Minnesota Department of Transportation (MnDOT)

TH 218 Blooming Prairie Reconstruct:
Phase I Environmental Site Assessment Update, Phase II Drilling Investigations, Regulatory Assistance, and Contaminated Materials Construction Oversight

Minnesota’s Commitment to Diversity and Inclusion

The State of Minnesota is committed to diversity and inclusion in its public procurement process. The goal is to ensure that those providing goods and services to the state are representative of Minnesota’s communities and include businesses owned by minorities, women, veterans and those with substantial physical disabilities. Creating broader opportunities for historically under-represented groups provides for additional options and greater competition in the marketplace, creates stronger relationships and engagement within the state’s communities and fosters economic development and equality.

To further this commitment, the Minnesota Department of Administration operates a program for Minnesota-based small businesses owned by minorities, women, veterans and those with substantial physical disabilities. For additional information on this program, or to determine eligibility, please call 651-296-2600 or go to www.mmd.admin.state.mn.us/mn02001.html.

This document is available in alternative formats for persons with disabilities by calling Debbie Anderson at 651-366-4625 or for persons who are hearing or speech impaired by calling the Minnesota Relay Service at 1-800-627-3529. For other information on disability rights and protections, contact MnDOT’s American’s with Disabilities Act (ADA) Coordinator.

This RFP does not obligate MnDOT to award a contract or complete the project, and MnDOT reserves the right to cancel the RFP if it is considered to be in its best interest.

Responses to this RFP will be public information under the Minnesota Data Practices Act, Minnesota Statutes Chapter 13.

PROJECT SPECIFIC INFORMATION

Project Overview

MnDOT requests responses for the Trunk Highway (TH) 218 Blooming Prairie construction project, State Project (S.P.) 7408-54. The project is located in Blooming Prairie, MN from the intersection of TH 218 and TH 30 westbound/SE 89th Ave/County State Aid Highway (CSAH) 16 (approximately RP 029+00.365) to the intersection of TH 218 and CSAH 36 (approximately RP 027+00.772, immediately west of the Steele and Dodge County line).

The project may also include work on 3rd Street NE from approximately 2nd Avenue NE to Mill Avenue N; on 1st Street NE from 2nd Avenue NE to 3rd Avenue NE; and on 3rd Avenue NE from Main Street to 1st Street NE. Proposed work includes the removal and reconstruction of the existing roadway surface, curb and gutter, sidewalks, storm sewer, water main, sanitary sewer, private utility service connections, and other possible utilities. Construction of the new roadway surface will also include ADA compliant sidewalks and crosswalks. Work will be completed on existing and proposed right of way.

The project is currently scheduled for a November 2023 letting. Construction is scheduled for the 2024 construction season and is anticipated to be complete before winter 2024.
Project Goal

The goal of this project is to identify, characterize, and properly manage contaminated materials located in the project corridor from pre-letting through construction completion. Contaminated materials include, but are not limited to, soil, groundwater, and soil vapor. The information collected during the investigations will be incorporated by MnDOT into project design plans and specifications, and other pre-letting activities. Specifically, the goals of the project are to:

- Conduct a Phase I ESA Update of the project area, if needed;
- Conduct a single-property ASTM Phase I ESA, if needed;
- Conduct Phase II Drilling Investigations of soil, groundwater and soil vapor throughout the project area;
- Obtain liability protections from the MPCA and/or MDA;
- Engage stakeholders and regulators in discussions regarding findings from the Phase II investigations, the handling of contaminated materials in the project area, and other questions that arise regarding the project;
- Complete the MnDOT EDD-3 document by supplying specific Phase I and Phase II investigation findings to MnDOT’s Project Manager in the EDD-3 document or attachments;
- Write Special Provisions and a Response Action Plan (RAP)/Construction Contingency Plan (CCP) for contaminated materials handling;
- Provide onsite construction oversight for MnDOT to properly manage contaminated soil, groundwater, surface water, sediment, debris, and other materials encountered during construction, this oversight role will include engaging with the construction contractor and the MnDOT Project Team on behalf of MnDOT’s Project Manager.

Scope of Work and Deliverables

The Successful Responder will complete Phase I ESA Update of the project area (if needed), complete a single-property ASTM Phase I ESA (if needed), prepare Phase II work plans to investigate the project area, document the Phase II investigation work completed in summary reports, draft a proposed action letter and response action plan, and manage all actions necessary to provide assistance to MnDOT in properly managing contaminated soil, groundwater, soil vapor, and debris (possibly asbestos-containing) encountered during construction of the project. The work will be done in accordance with regulations at the federal, state, and local levels. The construction activities will be done in accordance with the MPCA Brownfield approved RAP and RAP Addenda, as applicable.

Specific deliverables, project tasks, and personnel requirements/certifications are outlined in the scope of work below.

I. Project Investigation and Construction Preparation Tasks

1. Scheduling and Meetings For Investigation Activities
   a. Selected Responder will schedule up to five meetings per year with MnDOT’s Project Manager, at the request of MnDOT’s Project Manager, to discuss project status.
   b. Selected Responder will schedule up to ten meetings per year with MnDOT’s Project Manager and others that can include the design engineers, local stakeholders, and regulatory agencies, at the request of MnDOT’s Project Manager, to discuss project status. Assume five meetings are in Blooming Prairie and five are in the Twin Cities.
   c. Selected Responder will notify MnDOT’s Project Manager at least two days prior to the Phase I ESA Update site visit.
   d. Selected Responder will prepare up to ten different maps depicting the investigation work results on large scale maps to be used for meeting discussions.
   e. Selected Responder will notify MnDOT’s Project Manager at least two working day(s) prior to the beginning of drilling or other field work. Once field work begins, and until the field work is completed, Selected Responder will update MnDOT’s Project Manager on the status of the field work a minimum of once per day.
   f. Selected Responder will discuss with MnDOT’s Project Manager daily which samples should be submitted for analysis.
   g. Selected Responder will be prepared to attend up to four meetings with the MnDOT’s Project Manager and MPCA Brownfield Program and/or Minnesota Department of Agriculture (MDA) project managers to discuss the
investigation results, written assurances/liability protections, and the proposed response actions, as applicable.

h. Selected Responder will invoice MnDOT monthly or as approved by MnDOT’s Project Manager. Selected Responder will mark the last project invoice as final invoice.

2. Phase I Environmental Site Assessment Update

Phase I ESA Report Research:

a. Selected Responder will complete a Phase I ESA Update of the project area, if determined necessary by MnDOT’s Project Manager. The project area includes property within 500 feet of the construction limits. The Phase I will identify any potential sources of contamination that could impact the state project.

b. Selected Responder will identify information already available within MnDOT such as previous Phase I/II reports of the project area, current and historic aerial photographs, right-of-way ([http://www.dot.state.mn.us/maps/gisweb/row/](http://www.dot.state.mn.us/maps/gisweb/row/)) and project maps, materials (geotech) boring information, and verbal information from long-term MnDOT employees familiar with the project area. MnDOT will provide maps of the project corridor, as available.

c. Selected Responder’s research will include regulatory agency files including, but not limited to, Minnesota Pollution Control Agency (MPCA) files regarding leaks and spills, Leaking Underground Storage Tank (LUST) sites, Underground Storage Tank (UST) sites, Aboveground Storage Tank (AST) sites, Voluntary Investigation and Cleanup (VIC) sites, Resource Conservation and Recovery Act (RCRA) sites; Minnesota Department of Agriculture (MDA) Voluntary Investigation and Cleanup (AgVIC) sites; Minnesota Environmental Response and Liability Act (MERLA) sites, and United States Environmental Protection Agency Superfund sites; fire insurance maps; city and county files; Minnesota Geological Survey (MGS) files and/or Minnesota Well Index (MWI) files; historical maps; and aerial photographs.

d. Selected Responder’s staff will either perform or delegate to a search firm the search for registered sites and historical documents. Selected Responder’s research will include a review of sites with poor address or mapping locations for listings that could be located within the project area. The radius search should include all parcels that intersect the 500 foot line, including the existing roadways.

e. Selected Responder’s interviews will include but not be limited to the following: city and county staff; MnDOT project personnel; and possibly neighbors/tenants/owners of properties within the project area.

f. Selected Responder will determine the location/boundaries of any Wellhead Protection Area that exists within the project area.

g. Selected Responder will complete a reconnaissance of the project area which will include, at a minimum, a drive-by review, with a walk-by review completed where needed for detailed site inspection, and an on-site review completed where feasible (e.g. at public-access properties such as retail businesses). Reconnaissance will be completed when project area is free of snow cover.

h. If the Phase I Update identifies any reported contamination sites (e.g., LUST, VIC, RCRA, or MERLA sites) for which MPCA/MDA project files exist, Selected Responder will determine which MPCA/MDA files should be reviewed to obtain more detailed information about the magnitude and extent of contamination and the status of each site for inclusion in the Phase I Update report. If the Selected Responder has any questions as to whether a file should be reviewed or not, the Selected Responder will contact MnDOT’s Project Manager. Selected Responder will specify file reviews are for MnDOT in comments section of MPCA file request form.

i. Selected Responder will review historical and current MnDOT trunk highway rights-of-way for potential ranking classification. If applicable, rights-of-way can be sub-divided based on historical use.

j. Selected Responder will rank/classify all site(s) as having “high”, “medium”, “low”, or “de minimis” potential for contamination and will document how and why the site is given this ranking/classification. These rankings will be based solely on the sites’ potential for contamination and not on the sites’ locations with respect to the proposed highway construction limits. Site rankings may be adjusted based on evidence collected and professional judgement.

   i. Sites with high potential for contamination include all active and inactive VIC and MERLA/ Superfund sites, all active and inactive dump sites, all active LUST sites, all dry cleaners (with on-site or unknown chemical processing), all bulk oil facilities, all active agricultural release sites, railroad facilities (fueling, yards or maintenance), and all historic industrial sites with likely chemical use on the premises.
ii. Sites with medium potential for contamination will include all closed LUST sites, all sites with USTs or ASTs, machine shops, all sites with historic vehicle repair activities, clandestine chemical/drug laboratory, and all closed agricultural release sites.

iii. All sites with low potential for contamination will include hazardous waste generators, railroad lines, and possibly some farmsteads, residences, or commercial properties with poor housekeeping practices.

iv. Selected Responder will obtain approval from MnDOT’s Project Manager for ranking of any types of sites not included in this summary.

v. Properties that do not qualify by definition as low, medium, or high ranked sites are to be considered unlikely for contamination (ranked “de minimis”).

3. Updated Phase I ESA Report

a. Selected Responder will provide a report describing the results of the Phase I ESA Update. The Phase I report will include, but not be limited to, the following information:
   - An executive summary of the results;
   - A summary of all project preparation and data collection activities undertaken by the Selected Responder to complete the tasks in this contract;
   - Findings and/or conclusions that describe how ranked sites impact proposed construction (i.e. historic tanks that may be located within MnDOT right of way (R/W), soil or groundwater contamination that extends into MnDOT R/W, etc.).

b. The Phase I report text will follow the “MnDOT CMMT Phase I ESA Report Text Outline.”

c. The Phase I Update will use the same numbering scheme as the 2019 Phase I ESA.

d. In the Site Summary Appendix, include a brief, detailed summary for each site (high, medium, or low), with at minimum data fields included in MnDOT’s Phase I Site Summary template, including but not limited to:
   - site ranking;
   - site reconnaissance;
   - photos;
   - current aerial photograph with parcel boundary lines;
   - current site name and use;
   - historical site names;
   - reasons for the ranking (ranking rationale);
   - site summary including historical information;
   - parcel ID(s);
   - parcel address(es);
   - property owner;
   - property type (i.e. commercial, industrial, residential, agricultural, etc.);
   - summary of regulatory information (a summary of information from each MPCA/MDA file review completed for the project, with pertinent information from the file also attached in the appendix [e.g., figures showing boring and well locations and magnitude and extent of contamination, boring and well logs, organic vapor detector data, analytical data tables, MPCA/MDA correspondence/closure letters]); and
   - snips of any applicable fire insurance maps showing tanks on site or in street or the historic use of the site, etc.

e. Selected Responder will provide two tables (one in numeric order and one in ranking order) of all “high”, “medium”, and “low” ranked properties in the project area with the site number, current and former site name(s), street address (or location description), county parcel identification number, current use and rank/classification of each identified site, brief rationale for the ranking and environmental database report site identification number.

f. Selected Responder will provide a separate table of “de minimis” properties (properties may be grouped together by type, i.e. four adjacent residential properties can be labeled D1) identified in the project area with the Site ID (e.g., D1, D2), site type (e.g., residential, park), property address(es) (or PID number(s) or location description) and ranking rationale.
g. Selected Responder will provide figures no larger than 11” x 17”, will include the SP number in the title block, an inset index map, and will be based on MnDOT project layouts or as approved by MnDOT’s Project Manager.

h. Selected Responder will provide a project location figure.

i. Selected Responder will provide a set of base figures showing all parcel boundaries within 500-feet demarcated with a thin black or white line. Sites ranked high, medium or low should be outlined or translucently shaded in red (high), yellow (medium) or green (low) and de minimis (white or gray). The Site ID number will be displayed within the colored outlines. Each figure will contain an inset summary table including site number, site name, and risk level describing each of the sites on the figure, or as approved by MnDOT’s Project Manager.

j. Selected Responder will provide a separate set of figures using the base figure to display Sites ranked de minimis, which will contain the colored outlines of ranked sites. De minimis sites will be outlined or translucently shaded in white or gray. These Sites may be grouped together by type, i.e. four adjacent residential properties can be labeled D1. Additionally displayed will be the outlined ranked Site, but without Site ID numbers and inset table.

k. Selected Responder will provide a figure displaying the location of any wellhead protection areas within the project area, if applicable.

l. Selected Responder will provide a figure displaying the location of all buildings that were formerly demolished and/or any former or suspect underground storage tanks within construction limits or limits of likely disturbance.

m. Selected Responder will display contaminant plumes on the ranked sites map, if clearly identified in regulatory file reviews, which have potential to impact the trunk highway and/or multiple sites.

n. Selected Responder will include all data ordered and referenced in the report in the appendices; such as an environmental database report, historical maps, historical topographic maps, historical aerial photographs, city directories, regulatory file reviews (with fly sheets separating each listing), and any other applicable references. The environmental database report and regulatory file review appendices will be bookmarked and put on a CD, not included as paper in the appendices.

o. Selected Responder will submit an electronic draft copy of the project area report to MnDOT’s Project Manager by a date as determined and approved by MnDOT’s Project Manager.

p. Selected Responder will submit one (1) paper copy (text and appendices will be double sided) of the final report in a GBC binder(s) to the MnDOT Project Manager within two (2) weeks of receiving comments on the draft from the MnDOT Project Manager. A CD copy or multiple CD copy of the entire report will be bound into the report copy. The entire report must be submitted as a single pdf document including all attachments (figures, tables, and appendices) and signatures. The pdf will have electronic bookmarks and the file size will be reduced.

4. **Single-Property ASTM Phase I Environmental Site Assessment**

   a. Phase I ESA Report Research
      
      i. Selected Responder will complete a Phase I ESA of the subject property, meeting US EPA All Appropriate Inquiries and ASTM 1527-13 and rank the subject property and all properties adjoining the subject property for MnDOT-specific requirements. MnDOT Project Manager will provide right of entry access forms/permits to Selected Responder, if needed. The Phase I will identify any potential Recognized Environmental Conditions (RECs), Historic RECs (HRECs), Conditional RECs (CRECs), and Vapor Environmental Conditions (VECs) for the subject property.

      ii. Selected Responder will identify information already available within MnDOT, such as previous Phase I/II reports of the project area, current and historic aerial photographs, right-of-way (http://www.dot.state.mn.us/maps/gisweb/row/) and project maps, materials (geotech) boring information, and verbal information from MnDOT employees familiar with the project area.

      iii. Selected Responder’s research will include regulatory agency files including, but not limited to, Minnesota Pollution Control Agency (MPCA) files regarding leaks and spills, Leaking Underground Storage Tank (LUST) sites, Underground Storage Tank (UST) sites, Aboveground Storage Tank (AST) sites, Voluntary Investigation and Cleanup (VIC) sites, Resource Conservation and Recovery Act (RCRA) sites; Minnesota Department of Agriculture (MDA) Voluntary Investigation and Cleanup (AgVIC) sites; Minnesota Environmental Response and Liability Act (MERLA) sites, and United States Environmental Protection Agency Superfund sites; fire insurance maps; city and county files; Minnesota Geological
Survey (MGS) files and/or Minnesota Well Index (MWI) files; historical maps and topographic maps; and historical aerial photographs.

iv. Selected Responder’s staff will either perform or delegate to a search firm the search for registered sites and historical documents. Selected Responder’s research will include a review of sites with poor address or mapping locations for listings that could be located within the project area. The radius search should include all parcels adjoining the subject property.

v. Selected Responder’s interviews will include but not be limited to the following: city and county staff; MnDOT project personnel; property owner; and possibly neighbors/tenants/owners of properties within the project area.

vi. Selected Responder will determine the location/boundaries of any Wellhead Protection Areas that exists within the project area.

vii. Selected Responder will complete a reconnaissance of the subject property and project area which will include, at a minimum, a drive-by review of the project area, with a walk-by review completed where needed for detailed site inspection, and an on-site review completed at the subject property and where feasible (e.g. at public-access properties such as retail businesses). Reconnaissance will be completed when project area is free of snow cover, or as directed by MnDOT’s Project Manager.

viii. If the Phase I identifies any reported contamination sites (e.g., LUST, VIC, RCRA, AgVIC, MERLA/Superfund sites) for which MPCA, MDA and/or EPA project files exist, Selected Responder will determine which MPCA/MDA/EPA files should be reviewed to obtain more detailed information about the magnitude and extent of contamination and the status of each site for inclusion in the Phase I report. If the Selected Responder has any questions as to whether a file should be reviewed or not, the Selected Responder will contact MnDOT’s Project Manager. Selected Responder will specify file reviews are for MnDOT in comments section of MPCA file request form.

ix. Selected Responder will review historical and current MnDOT trunk highway rights-of-way for potential ranking classification. If applicable, rights-of-way can be sub-divided based on historical use.

x. Selected Responder will rank/classify the Property and all adjoining site(s) as having “high”, “medium”, “low”, or “de minimis” potential for contamination and will document how and why the site is given this ranking/classification. These rankings will be based solely on the sites’ potential for contamination and not on the sites’ locations with respect to the proposed acquisition parcel(s) or project construction limits. Site rankings may be adjusted based on evidence collected and professional judgement.

- Sites with high potentials for contamination include all active and inactive VIC and MERLA/Superfund sites, all active and inactive dump sites, all active LUST sites, all dry cleaners (with on-site or unknown chemical processing), all bulk chemical/petroleum facilities, all active agricultural release sites, railroad facilities (fueling, yards or maintenance), clandestine chemical/drug laboratory, and all historic industrial sites with likely chemical use (printing, photography, blacksmithing, plating) on the premises.
- Sites with medium potential for contamination will include all closed LUST sites, all sites with USTs or ASTs, machine shops, all sites with historic vehicle repair activities, all bulk grain/feed storage, all historical lumber yards, all closed agricultural release sites, historic USTs in roadway, graveyards, and all sites with detections of non-petroleum chemicals.
- All sites with low potential for contamination will include hazardous waste generators, railroad lines, current lumber yards, golf courses and possibly some farmsteads, residences, or commercial properties with poor housekeeping practices.
- Selected Responder will obtain approval from MnDOT’s Project Manager for ranking of any types of sites not included in this summary.
- Properties that do not qualify by definition as low, medium, or high ranked sites are to be considered unlikely for contamination (ranked “de minimis”). “De minimis” properties may be grouped together by type (i.e. four adjacent residential properties can be labeled D1) identified in the project area with the Site ID (e.g., D1, D2).
b. Phase I ESA Report
   i. Selected Responder will provide a report describing the results of the Phase I. The Phase I report will include, but not be limited to the following information:
      - an executive summary of the results;
      - a summary of all project preparation and data collection activities undertaken by Selected Responder to complete the tasks in this contract;
      - a photo log with labeled photos taken of the subject property, including all pertinent features and potential areas of concern; and
      - Findings and/or conclusions that describe how ranked Sites impact proposed acquisition and construction (i.e., historic tanks that may be located within MnDOT right of way (ROW) or the subject property, soil or groundwater contamination that originates on may extend onto the subject parcel, historic dumping, etc.).
   ii. The Phase I report text will follow the “MnDOT CMMT Phase I ESA Report Text Outline.”
   iii. In the Site Summary Appendix, Selected Responder will include a brief, detailed summary for the subject property, regardless of site ranking, and each adjoining property ranked high or medium, with at minimum data fields included in MnDOT’s Phase I Site Summary template including but not limited to:
      - site ranking;
      - site reconnaissance;
      - photos;
      - current aerial photograph with parcel boundary lines;
      - current site name and use;
      - historical site names;
      - reasons for the ranking (ranking rationale);
      - site summary including historical information;
      - parcel ID(s);
      - parcel address(es);
      - property owner;
      - property type (i.e., commercial, industrial, residential, agricultural, etc.);
      - summary of regulatory information (a summary of information from each MPCA/MDA file review completed for the project, with pertinent information from the file also attached in the appendix [e.g., figures showing boring and well locations and magnitude and extent of contamination, boring and well logs, organic vapor detector data, analytical data tables, MPCA/MDA correspondence/closure letters]); and
      - snips of any applicable fire insurance maps showing tanks on site or in street or the historic use of the site, etc.
   iv. Selected Responder will provide one table (in numeric order) of all ranked properties in the project area with the site number, current and former site name(s), site type (e.g., commercial, residential, park), property address(es) (or location description), county parcel identification number, current use, rank of each identified site, brief rationale for the ranking, and environmental database report site identification number, or as approved by MnDOT’s Project Manager. “De minimis” properties may be grouped together by type (i.e., four adjacent residential properties can be labeled D1) identified in the project area with the Site ID (e.g., D1, D2).
   v. Selected Responder will provide figures no larger than 11” x 17”, and will include the SP number in the title block, or as approved by MnDOT’s Project Manager.
      - Selected Responder will provide a project location figure.
      - Selected Responder will provide a base figure showing all parcel boundaries within the project area demarcated with a thin black or white line. Ranked sites should be outlined or translucently shaded in red (high), yellow (medium) or green (low) and white or gray (de minimis). The Site ID number will be displayed within the colored outlines. Each figure will contain an inset summary
table including site number, site name, and risk level describing each of the sites on the figure, or as approved by MnDOT’s Project Manager.

- Selected Responder will provide a figure displaying the location of any wellhead protection areas within the project area, if applicable.
- Selected Responder will provide figures of the subject property displaying the location of all current structures, locations of all buildings that were formerly demolished, location of underground or aboveground storage tanks (current, former, or suspected), location of historic borrow/fill, location of dumping/debris, locations of wells and septic systems, depth to shallow bedrock if known (<25 ft), current site topography, location of wetlands/surface water, and location of photographs.
- Selected Responder will display contaminant plumes on the ranked sites map, if clearly identified in regulatory file reviews, which have potential to impact the subject property.

vi. Selected Responder will include all data ordered and referenced in the report in the appendices; such as an environmental database report, historical maps, historical topographic maps, historical aerial photographs, city directories, regulatory file reviews (with fly sheets separating each listing), and any other applicable references. The environmental database report and regulatory file review appendices will be bookmarked and put on a CD, not included as paper in the appendices.

vii. Selected Responder will submit an electronic draft copy of the project area report to MnDOT’s Project Manager by a date as approved by MnDOT’s Project Manager.

viii. Selected Responder will submit one paper copy (text and appendices will be double sided) of the final report in a GBC binder(s) to MnDOT’s Project Manager within two weeks of receiving comments on the draft from MnDOT’s Project Manager. A CD of the entire report will be bound into the report copy. The entire report must be submitted as a single pdf document including all attachments (figures, tables, and appendices) and signatures. The pdf will have electronic bookmarks and the file size will be reduced.

5. Phase II Investigation
   Anticipated Mobilizations
   a. It is anticipated that up to three mobilizations will be required for the Phase II Investigation.
   b. The first mobilization will likely occur in 2020.
   c. Additional mobilizations may occur in subsequent years.
   d. Timing and scope of the mobilizations will be determined by MnDOT’s Project Manager.

   Phase II Investigation Work Plan
   a. Selected Responder will prepare a brief work plan for each Phase II mobilization based on the Phase I information, proposed construction design, and property acquisition locations. The work plan will consist of a table(s) and figure(s) that describe(s) proposed borings, soil vapor points, and test pit locations, including boring, soil vapor point, and test pit identification number, associated Phase I site identification number, County tax ID parcel number, placement strategy, sampling depths, sampling rationale, and analytical parameters. Selected Responder will review existing MnDOT materials (geotech) boring information if available.
   b. A separate work plan will be created for each mobilization. Subsequent work plans will depict locations of borings and analytical samples completed as part of this project Phase II Investigation.
   c. Selected Responder will include figures indicating numbered/lettered proposed boring, soil vapor point, and/or test pit locations in the workplan. Borings and/or test pits will be placed in areas of known or suspected contamination, and in areas where historic foundations may still be present in the subsurface, or as directed by MnDOT’s Project Manager. Basemap will include the project construction layout(s) if applicable.
   d. Selected Responder will submit the work plan to MnDOT’s Project Manager electronically two weeks prior to beginning field work or at a time frame agreed upon with MnDOT’s Project Manager. Field work, including the utility locate, will not begin before MnDOT’s Project Manager provides approval of work plan.
   e. Selected Responder will include the Phase II work plans in each Phase II investigation report.
Phase II Investigation

a. Selected Responder will contact Gopher One for a utility locate prior to drilling or excavating and after receiving approval of the work plan. Proposed boring/test pit locations as well as potential locations for delineation borings will be included in the utility locate.

b. Selected Responder will hire a private utility locator prior to drilling, if determined necessary.

c. Selected Responder will be prepared to complete drilling/excavating and sampling to identify the presence of soil or groundwater contamination.

d. MnDOT’s Project Manager will provide right of entry access forms/permits to Selected Responder, if needed.

e. Selected Responder will plan to complete multiple mobilizations to the site. Selected Responder will assume three drilling mobilizations will be completed, as described above.

f. Selected Responder will provide Hazardous Waste Operations and Emergency Response Standard (HAZWOPER) certified field personnel.

g. Selected Responder will be prepared to provide field personnel who are Minnesota Department of Health (MDH) certified asbestos inspectors.

h. Selected Responder will determine if traffic control is necessary, based on the most recent Minnesota Field Manual on Temporary Traffic Control Layouts, and will arrange for any necessary traffic control. Traffic Control Plan will be sent to District Permits and/or District Traffic Engineer. The notifications sent to the District Traffic and Permits personnel will follow the notification language provided by MnDOT’s Project Manager. MnDOT’s Project Manager will provide contact information.

i. Selected Responder will inform the MnDOT District Permits Coordinator (http://www.dot.state.mn.us/utility/districtcontacts.html) of the nature and location of all work in right of way a minimum of one week prior to the start of field work. MnDOT’s Project Manager will provide contact information.

j. Selected Responder will mark all investigation locations in the field, during the field investigations, and use Global Positioning System (GPS) with sub-meter accuracy to obtain coordinates for their locations. Selected Responder will use the coordinate system NAD83 UTM15N (Meters) when collecting the location information. Selected Responder will provide an electronic excel spreadsheet of the GPS data to MnDOT’s Project Manager at the end of the boring installation.

k. Selected Responder will advance up to 100 borings to 25 feet below grade or refusal, or as directed by MnDOT’s Project Manager. Borings may be advanced below the groundwater table, if encountered, and as determined by MnDOT’s Project Manager. Borings will be advanced using a hydraulic push probe drilling rig, or as approved by MnDOT’s Project Manager. Up to 10 borings may be advanced using a hollow stem auger rig, or as approved by MnDOT’s Project Manager. If it is Selected Responder’s opinion that any boring should be advanced to a greater depth, for example, to follow contamination downward, or because the construction could require deeper groundwater sampling and analysis, Selected Responder will immediately notify MnDOT’s Project Manager to discuss the situation prior to drilling deeper.

l. Selected Responder will screen soil continuously for signs of contamination, and complete continuous organic vapor detector readings. Field screening and organic vapor detector readings will be completed in accordance with the most current MPCA/MDA guidelines available at the time the field work is completed or as directed by MnDOT’s Project Manager. Selected Responder will note and describe any debris encountered and sample for asbestos analyses if encountered during the Phase II Investigation(s).

m. Selected Responder will prepare boring logs in general accordance with current MPCA guidelines for each boring completed including but not limited to: boring identification number, location, drilling method, sampling method, date, drilling company, Selected Responder field staff name, description of soil (including color, texture, soil type, grain size, sorting, etc.), Unified Soil Classification System (USCS) classification symbol, organic vapor detector readings, recovery for each sampling interval, presence and description of staining and odors, amount and type of debris encountered (if applicable), depth to groundwater, depth and length of screen for groundwater samples, submitted analytical sample name and interval, and any other pertinent information.

n. Selected Responder will install temporary well points in accordance with all applicable MPCA and MDH rules and requirements to collect groundwater samples and obtain groundwater depth information.

k. Selected Responder will advance up to 100 borings to 25 feet below grade or refusal, or as directed by MnDOT’s Project Manager. Borings may be advanced below the groundwater table, if encountered, and as determined by MnDOT’s Project Manager. Borings will be advanced using a hydraulic push probe drilling rig, or as approved by MnDOT’s Project Manager. Up to 10 borings may be advanced using a hollow stem auger rig, or as approved by MnDOT’s Project Manager. If it is Selected Responder’s opinion that any boring should be advanced to a greater depth, for example, to follow contamination downward, or because the construction could require deeper groundwater sampling and analysis, Selected Responder will immediately notify MnDOT’s Project Manager to discuss the situation prior to drilling deeper.

l. Selected Responder will screen soil continuously for signs of contamination, and complete continuous organic vapor detector readings. Field screening and organic vapor detector readings will be completed in accordance with the most current MPCA/MDA guidelines available at the time the field work is completed or as directed by MnDOT’s Project Manager. Selected Responder will note and describe any debris encountered and sample for asbestos analyses if encountered during the Phase II Investigation(s).

m. Selected Responder will prepare boring logs in general accordance with current MPCA guidelines for each boring completed including but not limited to: boring identification number, location, drilling method, sampling method, date, drilling company, Selected Responder field staff name, description of soil (including color, texture, soil type, grain size, sorting, etc.), Unified Soil Classification System (USCS) classification symbol, organic vapor detector readings, recovery for each sampling interval, presence and description of staining and odors, amount and type of debris encountered (if applicable), depth to groundwater, depth and length of screen for groundwater samples, submitted analytical sample name and interval, and any other pertinent information.

n. Selected Responder will install temporary well points in accordance with all applicable MPCA and MDH rules and requirements to collect groundwater samples and obtain groundwater depth information.

o. Selected Responder will advance up to 25 soil vapor points to maximum depths of 10 feet below grade. Samples will not be collected at depths less than 3 feet below grade.
p. Selected Responder will seal all bore holes per MDH regulations. Ground surface will be restored similar to preexisting conditions. Selected Responder will not drum low level petroleum contaminated drill cuttings. For all cuttings that cannot be spread on the site, Selected Responder will be prepared to drum cuttings. Selected Responder will be prepared to drum all purge water from temporary wells, or as approved by MnDOTs Project Manager.

q. Selected Responder will work with MnDOT’s Project Manager to select a secure location to store drums of materials generated during the Phase II Investigations.

r. Selected Responder will arrange for transport and disposal of contaminated groundwater and soil.

s. Selected Responder will be prepared to dispose of up to 20 cubic yards of contaminated drill cuttings at a Minnesota permitted Solid Waste Landfill or Industrial Waste Landfill as approved by MnDOT’s Project Manager. Selected Responder will obtain all landfill approvals. Selected Responder will obtain copies of shipping papers and landfill scale tickets for inclusion in the Phase II Investigation Report.

Soil and Groundwater Investigation Sample Collection and Analysis

a. Selected Responder will collect up to 300 soil samples, up to 100 groundwater samples, and up to 25 soil vapor samples, or as directed by MnDOT’s Project Manager. MnDOT’s Project Manager may adjust analytical parameters depending on field conditions and project needs. For MPCA-regulated work, the samples will be analyzed at a MDH certified fixed based laboratory, which will include its MDH certification number on analytical reports. For MDA-regulated work, the samples will be analyzed at a commercial laboratory that has an approved Quality Assurance/Quality Control (QA/QC) Plan and analytical methods on file with the MDA. Samples will be preserved and transported per MPCA and MDA guidelines.

b. Selected Responder will analyze soil samples for the following parameters:
   - 300 Gasoline Range Organics (GRO)
   - 300 Diesel Range Organics (DRO)
   - 100 DRO with silica-gel clean-up
   - 200 Resource Conservation and Recovery Act (RCRA) metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver)
   - 100 Priority Pollutant Metals (antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, zinc, mercury)
   - 10 arsenic and selenium run under ICP-MS methods
   - 300 Volatile Organic Compounds (VOCs)
   - 200 Semi-volatile Organic Compounds (SVOCs)
   - 100 Polycyclic Aromatic Hydrocarbons (PAHs)
   - 50 Polychlorinated Biphenyls (PCBs)
   - 50 Pesticides (MDA List I and/or List II)

c. Selected Responder will analyze groundwater samples for the following parameters:
   - 100 GRO
   - 100 DRO
   - 100 VOCs
   - 100 SVOCs
   - 100 RCRA Metals (field filtered)
   - 50 Pesticides

d. Selected Responder will analyze soil vapor samples for the following parameters:
   - 25 VOCs by TO-15

e. Selected Responder will analyze up to 5 waste sample in accordance with the requirements of Minn. Rules Pt. 7045.0131 (for determining hazardous characteristic(s) of an unknown or suspected hazardous waste).

f. Selected Responder will analyze up to 50 samples for VOC, RCRA metals, or SVOCs analysis under the Toxic Characteristic Leaching Procedure (TCLP).

g. Selected Responder will complete up to 20 bulk sample analysis on suspect asbestos containing materials (Analysis by Polarized Light Microscopy [PLM]).
h. Selected Responder will provide laboratory analytical results within standard turnaround, up to 10 days of sample submittal.

i. Selected Responder will provide separate chain of custodies per parcel investigated, as applicable.

6. **Phase II Investigation Reports**
   a. Selected Responder will provide interim laboratory data, boring logs, figures, etc. to the MnDOT Project Manager.
   b. Selected Responder will prepare up to **three reports** describing the complete results of the drilling investigations. The reports will include but not be limited to information such as: site figures, dates of activities, daily field logs/notes, site conditions, photographs, organic vapor detector readings, boring logs (including GPS coordinates), soil vapor point logs, test pit logs, and laboratory analytical results. If asbestos samples are collected, a copy of the MDH hardcard of the sampler must be included in the report. Subsequent reports will include a summary of the previous drilling investigation results on the report figures. Multiple mobilizations may be combined into one report if the mobilizations occurred within three months in the same calendar year, or as approved by MnDOT’s Project Manager.
   c. Selected Responder will summarize in the report text the project areas containing impacts above regulatory criteria using stationing provided in design plans, if available.
   d. Selected Responder will provide separate tables presenting boring rationale, organic vapor detector readings, detected analytical results for soil, detected analytical results for groundwater, all analytical results for groundwater, detected analytical results for soil, all analytical results for soil vapor. Tables that include analytical results will identify non-detected compounds with “<” and numeric values for method detection limits for soil, groundwater, and soil vapor.
   e. Selected Responder will provide separate figures presenting the (1) project location, (2) project area extent, (3) detailed location of each boring, test pit, or sample, and (4) detected analytical data. Selected Responder will provide figures showing areas of solid waste/debris, if applicable, on the figure(s) with the detected analytical data. The figures will be no larger than 11” x 17”, will list the SP number in the title block, and will be based on MnDOT project layouts or as approved by MnDOT’s Project Manager. Figures will include project stationing, if available. Each figure will contain an inset index map showing the extent of the project area covered by the figure.
   f. Selected Responder will include the Phase II work plan in the Phase II investigation report as an appendix.
   g. Selected Responder will include any Right of Access documentation in the Phase II investigation report as an appendix.
   h. Selected Responder will submit an electronic and a paper draft copy(s) of the reports to MnDOT’s Project Manager by **a date** as determined and approved by MnDOT’s Project Manager, based on the timing of the required investigations, obtaining right of access (if needed), and receiving design criteria, including property acquisition information.
   i. Selected Responder will submit one paper copy (text and appendices will be double sided) of each final report in a General Binding Corporation (GBC) binder to MnDOT’s Project Manager within two weeks of receiving comments on the draft from MnDOT’s Project Manager. A CD-ROM copy of the entire report will be bound into the report copy. The entire report must be submitted as a single pdf document including all attachments (figures, tables, and appendices) and signatures. The pdf will have electronic bookmarks and the file size will be reduced.

7. **MPCA Brownfield Program and/or MDA Voluntary Investigation and Cleanup (AgVIC) Program Regulatory Assistance, and Assistance in Completing MnDOT EDD Policy Documentation**
   a. Selected Responder will work with MnDOT’s Project Manager to obtain an MPCA and/or MDA No Association Determination (NAD) for acquisition of contaminated properties for this project. Selected Responder will produce the required proposed action letters, or proposed action letter updates, and supply the MPCA or MDA project managers the documentation as generated and/or as requested.
   b. Selected Responder will issue project documentation to support any previously submitted application, any updates to the application as needed, and as directed by MnDOT’s Project Manager.
   c. Supplemental work will also include providing property owner notification letters, soil boring logs, project maps,
and analytical results as parcel packets indicating the results of the Phase II investigation for each private parcel investigated. Assume up to 5 separate parcel packets.

d. Additional assistance will be required for the MnDOT EDD-3 policy form. One form is proposed for the project area, covering all high-risk proposed acquisition parcels. MnDOT’s Project Manager will provide the form and any other pertinent documentation. Assistance may include identifying and describing: previous property uses, current and past regulatory actions, the results of current and past site investigations, potential remediation and likely residual contamination remaining after construction, the potential cost of remediation, and any other long-term risks to MnDOT associated with the proposed acquisitions. The EDD-3 form example is here: http://www.dot.state.mn.us/environment/contaminatedmaterials/docs/EDD3.docm

8. Response Action Plan and Construction Contingency Plan
   a. Selected Responder will assist in preparing the Special Provisions based on the results of the Phase II Investigations. These provisions will summarize the extents, magnitudes, and chemicals of concern within the project’s construction limits.
   b. Selected Responder will work with MnDOT’s Project Manager to develop a RAP and CCP that satisfies the requirements of the MPCA Brownfields program and the Minnesota Department of Agriculture program, as applicable.
   c. The RAP will describe construction and environmental oversight activities, explain how contaminated soil and groundwater will be properly managed, propose air monitoring methods for protection of workers and the public during open excavations in contaminated areas, and describe any engineering controls needed. These write ups must conform with the project Special Provisions.
   d. The CCP(s) will describe the procedures that will be implemented in the event unexpected environmental conditions are encountered during construction (e.g. underground storage tanks, asbestos materials, chemical contamination).
   e. Selected Responder will address comments from the MPCA or MDA and provide RAP Addenda, as needed.
   f. Selected Responder will submit the first draft RAP/CCP report(s) to MnDOT’s Project Manager by a date as determined and requested by MnDOT’s Project Manager.
   g. Selected Responder will submit one paper copy (text and appendices will be double sided) of the final report(s) in a GBC binder(s) to MnDOT’s Project Manager within two weeks of receiving comments on the draft from MnDOT’s Project Manager. A CD-ROM copy of the entire report(s) will be bound into the report copy. The entire report(s) must be submitted as a single pdf document including all attachments (figures, tables, and appendices) and signatures. The pdf will have electronic bookmarks and the file size will be reduced.

II. Project Construction Tasks

1. Construction Monitoring
   Scheduling for Construction Activities
   a. Selected Responder must be available for up to 5,000 hours of field work.
   b. Selected Responder must be prepared to send two field staff for construction oversight of concurrent on-site activities. Work is anticipated to require 12 hours a day, five days a week, possible weekend work, with infrequent overnight work.
   c. Selected Responder must be available within 48 hours of being notified to travel to the project site.
   d. The dates and times that the Selected Responder is needed at the construction site will be determined by the MnDOT Project Engineer/Inspector, MnDOT’s Project Manager, and will depend on the construction contractor’s schedule.
   e. Selected Responder will contact MnDOT’s Project Manager periodically (approximately every 1-2 days or as requested by the MnDOT Project Manager) to discuss recent work completed and anticipated project scheduled.
   f. Selected Responder will check on the construction contractor’s schedule to determine anticipated dates and times they will be needed at the construction site.
   g. For each day the Selected Responder is called to the project site, the Selected Responder will verbally update MnDOT’s Project Manager on the status of the project a minimum of once each day, or as approved by MnDOT’s Project Manager.
h. Selected Responder will track time spent on MnDOT-related construction activities and City-related construction activities separately, as appropriate for the work activity.

i. For each day the Selected Responder is called to the project site, the Selected Responder will prepare a brief written daily log of the field activities. The daily log will be emailed to a list of recipients provided by the MnDOT Project Manager. The daily log will be emailed no later than three days after the date the work was completed, or as approved by MnDOT’s Project Manager.

j. All field staff must be current MDH Certified Asbestos Inspectors.

k. Selected Responder must be prepared to participate in MnDOT construction-related meetings and training programs, as applicable.

l. Selected Responder will attend weekly MnDOT construction meetings for the duration of the construction season and/or as needed for the work that is being scheduled.

m. Selected Responder must be available to review any environmental management plans produced by the construction contractor and provide comments to MnDOT’s Project Manager on completeness of the documents, if necessary.

Air Monitoring

a. Selected Responder must be prepared to monitor the construction zone and work area perimeter for the presence of VOCs, SVOCs, and RCRA or Priority Pollutant Metals in air and dust when excavation is taking place in areas of high volatile or metal content, as directed by MnDOT’s Project Manager. Selected Responder must be prepared to provide air monitoring for the duration of construction.

Tank Excavation

a. Selected Responder will perform tank removal monitoring and sampling during the removal of up to five underground storage tanks encountered in the right of way.

b. Selected Responder will perform monitoring, sampling, and documentation in accordance with the most current MPCA guidance available at the time the work is completed, or as directed by MnDOT’s Project Manager.

c. Selected Responder will immediately inform MnDOT’s Project Manager if the tank removal contractor is not following standard tank removal practices of MnDOT specific tank handling and disposal requirements.

d. Tank Removal Report(s) will be documented separately from the Construction Implementation (Excavation) Report. The Tank Removal Reports will be completed in accordance with the most current MPCA guidelines.

e. Construction Implementation (Excavation) Report(s) will reference any Tank Removal Report(s) and Asbestos Inventory Report(s).

Excavation Monitoring

a. Selected Responder will follow the soil screening criteria to be used in accordance with the approved Response Action Plan, as well as the limits of soil excavation in consultation with MnDOT’s Project Manager.

b. Selected Responder will provide HAZWOPER certified field personnel.

c. Selected Responder will be able to provide field personnel who are Minnesota Department of Health certified asbestos inspectors.

d. Selected Responder will perform soil monitoring to separate contaminated from uncontaminated soil during excavation. Project work will be done under the requirements of a MPCA and/or MDA approved RAP, RAP Approval Letters, and Addenda, as applicable.

e. Selected Responder will assist in obtaining permits or approvals for landfill disposal of contaminated and regulated materials as directed by MnDOT’s Project Manager.

f. Selected Responder will monitor removal and disposal of any contaminated materials, free product, containers or unexpected underground tanks or structures encountered during construction excavation. Selected Responder will perform monitoring and sampling in accordance with the most current MPCA/MDA guidelines available at the time the work is completed, MnDOT Special Provisions, Response Action Plans (RAP), RAP Addenda, and Contingency Plans, and/or as directed by MnDOT’s Project Manager.

g. Selected Responder will document locations and depths where contaminated or regulated materials are found
within the project limits. Selected Responder will document handling and disposal of soil including but not limited to, stockpiling areas, re-use of low level contaminated soil in the project area, and off-site disposal of higher level contaminated soil. Selected Responder’s documentation will meet all requirements of the most current MPCA/MDA guidelines available at the time the work is completed and/or as directed by MnDOT’s Project Manager.

h. Selected Responder must be prepared to sign and collect copies of the signed manifests/shipping papers daily, as applicable. The manifests must be collected by the Selected Responder for inclusion in the Construction Implementation Reports.

**Groundwater Monitoring**

a. Selected Responder will be prepared to observe and sample groundwater dewatering as necessary.

b. Determination of contamination may be based on visual and olfactory measures, by sampling, or as approved by MnDOT’s Project Manager.

c. Selected Responder will be prepared to collect influent and effluent water samples from any treatment system(s) as required by permit or MnDOT’s Project Manager.

d. Selected Responder will document locations contaminated groundwater was encountered during construction and locations of handling/disposal of contaminated groundwater.

**Sample Collection and Analysis**

a. Selected Responder will collect up to 50 soil samples, up to 50 groundwater/discharge samples, and up to 10 waste samples, or as directed by MnDOT’s Project Manager. Soil samples will be collected from stockpiles, excavation sidewalls, and/or excavation bottoms in accordance with the most current MPCA/MDA guidelines available at the time the field work is completed, or as directed by MnDOT’s Project Manager. Groundwater samples will be collected from dewatering influent to treatment system operations, from dewatering discharge points or containerized dewatering water, and/or from open excavations, or as directed by MnDOT’s Project Manager. Waste samples must be collected from solid or demolition waste debris areas or containers or as directed by MnDOT’s Project Manager. MnDOT’s Project Manager may adjust analytical parameters depending on field conditions. Selected Responder will provide analytical results for asbestos in 24 hours or less following samples submittal to the laboratory, unless otherwise directed by MnDOT’s Project Manager. Analytical results for other parameters must be provided within five days or less following sample submittal to the laboratory, or as otherwise directed by MnDOT’s Project Manager.

b. The samples will be analyzed using the applicable laboratory certification for the analytical parameters identified in this scope of work. For MPCA-regulated work, the samples will be analyzed at a MDH-certified fixed based laboratory, which will include its MDH certification number on analytical reports. For MDA-regulated work, the samples will be analyzed at a commercial laboratory that has an approved QA/QC Plan and analytical methods on file with the MDA.

e. Selected Responder will analyze soil samples for the following parameters:
   - 50 Gasoline Range Organics (GRO)
   - 50 Diesel Range Organics (DRO)
   - 10 DRO with silica-gel clean-up
   - 50 RCRA metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver)
   - 50 Volatile Organic Compounds (VOCs)
   - 50 Semi Volatile Organic Compounds (SVOCs)
   - 50 Polycyclic Aromatic Hydrocarbons (PAHs)
   - 10 Polychlorinated Biphenyls (PCBs)

f. Selected Responder will analyze groundwater samples for the following parameters:
   - 50 GRO
   - 50 DRO
   - 50 VOCs
   - 50 SVOCs
• 50 Dissolved RCRA Metals
• 50 Total Suspended Solids
• 50 pH
g. Selected Responder will analyze up to 10 samples for VOC, RCRA metals, and SVOCs analysis under the Toxic Characteristic Leaching Procedure (TCLP).
h. Selected Responder will completed up to 10 bulk sample analysis on suspect asbestos containing materials (Analysis by Polarized Light Microscopy [PLM])
i. Selected Responder will provide laboratory analytical results within five business days of sample submittal.

Spatial Data Collection
a. Selected Responder will collect GPS locations of all analytical sample locations.
b. Selected Responder will collect GPS locations of regulated soil reused on-site.
c. Selected Responder will collect GPS locations of soil contamination left in-place.
d. Selected Responder will collect GPS locations of debris left in place or used as beneficial re-use material.
e. Selected Responder will use the coordinate system NAD83 UTM15N (Meters).
f. Selected Responder will provide an electronic spreadsheet of the GPS data with the applicable Construction Monitoring Implementation Report.

Construction Monitoring Implementation Report(s)
a. Selected Responder must submit an Annual Response Action Implementation Report for each construction year to MnDOT’s Project Manager, as applicable. Selected Responder must submit a draft paper report (and electronic copy) for review within eight weeks of the conclusion of construction for the season.
b. Selected Responder will prepare a documentation report describing the results of the project work related to contaminated soil and groundwater management. The report will include but not be limited to, information such as: site figures, dates of activities, daily field logs/notes, waste profile, landfill acceptance letter, and manifests, GPS locations (use the coordinate system NAD83 UTM15N (Meters)), site conditions, photographs, organic vapor detector readings and laboratory analytical results. The report will document the temporary stockpiling/re-use/disposal of all contaminated soil, sediment or waste material encountered and removed during project excavation. If asbestos samples are collected, a copy of the MDH hardcard of the sampler must be included in the report. Reports must meet all documentation requirements of the MPCA/MDA/MDH and other regulatory programs associated with the work activities.
c. Selected Responder, in consultation with MnDOT’s Project Manager, must prepare documents for the MPCA/MDA and other programs as requested by MnDOT’s Project Manager. This includes, but is not limited to, Response Action Plan (RAP) Implementation Reports, etc.
d. Selected Responder must provide interim laboratory data, figures, etc. as requested by MnDOT’s Project Manager within 24 hours of the request, or as approved by MnDOT’s Project Manager.
e. Selected Responder must maintain a database, FTP site, or equivalent for posting all laboratory data, data summary tables, figures, daily logs, photos, manifests/shipping papers, etc as requested by MnDOT’s Project Manager for the duration of the project.
f. Selected Responder will provide separate tables presenting organic vapor detector readings, analytical results with relevant detections for soil, analytical results with relevant detections for groundwater, detected analytical results for influent/effluent for dewatering waters, and asbestos and other regulated waste. Additionally, Selected Responder will provide tables that include all analytical results, including non-detected compounds, identified with “<” and numeric values for method detection limits for soil and groundwater.
g. Selected Responder will provide separate figures that may include, but not be limited to, sample locations, contaminated or regulated waste removal locations, low level contaminated soil reuse locations, stockpile locations, and dewatering locations. Figures depicting sample locations with relevant analytical results will also be included, as appropriate. The figures will be no larger than 11” x 17”, will list the SP number in the title block, and will be based on MnDOT project layouts or as approved by MnDOT’s Project Manager. Figures will include project alignment and stationing. Each figure will contain an inset index map showing the extent of the project area covered by the figure.
h. Tank Removal Reports will be documented separately from the Construction Excavation Reports. The Tank Removal Reports will be completed in accordance with the most current MPCA guidelines.

i. Construction Monitoring Reports will reference any Tank Removal Reports and Asbestos Inventory Reports and will be included as an appendix.

j. Selected Responder will submit a draft electronic and paper copy of each of the reports within eight weeks of final construction, or as approved by MnDOT’s Project Manager.

k. Selected Responder will submit one paper copy (text and appendices will be double sided) of all final reports in a GBC binder to MnDOT’s Project Manager within two weeks of receiving comments on the draft from MnDOT’s Project Manager, or as approved by MnDOT’s Project Manager. A CD-ROM copy of the entire report will be bound into each report copy. The entire report must be submitted as a single pdf document including all attachments (figures, tables, and appendices) and signatures. The pdf will have electronic bookmarks and the file size will be reduced.

Environmental data that MnDOT has already obtained for the project can be found in the attachments to this RFP:
- Attachment 1: Text, Tables, Figures, Appendix A, B, C
- Attachment 2: Appendix D through M
- Attachment 3: MPCA Files

Responders are encouraged to propose additional tasks or activities if they will substantially improve the results of the project. These items should be separated from the required items on the cost proposal.

QUESTIONS
Responders who have any questions regarding this RFP must submit questions, by e-mail only, to:
Debbie Anderson
debbie.k.anderson@state.mn.us

All questions and answers will be posted on MnDOT’s Consultant Services Web Page at [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult) under the “P/T Notices” section. All prospective responders will be responsible for checking the web page for any addendums to this RFP and any questions that have been answered. Note that questions will be posted verbatim, as submitted.

Questions regarding this RFP must be received by MnDOT no later than 2:00 p.m. Central Daylight Time on 07/16/2020.

MnDOT anticipates posting answers to such questions no later than 2:00 p.m. Central Daylight Time on 07/17/2020.

No other MnDOT personnel are allowed to discuss this RFP before the proposal submission deadline. Contact regarding this RFP with any personnel not listed above may result in disqualification.

PROPOSAL CONTENT
The following will be considered minimum contents of the proposal, and must be submitted in the order listed:

1. Contact Information:
Responders must clearly identify the company’s full legal name, business address, contact person’s name, telephone number, fax number and e-mail address (as available).

2. Company Background and Experience:
The purpose of this section is for responders to provide information detailing the background and experience of the company, and to provide an outline of the company’s experience with transportation projects that show relevant or similar work experience with the investigation and construction oversight activities requested within this proposal.
3. **Key Personnel:**

Responder must provide information detailing the background and experience of the project personnel. To do this, Responder must provide a list of all staff persons who will be assigned to the project and an organizational chart of all personnel including field staff. The organizational chart will include both key and non-key personnel.

Responder must explain within the proposal and the organizational chart which personnel are key personnel and explain why Responder is designating them as key people. Responder will provide specific examples of how key personnel helped complete a deliverable or a project goal that could be similar to one that could be encountered on this project.

**Key Personnel Minimum Qualifications:**

Responder’s key personnel must meet the following minimum qualifications:

1. A four year university or college degree in geology, hydrogeology, civil engineering, other relevant engineering, environmental science, chemistry or science.
2. Five years of relevant experience with the work activities listed in this proposal and completed on transportation projects.
3. At least one of the key personnel assigned to the project must be a Minnesota Board Licensed Professional Geologist or Engineer.
4. At least one of the key personnel assigned to the project must have a Minnesota Health Department (MDH) Asbestos Inspector/Supervisor Certification.
5. At least one of the key personnel assigned to the project must be a Certified Hazardous Materials Manager.

For all key personnel, responder will provide a one page resume that includes a concise summary of education, recent (within 5 years) transportation Phase I and Phase II investigation work experience, construction oversight work experience on transportation projects, verification of health and safety training, and whether or not the person has a Minnesota Board License in Geology or Civil or Environmental Engineering or Soil Scientist, and/or a Minnesota Health Department Asbestos Inspector/Supervisor Certification.

Under work experience, provide a short summary for at least two (relevant to this transportation project) environmental investigation and construction oversight experiences that outline scope, contaminants of concern, project start/end dates, role, and responsibilities. Each resume must not exceed ONE single-sided page. The resumes do **NOT** count toward the twelve page limit of the proposal. Responder will place the resumes as an Appendix to the twelve page limit.

The organizational chart will **NOT** count towards the twelve page limit of the proposal. Responder must place the organizational chart as an Appendix to the twelve page limit.

If sub consultants are to be used on this project, responders must also outline their background and experience, including examples of similar work done by each sub consultant. Responders must also provide a list of the sub consultants’ personnel who will perform work on the project, detailing their training and work experience. Note that no change in personnel assigned to the project will be permitted without the written approval of MnDOT’s Project Manager.

Qualification and experience of the “firm” should be demonstrated by the experience of the personnel proposed.

4. **Project Understanding/Work Plan – Project Approach:**

The purpose of this section is for the responders to detail their understanding of the project. Responders must clearly state their understanding of the project objectives, goals and tasks to show or demonstrate their view of the nature of the project. Responders should demonstrate their understanding by using their own words rather than simply repeating what is listed in the RFP.
Responder must explain their understanding of completing environmental investigation activities and providing construction oversight related to the management of soil, groundwater, and debris on a large road construction project with extensive contamination and activities happening in numerous areas across the project site. Additionally, the Responder must explain how specific project and field issues may impact that work and how the Responder is ideally equipped to handle this responsibility.

The purpose of this section is for responders to present their work plan. Responders must provide a detailed work plan, which must identify the major tasks to be accomplished. Responders must be sure to not only describe what will be done, but explain how each task will be accomplished. These tasks will be used as a scheduling and management tool, as well as the basis for invoicing. The detailed work plan must present:

- The Overall Project Approach
- A Breakdown of the Project Tasks, detailing the tasks, and how they will be completed
- A List of Personnel Working on the Project, including details of each person’s role, by task
- A scheduling plan describing how the Responder will provide sufficient staff required to complete the deliverables and provide support for all construction activities that involve contaminated soil or groundwater removal, sampling, handling, disposal, and documentation.

5. Lessons Learned Discussion:
Responders will include a discussion on lessons learned from previous similar projects that Responder will bring to this project that includes, but is not limited to: how Responder handles communication with all project stakeholders; Responder’s ability to quickly problem-solve and respond to unknown or challenging circumstances, etc.

6. Additional Relevant Information:
- Responders will provide any additional information that would be relevant to this project. Additional information must not exceed TWO single-sided pages and does not count toward the twelve page limit.

7. Forms, Documents and Certifications:
Responders must complete and submit all required forms, documents and certifications, required under any other section of this RFP. These forms, documents and certifications will NOT be included in any page limit set for this RFP, as applicable.

7.1. Required Forms and Documents: Responders must complete and submit the forms and documents required under any other section of this RFP.

7.2. Solicitation of Targeted Group Business (TGB) Firm Statement: Responders must provide the following statement and signature:

I hereby recognize that a 5% TGB goal has been established for this RFP in accordance with the Special Provisions posted with the RFP. I understand that MnDOT’s Office of Civil Rights is required to clear the successful responder’s attainment of the goal, or Good Faith Efforts made to attain the goal, before a contract can be awarded. I understand that failure to meet, or show a Good Faith Efforts to meet the goal, will deem the successful responder as non-responsive, resulting in rejection of the proposal.

Signature
Print Name
Date

8. Cost Proposal:
Responders must provide, in a separate electronic file, a cost proposal. For purposes of completing the cost proposal, MnDOT does not make regular payments based upon the passage of time; it only pays for services performed or work delivered after it is accomplished. Terms of the proposal as stated must be valid for the length of the project. Whether proposing a cost plus fixed fee, fixed hourly rate or unit budget, responders must include a breakdown (labor, overhead, fixed fee and expenses) showing how the rate was derived. Additionally, if proposing a cost plus fixed fee budget, responder’s must utilize their current MnDOT approved Overhead rate, but it may not exceed 170%.
For the purposes of this cost proposal, responders should utilize a fixed fee base of 9% PLUS the overhead fixed fee additive identified in the following table:

<table>
<thead>
<tr>
<th>MnDOT Approved Overhead</th>
<th>Base</th>
<th>Additive</th>
<th>Cost Proposal Fee</th>
</tr>
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<tr>
<td>Less than 140%</td>
<td>9%</td>
<td>4.0</td>
<td>13.0%</td>
</tr>
<tr>
<td>140% through 149.9%</td>
<td>9%</td>
<td>3.0</td>
<td>12.0%</td>
</tr>
<tr>
<td>150% through 159.9%</td>
<td>9%</td>
<td>1.5</td>
<td>10.5%</td>
</tr>
<tr>
<td>160% or Greater</td>
<td>9%</td>
<td>0.0</td>
<td>9.0%</td>
</tr>
</tbody>
</table>

Other additives pertaining to project schedule, duration, size and risk, along with fixed fee will be determined/calculated utilizing MnDOT’s Fixed Fee Rate Worksheet upon selection.

The responder MUST INCLUDE A TOTAL PROJECT COST along with the following:
- A breakout of the hours by task for each employee.
- Identification of anticipated direct expenses.
- Identification of any assumptions made while developing this cost proposal.
- Identification of any cost information related to additional services or tasks. This should be included in the cost proposal, but clearly identify it as additional costs and not made part of the total project cost.

Responders must have the cost proposal signed by authorized member of the firm. Responders must not include any cost information within the body of the technical proposal.

PAGE LIMITS
The responder’s submittal must adhere to the page limitations identified in the following table. If any of the responder’s documents exceed the page limits identified, the excess pages will not be reviewed, regardless of content.

<table>
<thead>
<tr>
<th>Document</th>
<th>Maximum Number of Pages</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal</td>
<td>12 pages</td>
<td>Single-sided, 8.5”x11” pages, with no smaller than 11 point font.</td>
</tr>
</tbody>
</table>

Note: Cover letter, organizational chart, resumes, additional relevant information (limited to 2 pages, but not included in page limit) and required forms are NOT included as part of the page limit.

PROPOSAL SUBMITTAL INSTRUCTIONS
All proposals must be electronically submitted, via e-mail, to the attention of:
Debbie Anderson, Contract Administrator
debbie.k.anderson@state.mn.us

All proposals must be submitted no later 2:00 p.m. Central Daylight Time on July 31, 2020.

PROPOSAL EVALUATION
Representatives of MnDOT will evaluate all proposals received by the deadline. In some instances, an interview may be part of the evaluation process. MnDOT reserves the right, based on scores of the proposals, to create a short-list of responders to interview. A 100-point scale will be used to create the final evaluation recommendation. The factors and weighting on which proposals will be judged are broken down in the following table:

<table>
<thead>
<tr>
<th>Rating Factor</th>
<th>Weighting Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company Background and Experience</td>
<td>15%</td>
</tr>
<tr>
<td>Key Personnel – the extent to which they meet or exceed the minimum qualifications</td>
<td>30%</td>
</tr>
<tr>
<td>Project Understanding/Work Plan</td>
<td>15%</td>
</tr>
<tr>
<td>Rating Factor</td>
<td>Weighting Percentage</td>
</tr>
<tr>
<td>--------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Lessons Learned</td>
<td>10%</td>
</tr>
<tr>
<td>Cost Detail</td>
<td>30%</td>
</tr>
</tbody>
</table>

Proposals will be evaluated on a “best value” basis with 70% qualifications and 30% cost considerations. The review committee will not open the cost proposals until after the qualifications points are awarded.

**GENERAL REQUIREMENTS**

Responders must adhere to all terms of this RFP.

Late proposals will not be considered. Fax proposals will not be accepted or considered. All costs incurred in responding to this RFP will be borne by the responder.

1. **Affidavit of Noncollusion**
   Responders must complete the attached “Affidavit of Noncollusion” form and submit it as part of their proposal.

2. **Conflicts of Interest**
   Responders must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that is contemplated in this RFP. This list should indicate the name of the entity, the relationship and a discussion of the conflict. Responders must complete the attached “Disclosure of Potential Conflict of Interest” form and submit it as part of their proposal.

3. **Proposal Contents Certification**
   By submitting a proposal, responders warrant that the information provided is true, correct and reliable for purposes of evaluation for potential contract award. The submission of inaccurate or misleading information may be grounds for disqualification from contract award and may subject the responder to suspension or debarment proceedings, as well as other remedies available to MnDOT, by law.

4. **Disposition of Responses**
   All materials submitted in response to this RFP will become property of MnDOT and will become public record, in accordance with Minnesota Statutes §13.591, after the evaluation process is completed. Pursuant to the Statute, completion of the evaluation process occurs when MnDOT has completed negotiating the contract with the successful responder.

   If a responder submits information in response to this RFP that it believes to be trade secret materials, as defined by the Minnesota Government Data Practices Act, Minnesota Statutes §13.37, the responder must:
   − Clearly mark all trade secret materials in its proposal at the time the proposal is submitted;
   − Include a statement with its proposal justifying the trade secret designation for each item; and
   − Defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the state, its agents and employees, from any judgments or damages awarded against the state in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives MnDOT’s award of a contract. In submitting a proposal in response to this RFP, the responder agrees that this indemnification survives as long as the trade secret materials are in possession of MnDOT. MnDOT is required to keep all the basic documents related to its contracts, including responses to RFPs, for a minimum of seven years.

   MnDOT will not consider the prices submitted by the responder to be proprietary or trade secret materials.

5. **Contingency Fees Prohibited**
Pursuant to Minnesota Statutes §10A.06, no person may act as or employ a lobbyist for compensation that is dependent upon the result or outcome of any legislation or administrative action.

6. Sample Contract
Responders should be aware of MnDOT’s standard contract terms and conditions when preparing their proposal. Responders may view the current version of the Professional/Technical/Low Risk – Non-Engineering contract template on the Consultant Services website, at www.dot.state.mn.us/consult (Click on Contract Documents tab to view templates). Much of the language reflected in the contract template is required by statute. However, if a responder does take exception to any of the terms, conditions or language in the contract template, they must indicate those exceptions in their proposal. Responders should note that certain exceptions may result in your proposal being disqualified from further review and evaluation. Only those exceptions indicated in the proposal will be available for discussion or negotiation.

7. Travel Reimbursements
Reimbursements for travel and subsistence expenses actually and necessarily incurred by the successful responder, as a result of the contract, will not exceed the amounts provided in the current MnDOT Travel Regulations. Reimbursements will not be allowed for travel and subsistence expenses incurred outside of Minnesota, unless the successful responder has received MnDOT’s written approval for out-of-state travel. Minnesota will be considered the home base for determining whether travel is out-of-state.

8. Organizational Conflicts of Interest
The responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances, which could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, a vendor is unable or potentially unable to render impartial assistance or advice to MnDOT, or the vendor’s objectivity in performing the contract work is or might be otherwise impaired, or the vendor has an unfair competitive advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the Assistant Director of the Department of Administration’s Office of State Procurement which must include a description of the action which the selected responder has taken or proposes to take to avoid or mitigate such conflicts. If an organization conflict of interest is determined to exist, MnDOT may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of the contract, and did not disclose the conflict to the contracting officer, MnDOT may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor, and the terms “contract,” “contractor,” and “contracting officer” modified appropriately to preserve the State’s rights.

9. Pre-Award Audit Requirement
The successful responder will be required to submit pre-award audit information and comply with audit standards. Failure to do so may result in disqualification.

10. TGB, Economically Disadvantaged and Veteran-Owned Small Business Preference
To claim the TGB, Economically Disadvantaged (ED) or Veteran preference, as described below, the responder must complete and submit the “Targeted Group, Economically Disadvantaged and Veteran-Owned Small Businesses Preference Form” and submit it as part of their proposal, along with all documentation required by the form, and statutory requirements and documentation must be met by the proposal due date and time to be awarded the preference. TGB, ED and Veteran preferences are not cumulative, so a responder that is certified in multiple will receive only a six percent preference.

Preference to TGB and Economically Disadvantaged Businesses and Individuals
In accordance with Minnesota Rules, Part 1230.1810, Subpart B, and Minnesota Rules, Part 1230.1830, certified TGB and certified ED businesses and individuals submitting proposals as prime contractors will receive a six percent preference in the evaluation of their proposal. Eligible TGB and ED businesses must be currently certified by the Office of Equity in
Procurement (OEP) prior to the proposal due date and time. For information regarding certification, contact OEP at 651-201-2402 or procurement.equity@state.mn.us. For TTY/TDD communications, contact the Helpline through the Minnesota Relay Services at 1-800-627-3529.

Preference to Veteran-Owned Small Businesses

Except when mandated by the federal government as a condition of receiving federal funds, the commissioner shall award up to a six percent preference, but no less than the percentage awarded to any other group under this section, on state procurement to certified small businesses that are majority-owned and operated by veterans.

A small business qualifies for the veteran-owned preference when it meets one of the following requirements: 1) The business has been certified by the Office of Equity in Procurement as being a veteran-owned or service-disabled veteran-owned small business; or 2) The principal place of business is in Minnesota AND the United States Department of Veterans Affairs verifies the business as being a veteran-owned or service-disabled veteran-owned small business under Public Law 109-461 and Code of Federal Regulations, title 38, part 74 (Supported By Documentation). See Minnesota Statutes §16C.19(d). Statutory requirements and documentation must be met by the proposal due date and time to be awarded the preference.

11. Soliciting Responses from TGB Firms

In accordance with Minnesota Statutes §16C.16 (subdivision 6), §16C.19, and §161.321 (subdivision 2), a TGB participation goal of 5% has been established for this RFP. TGB certification is administered by the Commissioner of Administration. To view a listing of certified TGBs, contact MnDOT’s Office of Civil Rights at 651-366-3073 or visit http://www.mmd.admin.state.mn.us/process/search/. Responders are directed to read the Special Provisions, posted along with this RFP, for information about how to meet TGB participation goals.

12. Work Force Certification

For all contracts estimated to be in excess of $100,000, responders are required to complete the attached “Work Force Certification” form and submit it as part of their proposal. As required by Minnesota Rule 5000.3600, “It is hereby agreed between the parties that Minnesota Statute §363A.36 and Minnesota Rule 5000.3400 - 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it. A copy of Minnesota Statute §363A.36 and Minnesota Rule 5000.3400 - 5000.3600 are available upon request from MnDOT.”

13. Equal Pay Certification

If the proposal submitted in response to this RFP could be in excess of $500,000, responders are required to complete the attached “Equal Pay Certification” form and submit it as part of their proposal. As required by Minnesota Statutes §363A.44, Laws of Minnesota 2014 Chapter 239, the Responder must obtain an Equal Pay Certificate from the Minnesota Department of Human Rights (MDHR) or claim an exemption prior to contract execution. A responder is exempt if it has not employed more than 40 full-time employees on any single working day in one state during the previous 12 months. Please contact MDHR with questions at: 651-539-1095 (metro), 1-800-657-3704 (toll free), 711 or 1-800-627-3529 (MN Relay) or at compliance.MDHR@state.mn.us.

14. Insurance Requirements

A responder’s proposal must clearly note any exceptions desired to insurance requirements, or the responder will be deemed to have accepted such requirements and waived any request for exception.

14.1. Insurance Certificates and Continuity of Coverage Required. The successful responder must provide a certificate of insurance showing that they have each type of insurance coverage and limits required herein. The certificate must be filed with MnDOT’s Authorized Representative within 30 days of execution of the contract, and prior to commencing work under the contract. The successful responder must maintain such insurance in full force and effect throughout the term of the contract.

14.2. Required Insurance. The successful responder will be required to maintain the furnish satisfactory evidence of the following insurance policies:

14.2.1. Workers’ Compensation Insurance: Except as provided below, the successful responder will be required to provide Workers’ Compensation insurance for all its employees and, in case any work is subcontracted, will require its subcontractor(s) to provide Workers’ Compensation insurance in
accordance with the statutory requirements of the state of Minnesota, including Coverage B, Employer’s Liability. Insurance minimum limits are as follows:

− $100,000 – Bodily Injury by Disease per employee
− $500,000 – Bodily Injury by Disease aggregate
− $100,000 – Bodily Injury by Accident

If Minnesota Statutes §176.041 exempts the successful responder from Workers’ Compensation insurance requirements, or if such responder has no employees in the state of Minnesota, the successful responder will be required to provide a written statement, signed by an authorized representative, indicating the qualifying exemption that excludes the successful responder from the Minnesota Workers’ Compensation requirements. If, during the course of the contract, the successful responder becomes subject to the Workers’ Compensation Insurance requirements, the successful responder then must comply with such requirements and must provide MnDOT with a Certificate of Insurance evidencing such coverage.

14.2.2. Commercial General Liability Insurance: The successful responder will be required to maintain insurance protecting the successful responder from claims for damages for bodily injury, including sickness or disease, death and for care and loss of services as well as from claims for property damage, including loss of use which may arise from operations under the contract whether the operations are by the successful responder or by a subcontractor or by anyone directly or indirectly employed by the successful responder pursuant to the contract. Insurance minimum limits are as follows:

− $2,000,000 – per occurrence
− $2,000,000 – annual aggregate
− $2,000,000 – annual aggregate – Products/Completed Operations

The following coverages must be included:

− Premises and Operations Bodily Injury and Property Damage
− Personal and Advertising Injury
− Blanket Contractual Liability
− Products and Completed Operations Liability
− State of Minnesota named as an Additional Insured, to the extent permitted by law

14.2.3. Commercial Automobile Liability Insurance: The successful responder will be required to maintain insurance protecting the successful responder from claims for damages for bodily injury as well as from claims for property damage resulting from the ownership, operation, maintenance or use of all owned, hired, and non-owned autos which may arise from operations under the contract, and in case any work is subcontracted the successful responder must require the subcontractor to provide Commercial Automobile Liability insurance. Insurance minimum limits are as follows:

− $2,000,000 – per occurrence Combined Single limit for Bodily Injury and Property Damage

In addition, the following coverages must be included:

− Owned, Hired and Non-owned Automobile

14.2.4. Professional/Technical, Errors and Omissions, and/or Miscellaneous Liability Insurance. The successful responder will be required to provide coverage for all claims the successful responder may become legally obligated to pay resulting from any actual or alleged negligent act, error or omission related to the successful responders professional services performed under the contract. Unless otherwise specified within this RFP, the successful responder will be required to carry the following minimum limits:

− $2,000,000 – per claim
− $2,000,000 – annual aggregate
Any deductible will be the sole responsibility of the successful responder and may not exceed $50,000 with the written approval of MnDOT. If the successful responder desires authority from MnDOT to have a deductible in a higher amount, the successful responder will be required to make such request in writing, specifying the amount of the desired deductible and providing financial documentation, acceptable to MnDOT, so that MnDOT can ascertain the ability of the successful responder to cover the deductible from its own resources. MnDOT will treat such financial statements as non-public data to the extent permitted by the Minnesota Government Data Practices Act.

The retroactive or prior acts date of coverage must not be after the effective date of the contract and the successful responder must maintain such coverage for a period of at least three years following the completion of work. If such insurance is discontinued, then extended reporting period coverage must be obtained by the successful responder to fulfill this requirement.

14.2.5. **Additional Insurance Conditions:**

- The successful responder’s policy(ies) will be primary insurance to any other valid and collectible insurance available to MnDOT with respect to any claim arising out of the successful responder performance under this contract;
- If the successful responder receives a cancellation notice from an insurance carrier affording coverage herein, the successful responder agrees to notify the state of Minnesota within five business days with a copy of the cancellation notice, unless the successful responder’s policy(ies) contain a provision that coverage afforded under the policy(ies) will not be cancelled without at least 30 days advance written notice to the state of Minnesota.
- The successful responder is responsible for payment of contract related insurance premiums and deductibles;
- If the successful responder is self-insured, a Certificate of Self-Insurance must be provided to MnDOT;
- The successful responder’s policy(ies) must include legal defense fees in addition to its liability policy limits, with the exception of part d above;
- The successful responder must obtain insurance policies from insurance companies having an “AM BEST” rating of “A minus”, a Financial Size Category VII, or better, and authorized to do business in the state of Minnesota.
- An Umbrella or Excess Liability insurance policy may be used to supplement the successful responder’s policy limits to satisfy the full policy limits required by the contract.

14.3. **Right to Terminate.** MnDOT reserves the right to immediately terminate the contract if the successful responder is not in compliance with the insurance requirements, and MnDOT retains all rights to pursue any legal remedies against the successful responder. All insurance policies must be open to inspection by MnDOT and copies of policies must be submitted to MnDOT’s Contract Administrator upon written request.

14.4. **Insurance Certificates.** The successful responder will be required to submit Certificate(s) of Insurance, acceptable to MnDOT, as evidence of meeting the insurance requirements, prior to commencing work under the contract.

15. **E-Verify Certification (In accordance with Minnesota Statutes §16C.075)**

By submission of a proposal for services in excess of $50,000, responders certify that as of the date of services performed on behalf of MnDOT, they, and all of their proposed subcontractors, will have implemented, or be in the process of implementing, the federal E-Verify program for all newly hired employees in the United States who will perform work on behalf of MnDOT. In the event of contract award, the successful responder will be responsible for collecting all subcontractor certifications and may do so utilizing the E-Verify Subcontractor Certification Form available at [http://www.mmd.admin.state.mn.us/doc/EverifySubCertForm.doc](http://www.mmd.admin.state.mn.us/doc/EverifySubCertForm.doc). All subcontractor certifications must be kept on file with the successful responder and made available to MnDOT upon request.
16. **Resident Vendor Form**
If a responder wishes to claim resident vendor status, it must complete the “Resident Vendor” form and submit it as part of their proposal.

17. **Nonresident Vendor Requirements.**
Please note: nonresident vendors seeking to provide architecture, engineering, landscape architecture, land surveying, geoscience, or certified interior design services as a contractor or subcontractor, and as defined by Minnesota Statutes section 326.02, must comply with the requirements of Minnesota Statutes section 326.13.

18. **Plain Language and Accessibility Standards**

18.1. **Plain Language.** Except for designs, plans, layouts, maps and similar documents, the successful responder must provide all deliverables in “Plain Language”. Executive Order 14-07 requires the Office of the Governor and all Executive Branch agencies to communicate with Minnesotans using Plain Language. As defined in Executive Order 14-07, Plain Language is a communication which an audience can understand the first time they read or hear it. To achieve that, the successful responder will take the following steps in the deliverables:
- Use language commonly understood by the public;
- Write in short and complete sentences;
- Present information in a format that is easy-to-find and easy-to-understand; and
- Clearly state directions and deadlines to the audience.

18.2. **Accessibility Standards.** Except for designs, plans, layouts, maps and similar documents, the successful responder agrees to comply with the State of Minnesota’s Accessibility Standard (https://mn.gov/mnit/assets/Stnd_State_Accessibility_tcm38-61585.pdf) for all deliverables under this contract. The State of Minnesota’s Accessibility Standards entail, in part, the Web Content Accessibility Guidelines (WCAG) 2.0 (Level AA) and Section 508 of the Rehabilitation Act, as amended. The successful responder’s compliance with the State of Minnesota’s Accessibility Standard includes, but is not limited to, the specific requirements as follows:
- All videos must include closed captions, audio descriptions and a link to a complete transcript;
- All documents, presentations, spreadsheets and other material must be provided in an accessible format. In addition, the successful responder will provide native files in an editable format. Acceptable formats include InDesign, Word and Excel; and
- All materials intended for downloading and printing such as promotional brochures, must be labeled as such and the content must additionally be provided in an accessible format.

19. **Certification of Nondiscrimination (In accordance with Minnesota Statutes §16C.053)**
The following term applies to any contract for which the value, including all extensions, is $50,000 or more: Responders must certify that they do not engage in and have no present plans to engage in discrimination against Israel, or against persons or entities doing business in Israel, when making decisions related to the operation of the vendor’s business. For purposes of this section, “discrimination” includes, but is not limited to, engaging in refusals to deal, terminating business activities, or other actions that are intended to limit commercial relations with Israel, or persons or entities doing business in Israel, when such actions are taken in a manner that in any way discriminates on the basis of nationality or national origin and is not based on a valid business reason.

20. **Subcontractor Reporting**
The State of Minnesota is committed to diversity and inclusion in public procurement. If the total value of this contract may exceed $500,000.00, including all extension options, Contractor will be required to track and report, on a quarterly basis, the amount spent with diverse small businesses. When this applies, Contractor will be provided free access to a portal for this purpose, and the requirement will continue as long as the contract is in effect.
CONFLICT OF INTEREST CHECKLIST AND DISCLOSURE FORM

Purpose of this Checklist: This checklist is provided to assist proposers in screening for potential organizational conflicts of interest. The checklist is for the internal use of proposers and does not need to be submitted to MnDOT, however, the “Disclosure of Potential Conflict of Interest” form must be submitted with your response.

Definition of “Proposer”: As used herein, the word “proposer” includes both the prime contractor and all proposed subcontractors.

Checklist is not Exclusive: Please note that this checklist serves as a guide only, and that there may be additional potential conflict situations not covered by this checklist. If a proposer determines a potential conflict of interest exists that is not covered by this checklist, that potential conflict must still be disclosed.

Use of the Disclosure Form: Proposers must complete the attached disclosure and submit it with their response (or separately, as directed by MnDOT, for projects not awarded through a competitive solicitation). If the proposer determines a potential conflict of interest exists, it must disclose the potential conflict to MnDOT; however, such a disclosure will not necessarily disqualify a proposer from being awarded a contract. To avoid any unfair “taint” of the selection process, the disclosure form should be provided separate from the bound response, and it will not be provided to selection committee members. MnDOT’s Contract Management personnel will review the disclosure and the appropriateness of the proposed mitigation measures to determine if the proposer may be awarded the contract notwithstanding the potential conflict. MnDOT’s Contract Management personnel may consult with MnDOT’s Project Manager and Department of Administration personnel. By statute, resolution of conflict of interest issues is ultimately at the sole discretion of the Commissioner of Administration.

Material Representation: Proposers are required to submit the attached disclosure form either declaring, to the best of its knowledge and belief, that no potential conflict exists, or identifying potential conflicts and proposing remedial measures to ameliorate such conflict. The proposer must also update conflict information if such information changes after the disclosure. Information provided on the form will constitute a material representation as to the award of this contract. MnDOT reserves the right to cancel or amend the resulting contract if the proposer failed to disclose a potential conflict, which it knew or should have known about, or if the proposer provided information on the disclosure form that is materially false or misleading.

Approach to Reviewing Potential Conflicts: MnDOT recognizes that proposer’s must maintain business relations with other public and private sector entities in order to continue as viable businesses. MnDOT will take this reality into account as it evaluates the appropriateness of proposed measures to mitigate potential conflicts. It is not MnDOT’s intent to disqualify proposers based merely on the existence of a business relationship with another entity, but rather only when such relationship causes a conflict that potentially impairs the proposer’s ability to provide objective advice to MnDOT. MnDOT would seek to disqualify proposers only in those cases where a potential conflict cannot be adequately mitigated. Nevertheless, MnDOT must follow statutory guidance on organizational conflicts of interest.

Statutory Guidance: Minnesota Statutes §16C.02, subdivision 10(a) places limits on state agencies ability to contract with entities having an “organizational conflict of interest”. For purposes of this checklist and disclosure requirement, the term “vendor” includes “proposer” as defined above. Pursuant to such statute, “organizational conflict of interest” means that because of existing or planned activities or because of relationships with other persons: (1) the vendor is unable or potentially unable to render impartial assistance or advice to the state; (2) the vendor’s objectivity in performing the contract work is or might otherwise be impaired; or (3) the vendor has an unfair advantage.

Additional Guidance for Professionals Licensed by the Minnesota Board of Engineering: The Minnesota Board of Engineering has established conflict of interest rules applicable to those professionals licensed by the Board (see Minnesota Rules Part 1805.0300). Subpart 1 of the rule provides “A licensee shall avoid accepting a commission where duty to the client or the public would conflict with the personal interest of the licensee or the interest of another client. Prior to accepting such employment the licensee shall disclose to a prospective client such facts as may give rise to a conflict of interest”.

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An organizational conflict of interest may exist in any of the following cases:

− The proposer, or its principals, own real property in a location where there may be a positive or adverse impact on the value of such property based on the recommendations, designs, appraisals, or other deliverables required by this contract.

− The proposer, or its principals, in previous work for the state has provided the final design or related services that are directly related to performance of work required under this contract. Comment: this provision will, for example, disqualify a proposer who performed final design for MnDOT and now seeks to provide construction administration services for that same project. MnDOT believes this is necessary because the firm that prepared the plans may be unable to objectively determine plan errors and omissions. This may cause a situation where: (1) the vendor is unable or potentially unable to render impartial assistance or advice to the state; and (2) the vendor’s objectivity in performing the contract work is or might otherwise be impaired.

− The proposer is providing services to another governmental or private entity and the proposer knows or has reason to believe, that entity’s interests are, or may be, adverse to the state’s interests with respect to the specific project covered by this contract. Comment: the mere existence of a business relationship with another entity would not ordinarily need to be disclosed. Rather, this focuses on the nature of services commissioned by the other entity. For example, it would not be appropriate to propose on a MnDOT project if a local government has also retained the proposer for the purpose of persuading MnDOT to stop or alter the project plans.

− This contract is for right-of-way acquisition services or related services (e.g. geotechnical exploration) and the proposer has an existing business relationship with a governmental or private entity that owns property to be acquired pursuant to this contract.

− The proposer is providing real estate or design services to a private entity, including but not limited to developers, whom the proposer knows or has good reason to believe, own or are planning to purchase property affected by the project covered by this contract, when the value or potential uses of such property may be affected by the proposer’s performance of work pursuant to this contract. “Property affected by the project” includes property that is in, adjacent to, or in reasonable proximity to current or potential right-of-way for the project. The value or potential uses of the private entity’s property may be affected by the proposer’s work pursuant to the contract when such work involves providing recommendations for right-of-way acquisition, access control and the design or location of frontage roads and interchanges. Comment: this provision does not presume proposers know nor have a duty to inquire as to all of the business objectives of their clients. Rather, it seeks the disclosure of information regarding cases where the proposer has reason to believe that its performance of work under this contract may materially affect the value or viability of a project it is performing for the other entity.

− The proposer has a business arrangement with a current MnDOT employee or immediate family member of such employee, including promised future employment of such person, or a subcontracting arrangement with such person, when such arrangement is contingent on the proposer being awarded this contract. This item does not apply to pre-existing employment of current or former MnDOT employees, or their immediate family members. Comment: this provision is not intended to supersede any MnDOT policies applicable to its own employees accepting outside employment. This provision is intended to focus on identifying situations where promises of employment have been made contingent on the outcome of this particular procurement. It is intended to avoid a situation where a proposer may have unfair access to “inside” information.

− The proposer has, in previous work for the state, been given access to “data” relevant to this procurement or this project that is classified as “private” or “nonpublic” under the Minnesota Government Data Practices Act, and such data potentially provides the proposer with an unfair advantage in preparing a response for this project. Comment: this provision will not, for example, necessarily disqualify a proposer who performed some preliminary work from obtaining a final design contract, especially when the results of such previous work are public data available to all other proposers. Rather, it attempts to avoid an “unfair advantage” when such information cannot be provided to other potential proposers. Definitions of “government data”, “public data”, “non-public data” and “private data” can be found in Minnesota Statutes Chapter 13.

− The proposer has, in previous work for the state, helped create the “ground rules” for this solicitation by performing work such as: writing this solicitation, or preparing evaluation criteria or evaluation guides for this solicitation.
The proposer, or any of its principals, because of any current or planned business arrangement, investment interest, or ownership interest in any other business, may be unable to provide objective advice to the state.

**DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST**

Having had the opportunity to review the Organizational Conflict of Interest Checklist, the proposer hereby indicates that it has, to the best of its knowledge and belief:

☐ Determined that no potential organizational conflict of interest exists.
☐ Determined that a potential organizational conflict of interest exists, as follows:

Describe nature of potential conflict:

Describe measures proposed to mitigate the potential conflict:

________________________________________  _________________________
Signature                                      Date

If a potential conflict has been identified, please provide name and phone number for a contact person authorized to discuss this disclosure form with MnDOT contract personnel.

________________________________________  _________________________
Name                                          Phone
STATE OF MINNESOTA
AFFIDAVIT OF NONCOLLUSION

Instructions: Please return your completed form as part of your response.

I swear (or affirm) under the penalty of perjury:
1. That I am the responder (if the responder is an individual), a partner in the company (if the responder is a partnership), or an officer or employee of the responding corporation having authority to sign on its behalf (if the responder is a corporation);
2. That the attached response, submitted in response to the __________________________________________ announcement has been arrived at by the responder independently and has been submitted without collusion with and without any agreement, understanding or planned common course of action with, any other responder of materials, supplies, equipment or services described in the announcement, designed to limit fair and open competition;
3. That the contents of the response have not been communicated by the responder, or its employees or agents, to any person not an employee or agent of the responder and will not be communicated to any such persons prior to the official opening of the letters of interest; and
4. That I am fully informed regarding the accuracy of the statements made in this affidavit.

Authorized Signature:

Responders Firm Name: ________________________________

Print Authorized Representative Name: ___________________________  Title: ________________________________

Authorized Signature: ________________________________  Date: _____________
STATE OF MINNESOTA
WORK FORCE CERTIFICATE INFORMATION

This form is required by state law for all responses that could exceed $100,000.00. Complete this form and return it with your response. The State of Minnesota is under no obligation to delay proceeding with a contract until a company becomes compliant with the Workforce Certification requirements in Minnesota Statutes §363A.36.

BOX A – MINNESOTA COMPANIES that have employed more than 40 full-time employees within this state on any single working day during the previous 12 months, check one option below:
☐ Attached is our current Workforce Certificate issued by the Minnesota Department of Human Rights (MDHR).
☐ Attached is confirmation that MDHR received our application for a Minnesota Workforce Certificate on ____________ (date).

BOX B – NON-MINNESOTA COMPANIES that have employed more than 40 full-time employees on a single working day during the previous 12 months in the state where it has its primary place of business, check one option below:
☐ Attached is our current Workforce Certificate issued by MDHR.
☐ We certify we are in compliance with federal affirmative action requirements. Upon notification of contract award, you must send your federal or municipal certificate to MDHR at compliance.MDHR@state.mn.us. If you are unable to send either certificate, MDHR may contact you to request evidence of federal compliance. The inability to provide sufficient documentation may prohibit contract execution.

BOX C – EXEMPT COMPANIES that have not employed more than 40 full-time employees on a single working day in any state during the previous 12 months, check option below if applicable:
☐ We attest that we are exempt. If our company is awarded a contract, we will submit to MDHR within 5 business days after the contract is fully signed, the names of our employees during the previous 12 months, the date of separation, if applicable, and the state in which the persons were employed. Send to compliance.MDHR@state.mn.us.

By signing this statement, you certify that the information provided is accurate and that you are authorized to sign on behalf of your company.

Name of Company: ___________________________________________ Date ______________

Authorized Signature: ___________________________________________ Telephone: __________

Printed Name: ___________________________________________ Title: _____________________________

For assistance with this form, contact:
Minnesota Department of Human Rights, Compliance Services

Web:  http://mn.gov/mdhr/

TC Metro: 651-539-1095  Toll Free: 800-657-3704  TTY:651-296-1283

Email:  compliance.mdhr@state.mn.us
STATE OF MINNESOTA
EQUAL PAY CERTIFICATE

If your response could be in excess of $500,000, complete and submit this form with your submission. It is your sole responsibility to provide the information requested and, when necessary, to obtain an Equal Pay Certificate from the Minnesota Department of Human Rights (MDHR) prior to contract execution. You must supply this document as part of your proposal. Contact MDHR with questions at 651-539-1095 (metro), 1-800-657-3704 (toll free), 711 or 1-800-627-3529 (MN Relay), or at compliance.MDHR@state.mn.us.

Option A – If you have employed more than 40 full-time employees on any single working day in one state during the previous 12 months, check the applicable box below:
☐ Attached is our current MDHR Equal Pay Certificate
☐ Attached is MDHR’s confirmation of our Equal Pay Certificate application

Option B – If you have not employed more than 40 full-time employees on any single working day in one state during the previous 12 months, check the box below:
☐ We are exempt. We agree that if we are selected, we will submit to MDHR within five business days of final contract execution, the names of our employees during the previous 12 months, date of separation (if applicable), and the state in which the persons were employed.

Documentation should be sent to: compliance.MDHR@state.mn.us

The State of Minnesota reserves the right to request additional information from you. If you are unable to check any of the preceding boxes, please contact MDHR to avoid the Commissioner taking action to void your contract.

Your signature certifies that you are authorized to make the representations, the information provided is accurate, the State of Minnesota can rely upon the information provided, and the State of Minnesota may take action to suspend or revoke any contract with you for any false information provided.

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Issuing Entity       Project # or Lease Address

Authorized Signature Printed Name Title

Organization MN/FED Tax ID# Date

Issuing Entity Project # or Lease Address
TARGETED GROUP, ECONOMICALLY DISADVANTAGED AND VETERAN-OWNED SMALL BUSINESSES PREFERENCE FORM

Name of Contractor/Consultant: ________________________________________________________________

SP #: ______________ Proposal Due Date: ______________

Address: ______________________________________________________ City: ______________ State/Zip: ____________

Contact Person/ EEO Officer: _______________________________________________________________

Phone Number: ____________________ E-Mail Address: ____________________________________________

TARGETED GROUP/ECONOMICALLY DISADVANTAGED BUSINESSES
☐ The business is an eligible TGB/ED as shown in the Minnesota Department of Administration online directory at: http://www.mmd.admin.state.mn.us/process/search/.

VETERAN-OWNED SMALL BUSINESSES
Unless a greater preference is applicable, and allowed by law, in accordance with Minnesota Statutes §16C.16, subdivision 6a, MnDOT will award a 6% preference on state procurement to certified small businesses that are majority owned and operated by veterans. The business is an eligible Veteran-Owned small business owned and operated by either (check the box that applies and attach the certification documents required with your response to this announcement):

Veteran-Owned Preference Requirements – See Minnesota Statutes §16C.19(d):
☐ The business has been certified by the Minnesota Department of Administration’s Office of State Procurement as being a veteran-owned or service-disabled veteran-owned small business.

OR
☐ The principal place of business is in Minnesota AND the United States Department of Veterans Affairs verifies the business as being a veteran-owned or service-disabled veteran-owned small business under Public Law 109-461 and Code of Federal Regulations, title 38, part 74 (Supported By Documentation).

Statutory requirements and appropriate documentation must be met by the letter of interest due date and time to be awarded the veteran-owned preference.

CLAIM THE PREFERENCE

You must submit this form, and the documentation required above, as part of your letter of interest in order to be considered for this preference.

I certify that the information contained herein is true, accurate and complete.

Signed: _____________________________

Proposer or Authorized Representative
STATE OF MINNESOTA
RESIDENT VENDOR FORM

In accordance with Laws of Minnesota 2013, Chapter 142, Article 3, Section 16, amending Minnesota Statutes §16C.02, subdivision 13, a “Resident Vendor” means a person, firm, or corporation that:

1. is authorized to conduct business in the state of Minnesota on the date a solicitation for a contract is first advertised or announced. It includes a foreign corporation duly authorized to engage in business in Minnesota;
2. has paid unemployment taxes or income taxes in this state during the 12 calendar months immediately preceding submission of the response for which any preference is sought;
3. has a business address in the state; and
4. has affirmatively claimed that status in the response submission.

To receive recognition as a Minnesota Resident Vendor (“Resident Vendor”), your company must meet each element of the statutory definition above by the solicitation opening date and time. If you wish to affirmatively claim Resident Vendor status, you should do so by submitting this form with your response. Resident Vendor status may be considered for purposes of resolving tied low bids or the application of a reciprocal preference.

I HEREBY CERTIFY THAT THE COMPANY LISTED BELOW:

1. Is authorized to conduct business in the state of Minnesota on the date a solicitation for a contract is first advertised or announced. (This includes a foreign corporation duly authorized to engage in business in Minnesota.)
   ___Yes ___No (must check yes or no)
2. Has paid unemployment taxes or income taxes in the state of Minnesota during the 12 calendar months immediately preceding submission of the response for which any preference is sought.
   ___Yes ___No (must check yes or no)
3. Has a business address in the state of Minnesota.
   ___Yes ___No (must check yes or no)
4. Agrees to submit documentation, if requested, as part of the response process, to verify compliance with the above statutory requirements.
   ___Yes ___No (must check yes or no)

BY SIGNING BELOW, you are certifying your compliance with the requirements set forth herein and claiming Resident Vendor status in your response submission.

Name of Company: __________________________________________ Date: _____________________________

Authorized Signature: _________________________________________ Telephone: ____________________________

Printed Name: __________________________________________ Title: _____________________________

IF YOU ARE CLAIMING RESIDENT VENDOR STATUS, SIGN AND RETURN THIS FORM WITH YOUR PROPOSAL SUBMISSION.