive Summary

Form III.A.3 Case History

To be included under Tab C:

Form III.B.1 Project Management

Attachment III.B.2 Organization Chart
Attachment III.B.3 Office Locations List
Form III.B.4 Work Order Management

To be included under Tab D:

Form III.C.1 Labor Categories
Form III.C.2 Key Personnel for Phase and Waste Management Technologies
Form III.C.3 Resume Form (Parts 1 and 2), sorted by Key Personnel category
Spreadsheet-1 List of References
Attachment III.C.3.A Case History Reference Notification Letters
Attachment III.C.3.B Key Personnel Reference Notification Letters (sorted by Key Personnel Category)

To be included under Tab E:

Certification for Joint Venture

To be included under Tab F:

HUB Subcontracting Plan

VII. CHECKLIST OF DELIVERABLES - SIGNATURE PAGE

A list of required certifications, affirmations, and deliverables required in the Statement of Qualifications (SOQ) is included below. With a signature on the following signature page, the RESPONDENT certifies that it has reviewed the following certifications, affirmations, and deliverables and that all certifications and affirmations are true and correct and that all required deliverables are included in the Statement of Qualifications.

Signature Pages (Tab A)

Checklist of Deliverables – Signature Page

General Certifications and Affirmations

- Certification of Receipt of All Addenda to RFQ
- Certification of Authority to Sign Statement of Qualifications, Cost Proposal (if requested), or Any Resulting Contract
- Certification of Texas Corporation or Foreign Corporation Authorized to do Business in the State of Texas
- Certification of Franchise Tax
- Certification of Eligibility to Receive this Contract
- Certification of Vendor Identification Number or Federal Identification Number or Sole Owner's Social Security Number
- Certification Regarding Conflict of Interest
- Certification Regarding Debarment, Suspension and Other Responsibility Matters
- Affirmation Relating to Release of Hazardous Waste
- Certification of Non-segregated Facilities
- Certification Regarding Drug-Free Workplace Requirements
- Certification Regarding Litigation and Lobbying
- Certification of Minimum Requirements
- Certification Concerning the Provision of Materials, Supplies, Equipment and Other Necessary Resources
- Certification that the Business Entity is Eligible to Receive Payment Because Child Support Payments are Current
- Certification of Child Support Information
- Certification of Quality
- Certification of Assignment of Overcharges
- Certification that Statement of Qualifications is Valid for 180 Days and Contains No False Statements
- Certification Concerning Registration with the Texas Board of Professional Engineers
- Certification of Intent to Enter into a Contract with the TCEQ
- Certification of Accounting System
- Certification Regarding Violating Facilities
- Certification Regarding Head of State Agency
- Certification for Joint Ventures (If Applicable)

RESPONDENT'S Qualifications

Business Entity Experience (Tab B)

- General Business Entity Information
- Executive Summary
- Case Histories

Organization and Management Approach (Tab C)

- Project management
- Organization Chart
- Office Locations List
- Work Order Management

Personnel (Tab D)

- Labor Categories
- Key Personnel for Phase and Waste Management Technologies
- Resume Form (Parts 1 and 2), sorted by Key Personnel category
- Spreadsheet-1 List of References
- Case History Reference Notification Letters
- Key Personnel Reference Notification Letters (sorted by Key Personnel Category)

General Deliverables (Tab E) –

The prepared documentation should be placed behind Tab E, when a response is required, for any of the Tab A General Certifications and Affirmations

- Certificate of Account Status and Letter of Existence
- Corporate Resolution
- Explanation in Lieu of Certification Regarding Debarment, Suspension, and other Responsibility Matters
- Disclosure of Lobbying Activities
- Social Security Numbers
- Explanation in Lieu of Affirmation Relating to Release of Hazardous Waste
- Alternate Certification of Authority to Sign SOQ, Cost Proposal (if requested), or Any Resulting Contract
- Explanation in Lieu of Violating Facilities Certifications
- Explanation in Lieu of Certification Regarding Head of State Agency
- Certification for Joint Ventures

Historically Underutilized Businesses (HUB) Subcontracting Plan (HSP) (Tab F)

RESPONDENT: _____

BY:

BY:

(Signature of ENGINEER'S Program Director)

(Signature of ENGINEER'S Alternate Program Director)

(Printed Name of ENGINEER'S Program Director)

(Printed Name of ENGINEER'S Alternate Program Director)

(Title of ENGINEER'S Program Director)

(Title of ENGINEER'S Alternate Program Director)

Date

Date

GENERAL CERTIFICATIONS AND AFFIRMATIONS

1. CERTIFICATION OF RECEIPT OF ALL ADDENDA TO RFQ

The RESPONDENT hereby certifies that it has received all listed Addenda (1- _____) to RFQ

| ADDENDUM | DATE |
|----------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

2. CERTIFICATION OF AUTHORITY TO SIGN STATEMENT OF QUALIFICATIONS, COST PROPOSAL (IF REQUESTED), AND ANY RESULTING CONTRACT

The person signing the signature page of this Statement of Qualifications is the ENGINEER’S Program Director and has authority from the RESPONDENT to sign the Statement of Qualifications and Contract and that such authority will bind the RESPONDENT to the Statement of Qualifications, the Volume IIIA Cost Proposal (if requested), and any subsequent Contract. Furthermore, the RESPONDENT certifies that _____ is the ENGINEER’S Alternate Program Director and also has authority from the RESPONDENT to sign the Statement of Qualifications the Volume IIIA Cost Proposal (if requested), and any subsequent Contract . RESPONDENT certifies that both the ENGINEER’S Program Director and ENGINEER’S Alternate Program Director will be available by telephone and to attend meetings as may be appropriate regarding its Statement of Qualifications.

If the requirements of the SOQ, Cost Proposal, or any resulting Contract exceeds the ENGINEER’S Program Director’s and the ENGINEER’S Alternate Program Director’s signature authority, then the RESPONDENT shall submit, as a deliverable, a paper entitled “ALTERNATE CERTIFICATION OF AUTHORITY TO SIGN SOQ, COST PROPOSAL (if requested), OR ANY RESULTING CONTRACT”. The Alternate Certification Information shall contain the name and title of the person that has authority from the RESPONDENT to sign the SOW, Cost Proposal, or any resulting Contract. It shall also contain a contact address for the person and their telephone and fax numbers. By providing this alternate information the RESPONDENT is certifying that the person listed in the Alternate Certification Information has authority from the RESPONDENT to sign the SOQ, Cost Proposal, or any resulting Contract, which will bind the corporation to all terms and conditions of the SOQ, Cost Proposal, or any resulting Contract. This will in no way change any other authority or responsibilities that the ENGINEER’S Program Director and the ENGINEER’S Alternate Program Director have in regards to the SOQ, Cost Proposal, or any resulting Contract. RESPONDENT certifies that the person listed in the Alternate Certification Information will be available by telephone and to attend meetings as may

be appropriate regarding its SOQ or Cost Proposal and also that any necessary technical staff will be available. Also, if any signature block contains the title "Program Director," the signor will replace "Program Director" with its title.

3. CERTIFICATION OF TEXAS CORPORATION OR FOREIGN CORPORATION AUTHORIZED TO DO BUSINESS IN THE STATE OF TEXAS

RESPONDENT hereby certifies that it is a Texas Corporation or a corporation chartered in the state of _____ which is authorized to do business in the State of Texas.

4. CERTIFICATION OF FRANCHISE TAX

RESPONDENT certifies that it is not delinquent in the payment of any franchise tax owed the State of Texas.

5. CERTIFICATION REGARDING ELIGIBILITY TO RECEIVE THIS CONTRACT

Under Section 2155.004, Government Code, the RESPONDENT certifies that the individual or business entity named in this response or contract is not ineligible to receive the specified contract and acknowledges that any resulting contract may be terminated and payment withheld if this certification is inaccurate.

6. CERTIFICATION OF VENDOR IDENTIFICATION NUMBER OR FEDERAL IDENTIFICATION NUMBER OR SOLE OWNER'S SOCIAL SECURITY NUMBER

The vendor identification number is the taxpayer number assigned and used by the Comptroller of Public Accounts of Texas. The RESPONDENT certifies that its vendor identification number is _____. If the number is not known, then the RESPONDENT certifies that its Employer Identification Number (EIN) is _____.

If the RESPONDENT is owned by a sole owner, RESPONDENT certifies that it has submitted its sole owner's federal social security number on a separate sheet of paper labeled "Social Security Number."

7. CERTIFICATION REGARDING CONFLICT OF INTEREST

RESPONDENT hereby certifies that:

- a) The RESPONDENT has not received compensation or other consideration for participation in the preparation of this Statement of Qualifications;
- b) The RESPONDENT has not given, proposed to give, nor intends to give at anytime hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor or service to a public servant in connection with the submitted Statement of Qualifications;
- c) Neither the RESPONDENT nor the business entity represented by the RESPONDENT nor anyone acting for such business entity has violated the antitrust laws of this state or

the federal antitrust laws, or communicated directly or indirectly about its Statement of Qualifications with any competitor; and

- d) The RESPONDENT has submitted a complete and accurate explanation of any potential conflict of interest known to it at the time of submittal of its SOQ.

8. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

- a) The RESPONDENT certifies that, to the best of its knowledge and belief, it and its principals:
- (1) Are not presently debarred, suspended, proposed for debarment, or declared ineligible by any federal or state agency;
 - (2) Have not within a three-year period preceding this Statement of Qualifications been convicted of or had a civil judgment rendered against them for committing fraud or a criminal offense in connection with obtaining a contract under a public transaction; violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery; falsification or destruction of records, making false statements; or receiving stolen property;
 - (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal or state) with commission of any of the offenses enumerated in paragraph a. 2. of this certification;
 - (4) Have not within a three-year period preceding this Statement of Qualifications had one or more public transactions (federal or state) terminated for cause or default; or
- b) RESPONDENT is unable to certify to the statements in part “a” of this certification and, therefore, certifies that it has attached an explanation to this Statement of Qualifications.

9. AFFIRMATION RELATING TO RELEASE OF HAZARDOUS WASTE

RESPONDENT affirms that it has not been adjudicated during the preceding three-year period to have committed violations resulting in an actual release of hazardous waste. If RESPONDENT is unable to make this affirmation, RESPONDENT must include a full, true and correct explanation of all the circumstances surrounding the adjudication.

10. CERTIFICATION OF NONSEGREGATED FACILITIES

- a) Segregated facilities, as used in this provision, mean any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, sex, or national origin because of written or oral policies, or oral custom. The term does not include separate or single-user rest

rooms or necessary dressing or sleeping areas provided to assure privacy between the sexes.

- b) By the submission of this SOQ, the RESPONDENT certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The RESPONDENT agrees that a breach of this certification is a violation of the Equal Opportunity clause in the contract.
- c) The RESPONDENT further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) it will:
 - (1) Obtain certifications, identical to the certification it made in its SOQ, from proposed subcontractors before the award of subcontracts;
 - (2) Retain the certifications in its files; and
 - (3) Provide proposed subcontractors with the following notice (except if the proposed subcontractors have submitted identical certifications for specific time periods):

A Certification of Non-segregated Facilities shall be submitted before the award of a subcontract. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

- d) The RESPONDENT certifies that it has obtained certifications, identical to the certification it made in its SOQ, from each proposed Subcontractor to whom it has awarded a Subcontract or promised a Subcontract in the event that it is awarded a contract by TCEQ under this RFQ.
- e) The RESPONDENT certifies that it has included and will include the above provisions in every subcontract and purchase order.

11. CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

The RESPONDENT certifies that it will or will continue to provide a drug-free workplace by:

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the RESPONDENT'S workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b) Establishing an ongoing drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;

- (2) The RESPONDENT'S policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c) Making it a requirement that each employee to be engaged in the performance of the Contract be given a copy of the statement required by paragraph (a).
 - d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
 - e) Notifying the TCEQ in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction identified in paragraph (d)(2) . Employers of convicted employees shall provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for receipt of such notices. Notice shall include the identification number(s) of each affected grant.
 - f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted.
 - (1) Taking appropriate personnel action against such employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.
 - g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

12. CERTIFICATION REGARDING LITIGATION AND LOBBYING

- a) The RESPONDENT certifies, to the best of its knowledge and belief, that:
 - (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress

in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete Standard Form-LLL, "Disclosure Form To Report Lobbying," in accordance with its instructions and attach it to this SOQ in Section D; and
 - (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
 - (4) None of the funds to be paid under this Agreement, if one is awarded, will be used to engage in litigation against the United States unless authorized under existing law. RESPONDENT acknowledges that upon its application for final payment under a contract awarded as a result of this RFQ, RESPONDENT shall certify on a written form provided by TCEQ that ENGINEER has complied with this provision.
- b) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

13. CERTIFICATION OF MINIMUM REQUIREMENTS

- a) The RESPONDENT certifies that it has the capacity and technical ability to perform the minimum range of services stated in the RFQ including the Specifications. The RESPONDENT understands that this certification means that either the RESPONDENT is qualified to perform the services or has secured agreements from qualified subcontractors to perform the services upon request.
- b) The RESPONDENT certifies that the minimum requirements for personnel as stated in the Specifications section are satisfied. The RESPONDENT understands that this certification is satisfied by employees of RESPONDENT or subcontractors or employees of subcontractors.

14. CERTIFICATION CONCERNING THE PROVISION OF MATERIALS, SUPPLIES, EQUIPMENT AND OTHER NECESSARY RESOURCES

The RESPONDENT understands that it is responsible for providing all of the materials, supplies, equipment and other resources necessary to conduct remedial engineering and oversight activities as described in this RFQ. Furthermore the RESPONDENT realizes that the pay items listed in the specifications include all materials, supplies, equipment and other resources necessary to accomplish the described pay item.

Therefore the RESPONDENT certifies that it has procurement, purchasing and subcontracting procedures established such that it can provide all materials, supplies, equipment and other necessary resources to conduct remedial engineering and oversight activities as described in this RFQ and that these resources can be provided on a timely basis for each Work Order issued under the Contract.

15. CERTIFICATION THAT THE BUSINESS ENTITY IS ELIGIBLE TO RECEIVE PAYMENT BECAUSE CHILD SUPPORT PAYMENTS ARE CURRENT

RESPONDENT certifies that no child support obligor who is more than thirty (30) days delinquent in paying child support is the sole proprietor of the RESPONDENT or partner, shareholder, or owner with an ownership interest of twenty-five percent (25%) or more. RESPONDENT certifies that, pursuant to Texas Family Code, Section 231.006, it understands that the individual or business entity named in this SOQ is not ineligible to receive the specified contract payments and acknowledges that the contract may be terminated and payment may be withheld if this certification is inaccurate.

16. CERTIFICATION OF CHILD SUPPORT INFORMATION

To comply with the child support requirements established by Texas Law, unless the following information is on file at the Texas Comptroller of Public Accounts (CPA), RESPONDENT must provide, as applicable, the name and social security number of the sole proprietor submitting this SOQ or the name(s) and social security number(s) of each partner, shareholder or owner with an ownership interest of twenty-five percent (25%) or more of the business entity submitting this SOQ. RESPONDENT certifies that either:

- true and correct information is on file with CPA or no individual owns 25% or more of the business entity submitting this SOQ; or
- true and correct information has been submitted on a separate sheet of paper marked "Social Security Number" attached to this SOQ.

17. CERTIFICATION OF QUALITY

RESPONDENT certifies and guarantees that all products and services described in this RFQ will meet or exceed specifications identified in the RFQ and Contract Documents.

18. CERTIFICATION OF ASSIGNMENT OF OVERCHARGES

RESPONDENT hereby certifies that it is assigning to TCEQ any and all claims for overcharges associated with the Agreement and/or Contract Documents which arise under the antitrust laws

of the United States 15 U.S.C. 1, et seq., and which arise under the antitrust laws of the State of Texas, Texas Business & Commerce Code, Section 15.01, et seq.

19. CERTIFICATION THAT STATEMENT OF QUALIFICATIONS IS VALID FOR 180 DAYS AND CONTAINS NO FALSE STATEMENTS

The RESPONDENT hereby certifies that this Statement of Qualifications will remain firm and be valid for a minimum of one hundred eighty (180) days after the date of the RFQ closing. The RESPONDENT further certifies and agrees that it will notify the TCEQ immediately of any material changes that come to the attention of the RESPONDENT during that period. The RESPONDENT certifies that this Statement of Qualifications has no false statements and that the RESPONDENT understands that signing this Statement of Qualifications with a false statement is a material breach of contract and shall void the submitted Statement of Qualifications and any resulting contracts, and that the RESPONDENT shall be removed from all Procurement Lists. The RESPONDENT understands that TCEQ will not accept any amendment, revision, addition or alteration to this Statement of Qualifications after the Deadline date and time, except as allowed in the Contract Documents. The RESPONDENT understands that TCEQ will not accept a change to Key Personnel or subcontractors except as provided in the General Conditions of the Contract Documents. By proposing specific personnel by name as "Key Personnel" in the Statement of Qualifications, the RESPONDENT understands that the TCEQ expects these same Key Personnel will, in general, be available (as time and scheduling permits) to work on the Contract if awarded.

20. CERTIFICATION CONCERNING REGISTRATION WITH THE TEXAS BOARD OF PROFESSIONAL ENGINEERS

The RESPONDENT hereby certifies that the business entity submitting this SOQ is registered and in good standing with the Texas Board of Professional Engineers.

21. CERTIFICATION OF INTENT TO ENTER INTO A CONTRACT WITH THE TCEQ

The RESPONDENT hereby certifies that it agrees to the terms and conditions and general requirements (except the specifications) of the contract as presented in this RFQ prior to the RESPONDENT's submission of this Statement of Qualifications. RESPONDENTS who wish to question or propose alternations to the terms and conditions or general requirements MUST submit them as questions prior to the deadline for questions for this solicitation. Any exceptions included in a RESPONDENT'S Response may result in the Response being rejected. Furthermore, any exceptions included anywhere other than the first page of the Response Deliverables section will be deemed to be ineffective because they were not brought to TCEQ's notice, and any contract awarded will be deemed NOT TO INCLUDE such exceptions. The RESPONDENT further certifies that if cost negotiations with the TCEQ are successful, the RESPONDENT intends to enter a contract with the TCEQ with no changes to the terms and conditions and general requirements of the contract (other than to the extent that it has submitted exceptions with its SOQ). Specifically, the RESPONDENT agrees to

- a) obtain TCEQ's prior written permission before subcontracting out any Work or portion thereof which constitutes the practice of engineering as defined in Tex. Occupations Code, ch. 1001;
- b) indemnify the TCEQ in accordance with the indemnification language contained

in this RFQ;

- c) meet or exceed the insurance requirements contained in this RFQ;
- d) meet all requirements of the waste manifest language stated in this RFQ and complete the necessary waste manifest forms for off-site shipment of any class waste and sign in Box 15 (Generator's Certification) of the waste manifest, without delegating the waste manifest duty to any subcontractor.

The RESPONDENT acknowledges that TCEQ may refuse to negotiate a term or condition to which RESPONDENT has taken exception. The RESPONDENT also acknowledges that any negotiations relating to the specifications must be resolved during cost negotiations for a resulting contract.

22. CERTIFICATION OF ACCOUNTING SYSTEM

RESPONDENT hereby certifies that it has an accounting system which accounts for costs in accordance with generally accepted accounting standards or principles and complies with 40 CFR §§ 31.22, 35.6270 (a)(1) & (2) and 35.6550(b)(4), and a property management system that complies with the standard of and requirements in 40 CFR fig 35.6335 and 35.6700.

RESPONDENT further certifies that its accounting system provides for the identification, accumulation, and segregation of allowable and unallowable project costs among projects. The RESPONDENT further certifies that its costs accounting are in a manner consistent with its normal accounting procedures and in a manner which meets the standards set forth in 48 CFR §§ 30.401 through 30.402.61.

23. CERTIFICATION REGARDING VIOLATING FACILITIES

The RESPONDENT hereby certifies that it has not been convicted of an offense described in 40 CFR§32.1105 and that it is in compliance with all applicable standards, orders or requirements issued under Executive Order 11738 and with any applicable laws or EPA regulations which prohibit the awarding of nonexempt Federal contracts, subcontracts, grants, loans, or nonprocurement benefits to facilities included in the EPA List of Violating Facilities. CONTRACTOR shall report any convictions to the EPA and TCEQ.

24. CERTIFICATION REGARDING HEAD OF STATE AGENCY

RESPONDENT certifies that it is not the executive head of the state agency, was not the executive head of the state agency any time during the four years before the date of the contract, and does not employ a current or former executive head of a state agency affected by §669.003 of the Texas Government Code. If RESPONDENT is unable to make this certification, RESPONDENT must provide the information required in D. General Deliverables.

25. CERTIFICATION FOR JOINT VENTURES

If the SOQ is being submitted by a Joint Venture, the RESPONDENT has submitted a fully signed Certification for Joint Ventures with the Deliverables. If no Certification for Joint Ventures is submitted with the Deliverables, the RESPONDENT certifies that it is not a Joint Venture.