

JULY SEALED BID

Contract for the review and assessment of whether the Cooling Water Intake Structure at the Entergy Nuclear Vermont Yankee Facility in Vernon, Vermont complies with the Best Technology Available (BTA) requirements to minimize environmental impacts in accordance with the Clean Water Act (CWA) §316(b) and applicable federal and state regulations.

DATE: **May 31, 2013**

QUESTIONS DUE BY: **June 17, 2013 4:00 PM**

BIDS DUE: **July 1, 2013 4:00 PM**

DATE OF BID OPENING: **July 2, 2013**

TIME OF BID OPENING: **1:00 PM**

LOCATION OF BID OPENING: DEC Watershed Management Division
1 National Life Drive - Main 2
Montpelier, VT 05620-3522

PLEASE BE ADVISED THAT ALL NOTIFICATIONS, RELEASES, AND AMENDMENTS WILL BE POSTED ON THE STATE'S WEBSITE AT: <http://bgs.vermont.gov/purchasing/bids>. THE STATE WILL MAKE NO ATTEMPT TO CONTACT CONSULTANTS WITH UPDATED INFORMATION. IT IS THE RESPONSIBILITY OF EACH CONSULTANT TO PERIODICALLY CHECK THIS SITE FOR THE LATEST INFORMATION.

Watershed Management Division Contact: Ernest Kelley, Program Manager, Wastewater Management Program
Email: Ernie.Kelley@state.vt.us
Phone: 802-490-6187

1. OVERVIEW

1.1 (a) SCOPE

(1) The State of Vermont, Agency of Natural Resources, Department of Environmental Conservation (VTDEC) seeks proposals for the review and assessment of whether the location, design, construction and capacity of the Cooling Water Intake Structures (CWIS) at the Entergy Nuclear Vermont Yankee Facility (Entergy) in Vernon, Vermont complies with the 'Best Technology Available' (BTA) to minimize adverse environmental impacts in accordance with the Clean Water Act (CWA) §316(b) and applicable federal and state regulations.

(2) VTDEC is seeking to secure expertise that it does not have, for the purpose of determining whether the CWIS reflect the BTA requirements of §316(b). The scope of the RFP and contract is limited to areas of expertise that the Agency of Natural Resources does not have on staff. VTDEC has internal expertise on staff in the following disciplines: aquatic habitat, macro-invertebrates, fish and wildlife biology, and water quality. VTDEC does not have internal expertise on CWIS technology and engineering, nuclear engineering and CWIS technical feasibility; and the economic valuation of fisheries in relation to costs associated with CWIS technology. In addition, although the Agency has extensive fisheries and water quality assessment experience, the staff have not had experience reviewing and assessing impingement mortality plans and entrainment mortality studies.

(b) BACKGROUND

VTDEC is in the process of reviewing an application for renewal of the National Pollutant Discharge Elimination System (NPDES) Permit for the Entergy facility located in Vernon, Vermont. The facility is classified as a boiling water reactor with a rated core thermal power level of 1912 MW, providing a gross electrical output of 620 MW. The facility completed construction of all major authorized components in 1972 with two mechanical draft cooling towers which currently are operated seasonally. The facility has not run the cooling towers year round since initial successful 316(a) and (b) demonstrations were made in 1978 (winter period) and 1991 (summer period). The towers are configured to allow a continuous range of condenser cooling operations from closed cycle, to hybrid cycle, to open cycle.

The CWIS, as well as the thermal discharge outfall, is located on the west side of the Connecticut River in Vernon Pool, an impoundment created by Vernon Dam. Vernon Pool extends upstream from the dam approximately 25 miles to the base of Bellows Falls Dam. The permitted discharge flow is up to 543 MGD, and the permittee typically withdraws in excess of 125 MGD, actual intake flow for cooling purposes.

The Environmental Protection Agency (EPA) has proposed a revised CWA §316(b) regulation to establish requirements for CWIS at existing facilities, required to be finalized (by Court order) by June 2013. VTDEC is currently reviewing the permit application under the Clean Water Act §316(b) and the implementing federal regulations, including 40 CFR, §125.90(b) and §401.14. The §316(b) language states:

“Any standard established pursuant to section 301 or section 306 of this Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.”

Because the proposed rule will likely become effective prior to final permit issuance, the scope of this requested review should include a judgment as to whether the documentation submitted meets the requirements under the final proposed rule 40 CFR §122.21, Part 125, and Subpart J to Part 125 with respect to CWIS.

1.2 CONTRACT PERIOD: The contract arising from this request for proposal will be for a period of 2 years with an option to renew for 1 additional year. The proposed start date will be upon Agency signature.

1.3 SINGLE POINT OF CONTACT: All communications concerning this Request for Proposal (RFP) are to be addressed to the attention of:

Ernest Kelley, Wastewater Program Manager
DEC Watershed Management Division
1 National Life Drive - Main 2
Montpelier, VT 05620-3522
Ernie.Kelley@state.vt.us
802-490-6187

Mr. Kelley is the sole contact for this proposal. Attempts by bidders to contact any other VTDEC personnel could result in the rejection of their proposal.

2. METHOD OF AWARD

Awards will be made in the best interest of the State. The State may award one or more contracts and reserves the right to make additional awards to other compliant bidders at any time during the first year of the contract if such award is deemed to be in the best interest of the State.

2.1 CONTRACT FUNDING

Contract funding is to be determined.

2.2 EVALUATION CRITERIA: The Agency will consider the following criteria when reviewing the proposal and selecting a contractor:

- 1) The completeness and clarity of the proposal.
- 2) The extent to which the proposal reflects an understanding of the nature and scope of the 316(b) requirements, its relationship to 316 (a) requirements and the NPDES permit renewal review process.
- 3) The ability of the contractor to meet the terms of the RFP. This applies especially to the ability to accomplish tasks in a timely and cost effective manner. This includes past performance relating to similarly contracted services, history of high quality work, and the contractor's health and safety plan.
- 4) The experience and qualifications of the contractor personnel and project team. This refers to the competence of all personnel assigned to the job by the contractor. Qualifications of professional personnel will be measured by experience and education, with particular reference to experience conducting assessments of whether CWIS meet the BTA to minimize environmental impacts in accordance with the CWA §316(b), and the applicable federal and state regulations.
- 5) The contractor and key officers and employees shall be in compliance with state and federal law and shall not be debarred from receiving state or federal contracts. In addition, the contractor shall be in good standing with the Federal Internal Revenue Service, and the State of Vermont Department of Taxes.
- 6) The absence of a conflict of interest with Entergy Corporation and affiliated entities.
- 7) Timeliness. The demonstrated ability of the contractor to commence and complete timely review, recommendations, and written reports when necessary. The ability of the contractor to articulate strategies to ensure a timely, scientifically and technically sound, and thorough review of the Entergy permit renewal application, studies, and relevant information pertaining to the 316(b) analysis.
- 8) Efficiency. The demonstrated ability of the contractor to meet its budget.
- 9) The price of the proposal.

3. CONTRACTOR RESPONSE – SPECIFIC CONTENT AND FORMAT

A contractor shall include in his or her bid, an e-mail with a compressed zip file, a compact disc, a DVD disc, or a thumb drive containing an electronic copy of the original bid. There is no intent to limit the content of the proposals or in any way to inhibit a presentation in other than the contractor's favor. The contractor may include such additional information or data as may be appropriate, or offer alternate solutions or suggestions.

The contractor may offer amendments to the scope of services. Any amendments or additions to services shall be specifically identified in the bid, along with the rationale for the amendment or addition and an explanation of why the amendment or addition will facilitate the timely and cost effective execution of the contract. All proposals should contain the following information:

3.1 IDENTITY OF PREPARER(S): Include a letter to transmit the proposal to the State. The letter should include the terms under which the proposal is considered a firm offer; a statement identifying individuals who were involved in the preparation of the proposal as well as a single point of contact for clarification of information must be included.

3.2 BACKGROUND AND EXPERIENCE

(a) Company Experience. Provide contractor's company management and organization structure. Provide a brief description of contractor's history, primary areas of expertise, and any similar project experience. Include any innovative approaches contractor has used in the past and would propose using for the CWA 316(b) review that would minimize costs and provide effective services and results.

(b) Study Team Experience. Contractor must identify the Contractor Project Team who will perform the work. It must demonstrate team qualifications, expertise and experience relating to the requested services under Section 4, including that of any subcontractors. If subcontractors are used for any of these tasks the contractor must identify which tasks or work will be performed by which subcontractors. However, the State reserves the right, in its sole and absolute discretion, to replace any contractor or subcontractor. For all Contractor Project Team members, the proposal should address the following:

- 1) Extent of principal involvement, and the demonstrable need for subcontractors;
- 2) Names of key members who will be performing the work on this project and their responsibilities, including a description of duties or tasks and estimated time needed to perform those duties or tasks;
- 3) Qualifications (including any pertinent licenses or certifications) and relevant individual experience for each person assigned to work on this project, including subcontractors;
- 4) Short description of experience using teams on similar or related projects;
- 5) Project Manager's experience with similar studies or projects and interdisciplinary teams. Include experience with any innovative approaches that minimize costs and provide effective services and results; and
- 6) Statement of any actual or potential conflicts of interest, including without limitation any prior work for or on behalf of, or with respect to, the State of Vermont or any Entergy entity.

3.3. ACKNOWLEDGMENT OF TERMS

A statement acknowledging all Standard State Contract Provisions (See Attachment 5.1 – Standard State Provisions for Contracts and Grants), with any exceptions or additional provisions noted. (These will be considered when making an award).

3.4. PROJECT DESCRIPTION

(a) Overview of Proposal. Provide a clear and concise description of the Proposal. The overview shall also include a general narrative of how the contractor will deliver services in general and at each phase of the project. The contractor shall include a detailed budget which correlates cost to staff time and tasks at each phase of the project. The contractor shall provide a point by point narrative that states how they will meet the requirements of this Request for Proposal. Use the Detailed Requirements in Section 4 of this RFP as the basis of the Proposal. The design should address the following:

- 1) A description of how the task will be accomplished;
- 2) Work elements necessary to accomplish the tasks;
- 3) Milestones;

- 4) Timelines;
- 5) Level of effort needed to complete the work; and
- 6) Who will do the work.
- 7) Budget. Provide a project budget based on the performance measures and timeline. The timeline shall include the name of each member of the project team who will be working on the project element, the estimated amount of time that the project team member will be working on that project element, and the hourly rate for that project team member. The budget must provide cost estimates for each phase of the project.

(b) Modifications. Modifications of the proposed task descriptions under Section 4 **are permitted and encouraged** to accomplish a thorough and timely 316(b) review and facilitate VTDEC's determination of Entergy's application for renewal of its NPDES permit, however, reasons for change should be explained fully. Contractor should include an estimated cost of the element added or removed from the proposal and how that addition or removal will significantly affect the project timeline, the quality of the services, and the costs of the project.

(c) Project Phases: For each phase of the project set forth in Section 4 below provide the following:

- 1) Full understanding of data collection required to be conducted by Entergy and contractor, if applicable, under each report element;
- 2) Description of how each phase of the project will be accomplished;
- 3) Work elements necessary to accomplish the tasks;
- 4) Milestones;
- 5) Timelines;
- 6) Level of effort (including budget) needed to complete the work; and
- 7) Budget.

(d) References: Provide the names, addresses, and phone numbers of at least three companies, or government entities with whom you have transacted similar business in the last three years. You must include contact names who can talk knowledgeably about your performance.

(e) Contract Terms: The selected contractor will be required to sign a contract with the State consistent with the RFP response or otherwise negotiated, at the prices listed up to a cap to be established by VTDEC. The contract shall be consistent with standard state contract requirements as set forth in the Attachments under Section 5 and will include a scope of work, personnel, milestones, phased costs and deliverables. The contract shall be performance based and will be subject to review throughout its term. The State will consider cancellation upon discovery that a contractor is in violation of any portion of the contract, including without limitation an inability by the contractor to provide the products, support and/or service offered in their response in an appropriate fashion consistent with the RFP response, the contract or applicable law.

4. DESCRIPTION OF PROJECT AND SERVICES

4.1 PROJECT OVERVIEW

This project entails providing consulting service to VTDEC relating to: (1) the review and assessment of whether the location, design, construction and capacity of the CWIS at the Entergy Facility in Vernon, Vermont complies with the BTA to minimize adverse environmental impacts in accordance with the Clean Water Act §316(b) and applicable federal and state regulations. The project will involve several phases and will likely entail the following services:

- 1) Review and assessment of the existing permit application, monitoring reports and information relevant to the CWIS and §316(b), submitted by the applicant in support of the renewal permit application.

- 2) Review and assessment of any additional materials relevant to the CWIS and §316(b), submitted to the agency by third parties or gathered by agency staff to facilitate the review of the renewal permit application.
- 3) Review and assessment of any data submissions relevant to the CWIS and §316(b), submitted by the applicant in support of the renewal permit application.
- 4) Review and assessment of any study proposals and proposed timelines for data collection and study completion, relevant to the CWIS and §316(b), submitted by the applicant in response to VTDEC requests for information and studies.
- 5) The formulation of recommendations to assure that VTDEC has sufficient, scientifically sound information to determine whether the location, design, construction and capacity of the CWIS at the Entergy Facility complies with the BTA to minimize adverse environmental impacts in accordance with the Clean Water Act §316(b) and applicable federal and state regulations.
- 6) The contractor will be required to compile, assess and summarize scientific and technical literature and studies relating to: impingement and entrainment; the environmental impacts of the design, location, construction, capacity and operation of CWIS; and economic valuation of aquatic species.
- 7) The contractor will be expected to participate in regularly scheduled discussions and meetings regarding the contract project.
- 8) Attending meetings with the applicant Entergy and its consulting experts and VTDEC representatives to discuss study proposals and information requests.
- 9) Even though not required by law, the scope of this requested review should include a judgment as to whether the documentation submitted would meet the requirements of the final proposed rule 40 CFR §122.21, Part 125, and Subpart J to Part 125 with respect to CWIS, if the proposed rule were to be adopted.

4.2 PROJECT PHASES. The project will involve several phases. The phases of the project are set forth below.

Phase 1 Scope of Services Description.

- a) An evaluation of the existing studies and study proposals already submitted by Entergy to VTDEC to determine if the information is sufficient or, following the completed studies, is likely to be sufficient to make a Best Professional Judgment (BPJ) determination under 316(b) whether the location, design, construction, and capacity of the CWIS reflects the BTA for minimizing adverse environmental impact (see also 40 CFR, §125.90(b) and §401.14).
 - 1) The contractor shall examine the existing documents and provide a determination as to whether the data is sufficient to be able to conduct a meaningful review and to make a determination as to whether a BPJ can be made with respect to BTA for minimizing adverse environmental impact.
 - 2) In making this determination, the contractor shall consider: the adequacy of the available documentation as it relates to making a BPJ determination under the Clean Water Act §316(b), 40 CFR §125.90(b) and §401.14; and the application requirements currently in effect under §122.21(r).
- b) An evaluation of the data submission and study proposals submitted by Entergy to VTDEC to determine if the information is sufficient or, following the completed studies, is likely to be sufficient to make a determination under the *proposed or finalized* regulation to establish requirements for CWIS at existing facilities. The proposed regulation was published in the Federal Register Volume 76, Number 76, Wednesday, April 20, 2011 (FR Doc No: 2011-8033).
 - 1) Examine the existing documents and provide a determination as to whether those documents and the submitted study proposals are sufficient to be able to conduct a meaningful review and to make a determination based on the proposed 316(b) regulation.
 - 2) The contractor shall assess the completeness of the documentation under §122.21; including §122.21(r)(2) Source water physical data, (3) Cooling water intake structure data, (4) Source water baseline biological characterization data study proposal, (5) Cooling water system data, (6)

Impingement mortality reduction plan outline, (7) Performance studies proposal, (8) Operational status details, and (9) Entrainment characterization study proposal and mortality data collection plan.

- 3) The contractor shall also evaluate whether the data and study proposals are scientifically or technically sound; and whether the applicable time frames for completion are reasonable.
- c) The contractor shall assist VTDEC in the formulation of study and information requests and a schedule for the submission and completion of data and study result submissions necessary to determine compliance with 316(b) and the implementing regulations; including a comprehensive technical feasibility and cost evaluation study, benefits evaluation study, and Non-water Quality and Other Environmental Impacts Study (see §122.21(r) of the proposed regulation).

Phase 1 Deliverables.

- a) The contractor shall provide VTDEC with monthly written project status reports starting no later than five weeks from the date of the contract signing. The report shall briefly describe what work has been done and what work remains to be accomplished in the coming months.
- b) No later than ten weeks from the date of the contract signing the contractor shall submit to VTDEC a written and electronic project report. The report shall:
 - 1) Describe whether there is sufficient and appropriate documentation submitted by Entergy to VTDEC to provide a meaningful review in determining BTA utilizing BPJ under CWA §316(b) (and 40 CFR §125.90(b) and §401.14);
 - 2) Describe whether there is sufficient and appropriate documentation submitted by Entergy to VTDEC to provide a meaningful review in determining compliance with 40 CFR §122.21, Part 125, and Subpart J to Part 125 (i.e. proposed regulations);
 - 3) Include an analysis of any gaps or deficiencies in information or studies and make specific recommendations regarding any additional necessary data requests or study requirements, and a schedule regarding the collection and submission of data and completed studies;
 - 4) Contain specific recommendations for study and information requests and proposed deadlines; a schedule for a comprehensive technical feasibility and cost evaluation study, benefits evaluation study, and Non-water Quality and Other Environmental Impacts Study (see §122.21(r) of the proposed regulations).
- c) Reports shall be submitted to VTDEC via electronic email and in an electronic format via regular first class mail, copying Entergy.

Phase 2 Scope of Services Description.

- (a) The contractor shall conduct a timely review of each data submission, study proposal and study result or report provided by Entergy. The contractor shall assess whether each subsequent study proposal, data submission, and study result submitted to VTDEC in accordance with the established schedule provides, or is likely to provide, a sound scientific and technical basis for determining whether the CWIS reflect the BTA to minimize environmental impacts. In conducting this evaluation, considerations shall include:
 - 1) Compliance with the applicable sections of the proposed or final 316(b) rule;
 - 2) The extent to which the study design will collect accurate relevant information regarding the environmental impacts of the CWIS;
 - 3) The quality and quantity of any sampling and data analysis;
 - 4) The methods and quality assurance/quality control procedures for sampling and data analysis; the comprehensiveness of the study protocols;
 - 5) The totality of the data submissions;
 - 6) The appropriateness of the proposed sampling and data analysis for a quantitative survey; and
 - 7) Whether the studies and data collection conform to accepted scientific or technical principles and methodologies.
- (b) The contractor should expect to meet and consult with VTDEC staff and with Entergy consultants.

Phase 2 Deliverables.

- a) The contractor shall provide VTDEC with monthly written project status reports. The status reports shall briefly describe what work has been done and what work remains to be accomplished in the coming months.
- b) The contractor shall submit an evaluation report to VTDEC. The report shall assess the scientific and technical sufficiency of the Entergy submissions. The assessment shall include an evaluation of the following:
 - 1) Compliance with the applicable sections of the proposed or final 316(b) rule;
 - 2) The extent to which the study design will collect accurate relevant information regarding the environmental impacts of the CWIS;
 - 3) The quality and quantity of any sampling and data analysis;
 - 4) The methods and quality assurance/quality control procedures for sampling and data analysis; the comprehensiveness of the study protocols;
 - 5) The totality of the data submissions;
 - 6) The appropriateness of the proposed sampling and data analysis for a quantitative survey;
 - 7) Whether the studies and data collection conform to accepted scientific or technical principles and methodologies;
 - 8) An analysis of any gaps or deficiencies in information or studies; and
 - 9) Specific recommendations regarding any additional necessary data requests or study requirements, and a proposed schedule regarding the collection and submission of additional data and completed studies; including specific recommendations for study and information requests and proposed deadlines; a schedule for a comprehensive technical feasibility and cost evaluation study, benefits evaluation study, and Non-water Quality and Other Environmental Impacts Study (see §122.21(r) of the proposed regulation).
- c) Reports shall be submitted to VTDEC via electronic email and in an electronic format via regular first class mail, copying Entergy. The timeframe for completion of the rolling Phase 2 reports contract shall be no later than ten weeks from the date of submittal of each 316(b) data submission, study proposal or study report, as determined by VTDEC. The contractor and VTDEC may agree on shorter timelines as feasible depending on the scope and volume of the data or study submissions.

Phase 3 Scope of Services Description

The contractor shall compile, assess and summarize relevant scientific and technical literature and studies which would be helpful in determining the compliance of the Entergy facility CWIS with §316(b) of the CWA. The compilation and summary shall focus on: impingement and entrainment; the environmental impacts of the design, location, construction, capacity and operation of the CWIS at the Vermont Yankee facility; and relevant economic evaluations provided for by the proposed regulations.

Phase 3 Deliverables

- a) The contractor shall provide VTDEC with monthly written project status reports. The status reports shall briefly describe what work has been done and what work remains to be accomplished in the coming months.
- b) The contractor shall submit to VTDEC a compilation and summary report.
- c) Reports shall be submitted to VTDEC via electronic email and in an electronic format via regular first class mail, copying Entergy. The timeframe for completion shall be no later than six months from the date of the execution of the contract by final signature of VTDEC and the contractor.

Phase 4 Scope of Services Description.

A comprehensive evaluation of all completed studies and data submitted by Entergy to the VTDEC to determine whether the location, design, construction, and capacity of the CWIS reflects the BTA available for minimizing adverse environmental impact under CWA §316(b).

- a) The contractor shall review the data submissions and study results and assist VTDEC in determining what facility changes, if any, (i.e. modifications to the CWIS, operational changes, other facility changes/additions, etc.) would be necessary in order for Entergy to comply with the final 316(b) regulation. Documentation includes those items listed under §122.21(r) of the proposed regulation: (2) Source water physical data, (3)

Cooling water intake structure data, (4) Source water baseline biological characterization data, (5) Cooling water system data, (6) Impingement mortality reduction plan, (7) Performance studies, (8) Operational status, and (9) Entrainment characterization study, (10) Comprehensive technical feasibility and cost evaluation study, (11) Benefits evaluation study, and (12) Non-water Quality and Other Environmental Impacts Study.

- b) The contractor shall generate a report setting forth recommendations regarding the CWIS, operational changes, and other facility changes or additions necessary for Entergy to comply with the final 316(b) regulation. The report shall detail the rationale for the recommendations.

Phase 4 Deliverables.

- a) The contractor shall submit to VTDEC a report setting forth recommendations regarding the CWIS, operational changes, and other facility changes or additions necessary for Entergy to comply with the final 316(b) regulation. The report shall detail the scientific and technical rationale for the recommendations.
- b) The report shall be submitted to VTDEC via electronic email and in an electronic format via regular first class mail, copying Entergy. The timeframe for completion of the Phase 3 report shall be set forth in the contract between the contractor and VTDEC.

5. ATTACHMENTS

The bid shall include a completed Attachment 5.2 - Certification of Compliance.

5.1 ATTACHMENT C: STANDARD STATE PROVISIONS FOR CONTRACTS AND GRANTS

5.2 CERTIFICATE OF COMPLIANCE

6. QUESTION AND ANSWER PERIOD Any contractor requiring clarification of any section of this proposal or wishing to comment or take exception to any requirements or other portion of the RFP must submit specific questions in writing no later than June 17, 2013. Questions may be e-mailed to ernie.kelley@state.vt.us faxed to (802) 828-1544 or sent through the mail to:

**Ernest Kelley, Wastewater Program Manager
DEC Watershed Management Division
1 National Life Drive, 2 Main
Montpelier, VT 05671-3522**

Any objection to the RFP or to any provision of the RFP that is not raised in writing on or before the last day of the question period is waived. At the close of the question period, a copy of all questions or comments and the State's responses will be posted on the State's web site <http://bgs.vermont.gov/purchasing/bids>. Every effort will be made to have these available as soon as possible after the question period ends, contingent on the number and complexity of the questions.

7. POST-BID SUBMISSION QUESTION AND ANSWER PERIOD

After the submittal of the bid VTDEC reserves the right to ask any contractor questions, in writing, to clarify the content of their bid. The question asked by VTDEC will also contain a time for a written response by the contractor. Responses must be made in writing. Under this process, VTDEC may limit its questions to one or more contractors. In addition to a question and answer period, VTDEC may ask any contractor to attend an interview on the contents of their bid. This invitation for an interview is not required to be extended to all contractors who submit proposals under the RFP.

8. CONFIDENTIALITY

The successful response will become part of the contract file and will become a matter of public record, as will all other responses received. If the response includes material that is considered by the bidder to be proprietary

and confidential in accordance with 1 VSA, Chapter 5, the bidder shall clearly designate the material as such, explaining why such material should be considered confidential. The bidder must identify each page or section of the response that it believes is proprietary and confidential, with sufficient grounds to justify each exemption from release, including the prospective harm to the competitive position of the bidder if the identified material were to be released. Under no circumstances can the entire response or price information be marked confidential. Responses so marked may not be considered.

9. NON COLLUSION:

The State of Vermont is conscious of and concerned about collusion. It should, therefore, be understood by all that in signing bid and contract documents they agree that the prices quoted have been arrived at without collusion and that no prior information concerning these prices has been received from or given to a competitive company. If there is sufficient evidence to warrant investigation of the bid/contract process by the Office of the Attorney General, all bidders should understand that this paragraph might be used as a basis for litigation.

10. PROPOSAL SUBMISSION

(a) NUMBER OF COPIES

- (1) Submit one compact disc, DVD disc, or thumb drive containing an electronic copy of the bid IF SUBMITTING BY MAIL OR IN-PERSON.
- (2) Submit one e-mail with a zip file attachment that contains an electronic copy of the bid. IF SUBMITTING BY E-MAIL, SEND TO: ernie.kelley@state.vt.us or faxed to (802) 490-6187 or sent through the mail to:

Ernest Kelley, Wastewater Program Manager
DEC Watershed Management Division
1 National Life Drive, 2 Main
Montpelier, VT 05671-3522

(b) CLOSING DATE: The closing date for the receipt of proposals is **4:00 PM July 1, 2013**. The Bid must be delivered by using one of the three methods below:

(1) MAILED* SUBMISSION:

DEC Watershed Management Division
Attn: Ernest Kelley, Wastewater Program Manager
1 National Life Drive, 2 Main
Montpelier, VT 05671-3522

*Mailed submissions may take up to a full week to get from mailing address location to our physical address location. Please plan accordingly. All bids must be received at the physical location no later than the time and date indicated above to be eligible for consideration.

(2) IN-PERSON DELIVERY: Please note that the Watershed Management Division's physical location is:

**1 National Life Drive, 2 Main
Montpelier, VT**

(3) E-MAILED SUBMISSION:

Ernest Kelley –Wastewater Program Manager
ernie.kelley@state.vt.us

Proposals or unsolicited amendments submitted after that time will not be accepted and will be returned to the contractor. Contractors are cautioned that it is their responsibility to originate the mailing of bids in sufficient time to ensure receipt prior to closing time on the date specified at the appointed place of the bid opening.

FAX AND PAPER COPY BIDS WILL NOT BE ACCEPTED.

The bid opening will be held at 1 National Life Drive, 2 Main Montpelier, VT 05671-0403 on July 2, 2013 at 1:00 PM, and is open to the public. Submit a compact disc, DVD disc, thumb drive, or e-mail with a compressed zip file containing an electronic copy of the bid; this must be an original (clearly marked as such). All mailed or in-person delivered bids shall be submitted in a sealed package and must be clearly marked as follows:

PROPOSAL FOR ASSISTING VTDEC IN THE EVALUATION AND ASSESSMENT OF THE ENTERGY CWIS AND COMPLIANCE WITH CWA §316(b)

All e-mailed bids shall be submitted with a single compressed zip file containing the original bid, and all file names must clearly identify their contents. All e-mailed submissions must state in the subject line:

PROPOSAL FOR ASSISTING VTDEC IN THE EVALUATION AND ASSESSMENT OF THE ENTERGY CWIS AND COMPLIANCE WITH CWA §316(b)

If bids are being sent via an express delivery service, be certain that this designation is clearly shown on the outside of the delivery envelope or box.

!!!!REMEMBER!!!!

PLEASE BE ADVISED THAT ALL NOTIFICATIONS, RELEASES AND AMENDMENTS WILL BE POSTED AT <http://bgs.vermont.gov/purchasing/bids>. THE STATE WILL MAKE NO ATTEMPT TO CONTACT CONTRACTORS WITH UPDATED INFORMATION. IT WILL BE THE RESPONSIBILITY OF EACH CONTRACTOR TO PERIODICALLY CHECK THIS SITE FOR THE LATEST DETAILS.

