



Clean Water Service Provider Procurement and Prequalification Policy

Vermont Housing & Conservation Board (VHCB)

Enacted: September 28th 2022 by VHCB Board

Where VHCB's procurement activities are subject to Environmental Protection Rule Chapter 39 and relate to VHCB's role as the Clean Water Service Provider (CWSP), the following shall apply in addition to VHCB's organizational procurement policy. However, in instances where the two policies differ, the policies herein will take precedence for the CWSP program.

Procurement of Goods

Purchasing of goods shall require the solicitation of at least two different quotations, except when purchasing items valued at \$1,000.00 or less. Records related to the procurement of goods shall be retained for at least one (1) year after the audit covering the period of the purchase of those goods. Procurement of a good or category of goods totaling \$15,000.00 or greater from one vendor in one (1) year shall be by written contract. Equipment and other durable assets purchased by VHCB shall be maintained.

Procurement of Services

As a CWSP, VHCB may procure the services of subcontractors and/or subgrantees. VHCB may procure these subcontractors and/or subgrantees through a Request for Proposal (RFP) process.

VHCB may also prequalify Project Managers and/or Subcontractors to complete CWSP projects through a Request for Qualifications (RFQ) process.

VHCB will follow the procedures described in this document for procuring Project Managers and/or Subcontractors for CWSP related services.

Records related to the procurement of services shall be retained for the terms of the contract plus a minimum of three (3) years.

No member of the Memphremagog Basin Water Quality Council (BWQC) shall participate or be consulted in the procurement decision-making process.

Request for Proposal (RFP)

VHCB may use a request for proposal (RFP) process. VHCB staff will endeavor to solicit proposals from three (3) or more qualified contractors listed on VHCB's contractor list. VHCB will also place a notice on VHCB's website announcing the availability of the Request for Proposals.

Request for Qualifications (RFQ)

VHCB may issue two separate Request for Qualifications (RFQs), one to prequalify Project Managers and one to prequalify Subcontractors to complete CWSP projects. The outcome of



either RFQ shall be valid for three years. VHCB will formally open the prequalification process to new entities annually; however, VHCB will also reserve the option to prequalify entities on a rolling basis during each project proposal phase, should a non-prequalified entity wish to propose a project and be prequalified at that time.

Once VHCB has prequalified Project Manager and/or Subcontractors through the process described in this document, VHCB shall engage them either by maintaining a Master List of Prequalified Entities or under a Master Prequalified Subgrantee/Subcontractor Agreement.

Project Managers may be prequalified as Project Managers and/or Subcontractors and this process shall qualify them for either or both roles.

Task Order Assignment will be made by VHCB to Prequalified Project Managers to further BWQC decisions. Prequalified Project Managers may be sole sourced by VHCB pursuant to the provisions of the Rule. VHCB and Prequalified Project Managers will have access to VHCB's Prequalified Subcontractors to procure, through three (3) bids, subcontractors for specific projects following a review of task order complexity, cost, experience of the firm, capacity to complete the work within the desired time-frame, and availability of contactor staff. VHCB or Project Managers may request a technical proposal from more than one firm for comparison if deemed appropriate.

Subcontractors, having an active Prequalified Subcontractor Agreement with VHCB will be considered prequalified and may be engaged by CWSP Project Managers under separate Prequalified Subcontractor Agreements. The terms of the separate Project Manager agreements must be consistent with those of the VHCB's Prequalified Subcontractor Agreements.

Entities will be pre-qualified to perform a category of work. A single entity may be prequalified for any number of categories. These include:

- a) identification & development,
- b) design,
- c) construction/implementation,
- d) operation & maintenance, and
- e) inspection, reporting & verification

Procurement of Municipalities

Municipalities will not be required to be prequalified as either subcontractors or project managers to perform work on their own municipal land, meaning that a municipality may be engaged as a Project Manager and or to do construction similarly to prequalified entities. A municipality may choose to seek prequalification to provide VHCB with relevant documentation and information upfront or if they wish to be prequalified to perform work on land not owned by the municipality. If a municipality is not prequalified, VHCB may require additional information in either project proposal before the project is ranked and brought to the Basin Water



Quality Council for consideration or before the project is assigned to a municipality. This additional information may include, but is not limited to:

- Description of budgeting, cost, and quality control procedures
- Assessment of municipal management
- Statement of Justice/Equity/Diversity/Inclusion
- Additional information VHCB may find relevant

Project Managers who engage municipalities as Subcontractors must adopt a policy that is consistent with VHCB's municipal procurement procedure.

RFP or RFQ Formats and Requirements

The RFP or RFQ will contain adequate project descriptive information for contractors to understand the scope of the project. The RFP or RFQ will also detail the information required to be considered responsive to the RFP/RFQ and will outline the criteria that will be used for contractor selection. The Project Managers and/or Subcontractors may be asked to provide the information listed below, as well as other items deemed important to the proposed project.

- Name, address and brief history and description of the organization/firm.
- Resumes of key personnel to be assigned to the project.
- Related projects/areas of expertise/experience.
- Description of budgeting, cost, and quality control procedures
- Statement of Justice/Equity/Diversity/Inclusion
- A brief description of the firm's approach to the project
- Documentation apprising VHCB of any record of debarment on the part of the organization or members of its staff
- Executed Certificate of Good Standing using form B5-Act154Cert provided by the Vermont Agency of Administration.
- Additional information VHCB may find relevant

RFP/RFQ Evaluation

The RFP/RFQ will be evaluated considering a predetermined system of criteria and by a predetermined selection committee likely of three (3) VHCB staff. Criteria may include, but not be limited to the following:

- Responsiveness to the scope of work
- Knowledge of the project area
- Quality and number of staff assigned to the project



- Distribution of staff hours to tasks
- Specific experience of the proposed staff
- Schedule
- Creativity of methodological approach
- Technical resources
- Location of the key management and staff team in relation to the location of the project.
- Overall experience of the firm
- Experience with similar projects

Once the proposal is discussed and ranked, the cost proposal, if required, will be reviewed for consistency with, and in light of, the evaluation of the technical proposal.

VHCB reserves the right to seek clarification of any proposal submitted and to select the proposal considered to best promote the public interest.

All proposals become the property of VHCB upon submission. The cost of preparing, submitting and presenting a proposal is the sole expense of the contractor. The VHCB reserves the right to reject any and all proposals received as a result of any solicitation, to negotiate with any qualified source, to waive any formality and any technicalities or to cancel a project in part or in its entirety if it is in the best interest of the VHCB. This solicitation of proposals in no way obligates the VHCB to award a subgrant agreement and/or subcontract.