

REQUEST FOR PROPOSAL

FOR

ON-CALL SEQR/TEQR SERVICES



DEPARTMENT OF ENVIRONMENTAL RESOURCES

Release Date: September 1, 2023

Due Date: October 2, 2023

Responses received after 4:00 p.m., October 2, 2023, WILL NOT BE CONSIDERED.

Town of Oyster Bay
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Introduction

The intent of this RFP is to obtain the most qualified individual(s) or firm(s) to provide on-call environmental impact analysis services to the Town of Oyster Bay Department of Environmental Resources (DER), Town Environmental Quality Review (TEQR) Division as the need arises. We wish to solicit proposals specifically for proposed actions which are subject to environmental review in accordance with Article 8 of the Environmental Conservation Law (ECL), State Environmental Quality Review Act (SEQRA), and the implementing regulations thereto at 6 NYCRR, Part 617, and the Town of Oyster Bay Environmental Quality Review Law, Chapter 110 of the Code of the Town of Oyster Bay. In accordance with the Town of Oyster Bay's qualification based consultant procurement policy, DER is seeking proposals for the services detailed herein to be performed on an On-Call basis for the calendar years 2024-2025.

In order to accurately reflect the current costs of reviewing and evaluating applications in accordance with potential impacts to the environment, the Town Board voted to revise the DER Town Environmental Quality Review (TEQR) Division fee schedule on December 10, 2019. Accordingly, all applications subject to environmental review are required to establish a trust fund account; thereby shifting the cost of the review from the residents to the developer. The services requested herein will be applied on a per project basis assigned to the individual/firms(s) selected ("consultant") pursuant to the aforementioned provisions.

The description of the anticipated services needed will be summarized in the Objective and Scope of Services section of this RFP. As set forth below, selection will be based upon consideration of the overall qualifications, experience, proven capabilities, benefit to the Town, and demonstrated commitment to a thorough and comprehensive environmental review in accordance with all regulatory provisions and standard DER TEQR Division expectations.

The Town reserves the right to negotiate with any and all proposers, to decline any and all proposals, and to select the proposer which in the Town's sole judgment, will best serve the needs of the Town and its residents. The Town further reserves the right to award multiple contracts to multiple qualified firms or individuals ("consultants").

Questions regarding the requirements contained in this RFP may be obtained by contacting:

Colin Bell, Deputy Commissioner
Department of Environmental Resources Email:
environmentalRFP@oysterbay-ny.gov

And/or

Julia Schneider, Director of Town Environmental Quality Review
Department of Environmental Resources Email:
environmentalRFP@oysterbay-ny.gov

DER Tips and Guidance to a Successful Proposal

Clearly demonstrate understanding and familiarity with the Town's evolved and updated environmental review process. Prior to submitting a proposal, it is recommended that the proposer visit the Town website regarding environmental planning and archived adopted resolutions to ensure that the forms, guidance documents, and relevant items in this RFP are referenced and cited in the proposal. Proposals that do not demonstrate a deep level of understanding of these standard documents and Town procedures will be judged accordingly. The aptitude to follow simple instructions, review the basic foundation for the Town's environmental review process, and ability to locate publicly accessible information conveniently posted on the Town website will be noted as the RFP committee reviews the proposals.

Since the Town updated the TEQR fee schedule, all actions that are not Type II require that the applicant/developer establish a trust account to fund the cost of the review. While the ability to review Environmental Impact Statements is important, the vast majority of projects for which the subject and services of this RFP are being requested are for unlisted projects. Thus, the most important evaluation for the competency of the firm(s) selected is the ability to provide these services in a timely and effective manner. This includes an understanding of all substantiating information that we require on all environmental application subject to review on the New York State Short Environmental Assessment Form (SEAF), and TOB Addendum, and FEAF for projects that fall just below a Type I Threshold. Failure to acknowledge and demonstrate the level of detail we require of all projects above providing perfunctory unsubstantiated yes or no responses is unacceptable for the Town's environmental review requirements, and understanding of same should be reflected in the proposal.

Objective and Scope of Services

The objective of this Request for Proposal ("RFP") is to award a Service Agreement to an organization, firm or individual that will accomplish the following scope of services:

I. **Project Review.** Review all project related documents submitted to and/or provided to the selected consulting firm by DER.

1. **Document Review.**

Consultant will be expected to conduct a thorough review of document(s) to obtain a complete understanding of a project's overall scope and potential environmental impacts. The review should assess the completeness, accuracy and appropriateness of the analysis chosen with regard to the subject application in accordance with all regulatory provisions, industry standard practices, and TEQR standard protocol.

2. **Physical Features Review.**

In order to assess the completeness of the report, a field inspection/ physical features review may be requested to obtain specific information about the site and surrounding community.

3. **SEQR/TEQR Understanding.**

Consultant will be expected to analyze all potential impacts in accordance with the New York State Environmental Quality Review Act (SEQR), Town of Oyster Bay Department of Environmental Resources (DER), Town Environmental Quality Review (TEQR) Division requirements (including the DER Short Environmental Assessment Form Addendum (TOB Addendum), Transportation Information Resources Addendum (TIRA), and all substantiating information typically required in accordance with the nature and scope of the proposed action.

Proven ability to review projects/proposed actions in accordance with Article 8 of the Environmental Conservation Law (ECL), State Environmental Quality Review Act (SEQR), and the implementing regulations thereto at 6 NYCRR, Part 617, and the Town of Oyster Bay Environmental Quality Review Law, Chapter 110 of the Code of the Town of Oyster Bay.

4. **Remediation Documents**

Consultant will be expected to provide review and analysis of any documentation regarding contamination, and be familiar with various remediation programs that may be related to the site and/or site redevelopment.

5. **Specific Environmental Parameter Studies**

Based on the nature for the proposed action, DER may request that the applicant prepare a supplemental noise/acoustical impact analysis, air quality impact analysis, etc. The consultant should be familiar with the industry standard and contextual consideration where additional

specific evaluation of potential impacts is warranted, and be able to thoroughly review the associated analysis prepared by the applicant.

6. Conclusion and Recommendations.

Consultant will be expected to succinctly summarize and communicate recommendations, findings based on their analyses. Consultant will also be expected to provide various methods of information analysis including but not limited to the following: potential mitigation measures, executive summaries, and comparative analysis of similar projects, analysis of short-term, long-term, direct, indirect, synergistic and cumulative impacts.

7. Alternatives Analysis and Mitigation Measures.

Consultant will be expected to have an understanding of mechanisms and logistical methodologies to improve project features and be able to discuss feasible alternatives where appropriate. Consultant should also be well versed in discussing potential advantages and disadvantages of various measures considered for implementation, potential direct and indirect impacts, as well as short-term, long-term and cumulative impacts.

8. Communication.

Consultant will be expected to effectively communicate and coordinate comments for consistency with the Department of Environmental Resources standard procedures. Even when utilizing consultants, DER thoroughly reviews all documents produced by consultants on our behalf, it is never passed through without intense scrutiny and at least some comments. Anticipating environmental concerns from residents and the surrounding community that we would expect to receive should be meaningfully considered and incorporated into comment letters where reasonably feasible. It is not an insult for experts work to be questioned, additional information to be requested, or specific issues to be clarified, or explored more thoroughly at the request of DER, and consultant's proposals will be judged in part on their willingness and commitment to this endeavor.

There are many otherwise qualified firms who prepare final documents without understanding the thoroughness and dedication to serving our community which has become the hallmark for environmental reviews in the Town of Oyster Bay. The selected firm/individual must not only be amenable to considering input and suggestions from DER TEQR Division, but welcome a constructive and productive relationship in this collaborative process toward attaining an environmental review analysis that is beyond reproach. In summation, the consultant will be expected to provide drafts for internal review and consideration to DER, meaningfully considering incorporating same into their revised document prior to finalization.

9. Conflict Disclosure

It is understood that there are a limited number of highly experienced and qualified firms/individuals capable of conducting an environmental review in accordance with SEQRA requirements and the stringent TEQR standards inherent in the town's review process. Thus, the Town is aware that developers may seek to utilize some of these same firms. As this RFP is for on-call consultants, and will likely select a few qualified firms to choose from, replying to this proposal would in no way preclude a company from working with a developer on an unrelated project. The utilization of services is on a per project basis as determined and assigned by DER. If DER requests assistance from the consultant to review project, it is perfectly acceptable and welcomed at the earliest possible stage for the consultant to disclose that they are already or are planning to work for that developer and are conflicted out (on that specific project). There are plenty of projects in the Town of Oyster Bay subject to environmental review, and having a well-rounded firm that has experience from all aspects of the review is an asset. DER would simply seek another consultant on the On-Call list.

Further, even if there is not an apparent or obvious conflict of interest, but the consultant for whatever reason does not want to review a specific project, it is entirely within the purview of the consultant when contacted by DER to decline that assignment.

II. Miscellaneous Meetings and Review Requests

1. Pre-application Meetings.

Pre-Application Meetings are subject to the TEQR fee schedule in accordance with Town Code Chapter 110. Consultant will be expected to review proposed actions and conceptual projects at the behest of the Department of Environment Resources and provide preliminary analyses and recommendations as necessary to ensure adherence to industry standards and guidance documents, and to maximize benefits and minimize impacts to the Town and its residents.

2. Attendance at Community/Public Meetings.

Consultant may be required to attend stakeholder meetings/civic association meetings, etc. at the request of DER.

3. Meetings with Involved Agencies and/or Interested Parties

Consultant will be expected to attend meetings and provided analysis and input to DER where proposed actions/potential projects may have the potential to impact environmental resources in the Town of Oyster Bay. This task may include reviewing documents and measures to evaluate the whole action and potential adverse environmental impacts which are to be provided to DER.

III. Fee Schedule and Billing

Consultant must have expert knowledge of the TEQR Fee schedule, its origin, and logistical implementation. It is imperative that the consultant keep meticulous records of their time spent on each task necessary to conduct an environmental review. DER will review each draft invoice to ensure accuracy and accountability for time on the particular application prior to finalization. Understanding of the logistical implementation will be a component of the scoring of the proposals received, so it is in the proposer's best interest to demonstrate a deep understanding, and provide step by step understanding of how this has been implemented by DER to assure accountability in this process. Failure to demonstrate complete procedures for documenting time spent, and providing regular updates on time spent to date, inclusive of the percentage included in the fee schedule, to ensure that DER can prepare timely requests for trust account replenishment letter to developers so there are sufficient funds in the trust account has been challenging; thus, generalities, or explanations that do not demonstrate the knowledge and aptitude for continuing to implement the Town's innovative process for ensuring that developers bear the burden of the cost of the review, will be scored accordingly.

In summation, the consultant will be expected to provide invoices in a timely manner and provide interim updates when requested by DER to that the trust accounts can effectively be managed by the Department.

IV. Testimony at Public Hearings

Consultant may be required to provide expert testimony at the request of DER.

Program Requirements and Operations

The Town of Oyster Bay Department of Environmental Resources, TEQR Division provides environmental reviews and oversight pursuant to Article 8 of the Environmental Conservation Law (ECL), State Environmental Quality Review Act (SEQR), and the implementing regulations thereto at 6 NYCRR, Part 617, and the Town of Oyster Bay Environmental Quality Review Law, Chapter 110 of the Code of the Town of Oyster Bay. Comprehensive impact analysis is an integral component of the environmental review process.

The Proposal shall fully describe the operation and administrative structure for the successful implementation and management of the project and services as noted in the section entitled “Objective and Scope of Services.” This information will be used in the evaluation process along with the proposed cost of services to the Town of Oyster Bay to select the successful proposal(s).

Proposals shall discuss the nature and logistics of the actual environmental impact analysis proposed, specifically with respect to how the firm will process and handle the reviews while maintaining ongoing and expedient communication with the Town of Oyster Bay. Disciplines including qualifications, certifications and applicable licenses of the firms/individual environmental planners and technical staff, in addition to the firms/individual qualifications a detailed description of the rates proposed to both provide the legal requirements of the environmental review process should be presented in the proposal. Of significant importance, an understanding of how the Town has gone above and beyond the bare minimum standards in order to provide a comprehensive Town environmental quality review that has come to be our only acceptable standard for environmental reviews in the Town of Oyster Bay is a key component in the evaluation and scoring process.

If the proposer anticipates the use of sub-contractors or sub-consultants to fulfill the conditions of contract, they shall be identified and the proposer shall provide complete resumes, qualifications, certifications, fee schedule for their time, and their specific role relative to the proposal. If specialized staff are needed that were not reviewed in the proposal, the aforementioned information must also be provided to DER prior to commencing work. Aforementioned subconsultant information must also be provided to DER for review and approval prior to utilizing the subconsultant. Approval by DER must be provided in writing. It is imperative the DER is aware of all personnel working on projects assigned by this Department.

The Department of Environmental Resources seeks operators with substantial financial capability and experience in environmental planning and impact analysis. Parties without substantial qualifying experience may not be considered. Any and all sub-contractors for the services proposed in the proposal shall be indicated and identified by discipline and in relation to the activity. The proposer shall be required to provide proof of adequate insurance as specified in the “Insurance” section and any additional insurance as required by the Town of Oyster Bay.

Format

In order to facilitate the most orderly and efficient comparison of proposals it is requested that each submission be organized in the following format:

- I. Provide information on the items requested in the objective and scope of services, program requirements and operations, and include all documentation, graphics, or other materials relevant to the proposal.
- II. Include a detailed resume for all principals and/or directors, including, but not to be limited to, full identification and addresses of each entity and principal, including a complete resume of experience and background of all key personnel that will be utilized.
- III. The proposal should also include an organizational chart for the operation of all proposed operations. The organizational chart shall detail their respective duties relative to the proposed operation.
- IV. A current statement of financial responsibility and capability, substantiating the means necessary to conduct and promote the operation shall be included.
- V. Respondent must submit a separate price page which sets forth the proposed fees for all items and services described in its proposal. Respondent's proposed fees must be inclusive of any and all fees that respondent charges regarding rendering the proposed services to the Town. Please be advised that while cost is a factor that will be considered in the evaluation of proposals, the Town is not required to select the lowest- cost respondent.

In the interest of saving proposers the cost of paper, duplicating, binding and delivery time, proposals will only be accepted via email, in a searchable PDF format. To be considered, a response must be received by the Department of Environmental Resources at the following email address:

environmentalRFP@oysterbay-ny.gov

Please ask for an email “delivery receipt” when submitting your proposal.

Responses received after 4:00 p.m., October 2, 2023, WILL NOT BE CONSIDERED.

Faxed responses WILL NOT BE CONSIDERED.

Insurance

The consultant with secure and maintain such insurance as will protect them and the Town from claims under the Workmen’s Compensation Acts, also secure and maintain automobile, bodily injury and property damage liability insurance coverage as will protect them and the Town, including special districts when required, from claims which may arise from the performance of all services under this Agreement, in minimum limits of \$1,000,000.00, bodily injury and \$500,000.00 property damage, a Professional Liability Policy in an amount not less than \$1,000,000.00 insuring the consultant against errors and omissions. The said insurance policies or certificates will be submitted for approval as to form to the Town Attorney’s Office prior to or at the time of signing of this Agreement and copies then filed with the Town.

Disclosure of Conflicts

Proposers submitting a response to this RFP must disclose any actual, apparent, direct or indirect, or potential conflicts of interest that may exist with respect to the proposer, management or employees of the proposer or other persons relative to the services to be provided under the Agreement to be awarded pursuant to the RFP. If a proposer has no conflicts of interest, a statement to that effect shall be included in the proposal. All responders must complete the enclosed Disclosure Affidavit.

Evaluation

The Town reserves the right to select proposals that are in the best interest of the Town, with or without interviews or further discussion with respondents. The Town may request that one or more respondents make a formal presentation to the evaluation committee in charge of overseeing the RFP process on a date to be set by the Town. The Town may also request additional data, discussion, or presentation in support of proposals after the opening of the proposals. The financial aspects of proposals will be carefully considered; however, the final selection of a proposal will not be based on cost alone. The background and experience of each respondent will be closely reviewed to verify that the respondent is qualified to carry out the responsibilities of an agreement with the Town. A proposal from an unqualified respondent will not be considered, regardless of the proposed fee. The Town expressly reserves the right to negotiate the fee of the respondent receiving the highest score prior to the authorization of an agreement pursuant to this RFP.

The consultant will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status and will undertake or continue existing programs of affirmative action to ensure that group members and women are afforded equal employment opportunities without discrimination. The consultant shall also make reasonable efforts to encourage the participation of Certified Disadvantaged Business Enterprises (DBEs) as sub-consultants, and retain the documentation of these efforts to be provided upon request of the Town. A listing of contractors can be found at <https://nysucp.newnycontracts.com>

Certificate of Authorization

The consultant shall submit with its proposal a copy of its current Certificate of Authorization pursuant to Section 7210 of the New York Education Law. Consultant shall also submit with its proposal the Certificate(s) of Authorization of any sub-consultant and/or subcontractor who shall perform any professional engineering services under this RFP. Failure to submit copies of said Certificate(s) shall be grounds to reject any proposal and disqualify consultant as not meeting the necessary minimum qualifications to perform the services to be performed herein

Criteria

The responsive proposals will be evaluated by the Department of Environmental Resources based on the criteria listed below:

- I. Respondents should describe how the specialized skill and expertise they possess are adequate to carry out the responsibilities set forth in this RFP in a complete and timely fashion.
- II. Respondents should cite to experience that demonstrates their ability to perform the required services. Respondents should identify public sector clients, if any, for whom respondents have provided similar work in the past. Respondents must supply at least three (3) references as indicated in the Proposal Forms.
- III. Respondents should describe how they will complete the objectives set forth in the objective and scope of services, program requirements and operations, and include all documentation, graphics, or other materials relevant to the proposal.
- IV. Respondents must submit a price page/rate schedule as a separate PDF. Respondents' proposed fee schedules shall be based on the tasks set forth in the scope of services and include hourly billing rates. Respondents' proposed fee schedules must be inclusive of all necessary labor, materials, and incidentals, any one-time or set-up charges, equipment fees, research fees, minimum fees, convenience fees, and/or all other fees that respondent charges for its services. Please be advised that while cost is a factor that will be considered in the evaluation of proposals, the Town is not required to select the lowest-cost respondent. When a wage rate-multiplier payment method is utilized, payment will be made on the basis of direct salary times a multiplier. The multiplier and maximum allowable billable rate is set by the Town Board. Direct salary shall be actual salary or compensation paid by the consultant to all personnel for the work performed by them directly related to the particular project or projects assigned exclusive of insurances, payroll taxes and all other fringe benefits. In no event (regardless of the maximum wage rate schedule to be provided in accordance with the above) shall the Town pay more than the maximum hourly limit as approved by the Town Board.

Cost of Preparation

All costs of proposal preparation shall be borne by the proposer. The Town of Oyster Bay shall not, in any event, be liable for any expenses incurred by the proposer in the preparation and/or submission of the proposal.

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