



**CITY OF PHOENIX, ARIZONA
OFFICE OF THE CITY ENGINEER
DESIGN AND CONSTRUCTION PROCUREMENT**

REQUEST FOR QUALIFICATIONS

**STREET TRANSPORTATION DEPARTMENT
ENVIRONMENTAL ON-CALL CONSULTING SERVICES
FOR FISCAL YEARS 2020/21 & 2021/22**

**PROCUREPHX PRODUCT CATEGORY CODE
926000000 / 925000000
RFx 6000000867**

REQUEST FOR QUALIFICATIONS

The City of Phoenix is seeking up to (10) ten qualified consultants to provide environmental on-call services citywide on an as-needed basis for Environmental Site Assessments (ESAs) from July 1, 2020 to June 30, 2022.

SECTION I – PROJECT DESCRIPTION

The selected firms will be responsible to perform Phase I, Phase II, and Phase III Environmental Site Assessments (ESAs), Biological Surveys, Brownfields related work, environmental program support services, and other related environmental studies and investigations on real property for the City of Phoenix.

ESAs will be performed primarily on properties being evaluated for acquisition by the City, although in some instances City-owned property will be evaluated. Biological surveys will be performed primarily in conjunction with design activities for capital improvements, or as needed to assure compliance with Endangered Species Act requirements. Other environmental studies include, but are not limited to vapor encroachment assessments, Brownfields studies, groundwater monitoring, landfill redevelopment, and assistance for environmental permitting, emission testing, regulatory reporting, document preparation and technical support, with an emphasis on the Clean Water Act, including, but not limited to wastewater and stormwater rules and regulations. The consultant may also be requested to provide technical and environmental training and/or environmental outreach support for regulatory compliance.

SECTION II – SCOPE OF WORK

Included in this Request for Qualifications as Exhibit B are generic scopes of work for the Phase I assessments, Phase II assessments, and assessments of vapor intrusion. A generic scope of work for Phase III environmental assessment will be provided in the contracts as this work is very site specific and can be variable and dependent on the results of the Phase I and Phase II site assessments.

Each responding firm must demonstrate a capability to successfully complete the Phase I and Phase II assessment scopes of services, and must identify the types of subconsultants, if any, to be used. Firms must also describe their experience with Phase III environmental assessments, groundwater monitoring,

The Consultant shall provide services in other environmental investigations and tasks as directed by the Street Transportation Department Environmental Section.

Attached as Exhibit C is the minimum insurance requirements for the project.

SECTION III - PRE-SUBMITTAL MEETING

A pre-submittal meeting will be held at 9:30a.m., Phoenix time on Tuesday, March 3, 2020, at 251 W. Washington Street, Calvin C. Good Municipal Building, 10th Floor, Conference Room CCG10 (Coronado Training Room). At this meeting, City staff will discuss the scope of work, general project requirements, and respond to questions from the attendees. It is strongly recommended that interested firms attend the pre-submittal meeting. Inquiries regarding the project scope outside of this pre-submittal meeting must be directed to the Contracts Specialist.

SECTION IV - STATEMENT OF QUALIFICATIONS EVALUATION CRITERIA

Firms will be selected through a qualifications-based selection process based on the criteria below. Sub-criteria are listed in order of importance in relation to project services. City of Phoenix project experience is not required.

A. Experience of the Prime Firm (maximum 250 points)

Describe the experience and qualifications of your firm in providing these services for similar projects. Provide at least two comparable projects.

1. Description of the project including scope and project owner
2. Role of the firm and explain how this relates to the services being solicited
3. Project's original contract value, final contract value, and reason for variance
4. Project's start date and completion date

B. Experience of the Key Personnel (maximum 250 points)

Describe the experience and qualifications of the key personnel expected to be assigned in providing these services for similar projects. For each key person identified, list their length of time with the firm and at least two comparable projects in which they have played a primary role. If a project selected for a key person is the same as one selected for the firm, provide just the project name and the role of the key person.

For each project listed, please provide:

1. Description of the services including scope and project owner
2. Role of the key person
3. Contracted service dates and contract value

C. Project Management, Approach, and Responsiveness (350 points)

Provide a description in more technical detail of at least two primary Phase I, II, & III projects completed within the last three years. These projects should demonstrate working knowledge and experience performing Phase I's and evaluating the findings for Phase II & III work.

1. Describe the approach and methodology used, in conducting Phase I's. Please provide examples of your Phase I & Phase II Environmental Site Assessment report format. Appendices such as environmental data reports, directories building records, etc. can be omitted. However, please include the tables of contents and Appendix header pages indicating what information would be included in your report. The example reports will not count toward the overall maximum page limit of the submittal.
2. Describe any supplemental tasks that were deemed necessary, recommended or provided (solicited or unsolicited), which enhanced outcome, reduced cost, or expedited safe completion
3. Include a brief discussion of your approach to project issues such as troubleshooting, dispute resolution, submittal of reports, submittal of samples, and any other pertinent matters

D. Staffing Information for Key Personnel (maximum 150 points)

Provide the following:

1. Team's availability and commitment to the project, including sub-consultants
2. Team's plan to maintain continuity of the proposed services
3. Organization chart showing key personnel
4. Identify the location of the lead firm's principal office and the home office location of key staff on this project.

E. Reference Check (maximum 75 points*)

Use the form provided (Exhibit A) to obtain at least three references. It is preferred no more than one be a City of Phoenix project. If your firm has not completed prior projects with other agencies, you will not be penalized. It is recommended there be references outside the City of Phoenix.

*These points are in addition to the 1,000 points for the SOQ.

SECTION V - SUBMITTAL REQUIREMENTS

New Electronic Submittal Process: Firms interested in this project must submit a Statement of Qualifications (SOQ) electronically through the ProcurePHX online portal.

Submittal requirements are as follows:

- Vendor Information:** All firms must be registered in the City's Vendor Management System prior to submitting a proposal. For new firms, the City will send an email to your firm with a vendor number within two business days of submitting the request. The vendor number should be included on the cover of the SOQ. Information on how to register with the City is available at:

<https://www.phoenix.gov/financesite/Pages/EProc-help.aspx>

If your firm is already registered with the City of Phoenix's ProcurePHX system, please visit <https://eprocurement.phoenix.gov/irj/portal> to login and access the electronic solicitation.

- The product category code for this RFQ is 926000000 / 925000000 and the RFx number is 600000867.**

Submittals:

- Submittals must be uploaded to the ProcurePhx website by the submittal due date and time.
- Submit only one (1) SOQ electronically, in .PDF format only, addressing all evaluation criteria. No hard copies will be accepted.
- Clearly display the firm name, vendor number, project title, and project number on the cover of the SOQ.
- A maximum of **12 pages** is permitted to address all content in the SOQ submittal (**Maximum page limit includes evaluation criteria and all additional content. It does not include information sheet.**)
- Submit electronically the Statement of Qualifications by **12:00 noon, Phoenix time, on Friday, March 13, 2020.**
- Upload one complete version of the SOQ addressing all the criteria. Upload format is .PDF.
- Page size must meet requirements of 8½" x 11"
- Font size must not be less than 10 point
- Content count:
 - ✓ Each side of a page containing evaluation criteria and additional content will be counted toward the maximum page limit noted above.
 - ✓ Pages that have project photos, charts and/or graphs will be counted towards the maximum page limit noted above.
 - ✓ Front and back covers, information sheet, Table of Contents pages, and divider (tab) pages **will NOT** be counted toward the maximum page limit noted above, unless they include evaluation criteria and additional content that could be considered by the selection panel.

- Information Sheet:** Provide an information sheet that includes project title, project number, RFx number, firm name, address, phone number, vendor number, and the name, title, email address and signature of your contact person for the project. Do not include any additional information.

- Evaluation Criteria:** Address the SOQ evaluation criteria.

- Additional Content:** Resumes and other information may be included (*content shall be included within the permitted maximum page limit*).

Note: All pages exceeding the specified maximum page limit will be removed from the submittal and not considered in evaluating a submitted SOQ.

SECTION VI – GROUNDS FOR DISQUALIFICATION

The following **will be grounds for disqualification**, and will be strictly enforced:

- Failure to submit electronically through the ProcurePHX online portal by the due date and time.
- Violating the "Contact with City Employees" policy contained in this RFQ

SECTION VII - SELECTION PROCESS AND SCHEDULE

Interested firms will submit a SOQ. The firms will be selected through a qualifications-based selection process. A selection panel will evaluate each SOQ per the criteria set forth in Section IV above.

The City will select a firm based on the SOQs received; no formal interviews will be conducted. The City may conduct a due diligence review on the firms receiving the highest evaluation.

The City expects to create a final list of at least twelve, but not more than fourteen firms for this project. The City will enter into negotiations with the selected firms and execute a contract upon completion of negotiation of fees, contract terms, and City Council approval.

The following tentative schedule has been prepared for this project

Pre-submittal meeting	March 3, 2020
SOQs due	March 13, 2020

If the City is unsuccessful in negotiating a contract with the best-qualified firm/s, the City may then negotiate with the next most qualified firm until a contract is executed, or the City may decide to terminate the selection process. Once a contract is executed with the successful firm, the procurement is complete.

<http://solicitations.phoenix.gov/awards>

All submitting firms will be notified of selection outcome for this project. The status of a selection on this project will be posted on the City of Phoenix's "Tabulations, Awards, and Recommendations" website:

<http://solicitations.phoenix.gov/awards>

The selected Consultant should expect to comply with the Arizona State Statutes Title 34 and City of Phoenix Design and Construction Procurement's contract provisions.

SECTION VIII – GENERAL INFORMATION

Citywide Capital Improvement Projects. Consulting and contractor services supporting the City's Capital Improvement Projects are procured under the authority of the City Engineer, currently located within the Street Transportation Department. Design and Construction Procurement coordinates the citywide consulting and construction contracting procurement processes.

Changes to Request for Qualifications. *Any changes to this Request for Qualifications (RFQ) will be in the form of a Notification.* The City of Phoenix shall not be held responsible for any oral instructions. Notifications are available on both the Current Opportunities and ProcurePHX webpage.

It shall be the responsibility of the registered RFQ holder to determine, prior to the submittal of the Statement of Qualifications, if a Notification has been issued. Registered RFQ holders may refer to the web page or call the Contracts Specialist (listed below) to ascertain if a Notification has been issued for this project.

Alternate Format. For more information or a copy of this publication in an alternate format, contact the Contracts Specialist (listed below) - Voice or 602-256-4286 – TTY. Requests will only be honored if made within the first week of the advertising period.

Release of Project Information. The City shall provide the release of all public information concerning the project, including selection announcements and contract awards. Those desiring to release information to the public must receive prior written approval from the City.

City Rights. The City of Phoenix reserves the right to reject any or all Statements of Qualifications, to waive any informality or irregularity in any Statement of Qualifications received, and to be the sole judge of the merits of the respective Statements of Qualifications received.

Contact with City Employees. This policy is intended to create a level playing field for all Proposers, assure that contracts are awarded in public, and protect the integrity of the selection process. **OFFERORS THAT VIOLATE THIS POLICY WILL BE DISQUALIFIED.**

Beginning on the date the RFQ is issued and until the date the contract is awarded or the RFQ withdrawn, all persons or entities that respond to the RFQ, including their authorized employees, agents, representatives, proposed partner(s), subcontractor(s), joint venture(s), member(s), or any of their lobbyists or attorneys (collectively the Proposer), will refrain from any direct or indirect contact with any person (other than the designated Contract Specialist) who may play a part in the selection process, including members of the evaluation panel, the City Manager, Assistant City Manager, Deputy City Managers, Department heads, the Mayor and other members of the Phoenix City Council. As long as the RFQ solicitation is not discussed, Proposers may continue to conduct business with the City and discuss business that is unrelated to this RFQ solicitation with City staff.

Commencing on the date and time a solicitation is published, potential or actual proposers (including their representatives) will only discuss matters associated with the solicitation with the Mayor, any members of City Council, the City Manager, any Deputy City Manager, or any department director directly associated with the solicitation (including in each case their assigned staff, except for the designated procurement officer) at a public meeting, posted under the Arizona Revised Statutes, until the resulting contract(s) are awarded or all offers or responses are rejected and the solicitation is cancelled without any announcement by the procurement officer of the City's intent to reissue the same or a similar solicitation.

Proposers may discuss their proposal or the RFQ solicitation with the Mayor or one or more members of the Phoenix City Council, provided such meetings are scheduled through the Contract Specialist (listed below), conducted in person at 200 W. Washington, Phoenix, Arizona 85003, and are posted as open meetings with the City Clerk at least twenty-four (24) hours prior to the scheduled meetings. The City Clerk will be responsible for posting the meetings. The posted notice shall identify the participants and the subject matter, as well as invite the public to participate.

Conflict of Interest. The City reserves the right to disqualify any Proposer on the basis of any real or apparent conflict of interest that is disclosed by the proposal submitted or any other data available to the City. This disqualification is at the sole discretion of the City. Any Proposer submitting a proposal herein waves any right to object now or at any future time, before any body or agency, including but not limited to, the City Council of the City of Phoenix or any court.

Protest Procedures. Firms responding to disqualification or a procurement outcome are referred to the Code of the City of Phoenix Chapter 2, Article XII, Section 2-187 to 2-190.4, which governs protest procedures utilized throughout the selection process. The procedures may be reviewed through the City of Phoenix website at:

<http://www.codepublishing.com/az/phoenix/>

A copy of the Protest Policy is also available online at:

<https://www.phoenix.gov/streets/procurement-opportunities>

Questions - Questions pertaining to this selection process or contract issues should be directed to the Contracts Specialist, Elena Garcia at (602) 534-5788 or email elena.garcia@phoenix.gov.

EXHIBIT A
CONSULTANT REFERENCE CHECK INSTRUCTIONS, FORM, AND SAMPLE LETTER

The attached Consultant Performance Evaluation Form is to be provided to the agencies or entities for which your firm has recently provided services relevant to those requested for this project. Provide the evaluation form to the Owner, or the Owner's representative directly responsible for oversight of the project to complete and submit to the email box listed below.

The first three references submitted will be accepted and the scores utilized as part of the evaluation process. Each reference check is worth up to 25 points for a total of up to 75 points available.

The form is to be completed by the agency or entity and uploaded to the (email box) at:

soq.referencechecks@phoenix.gov

The procurement identifier is:

6000000867

Attention: Elena Garcia

Also attached is a sample performance evaluation cover letter that may be used when sending the reference check request.

Sample Consultant Performance Evaluation Cover Letter

Sample Cover Letter
Contact Name
Address of Reference

(Your Name) is responding to a Request for Qualifications (RFQ) from the City of Phoenix Office of the City Engineer's Design and Construction Procurement section.

The City is requesting reference information related to our past performance. As a part of the response submittal process, the City is requesting performance evaluations from agencies that our firm has performed services for either in the past or is currently receiving services.

I would appreciate your cooperation in completing the attached Consultant Performance Evaluation form and return by email the completed form by 12:00 pm Phoenix time on **March 13, 2020** to:

soq.referencechecks@phoenix.gov

Reference in Subject Line: RFx #6000000867

For questions, contact Elena Garcia, Contracts Specialist at 602-534-5788.

Failure to submit the Consultant Performance Evaluation form by the above date will have a negative impact on the proposal we submit for this service. Your cooperation in submitting this form by this date is appreciated.

If you have any questions regarding this request, please contact (your name) at (your telephone number).

Sincerely,

INSTRUCTIONS FOR COMPLETING CONSULTANT PERFORMANCE EVALUATION

Evaluate the consultant's contract performance in each of the rating areas listed below. On the Consultant Performance Evaluation form, circle the rating from 1 to 4 that most closely matches your evaluation of the consultant's performance. Comments are not required but appreciated. **Every rating area must be scored.**

The Design and Construction Procurement section will use the information from this form to evaluate firms competing for contract award. **This completed form will become public record and upon request, will be released to the consultant or any other entity.**

Please submit the completed form to the address indicated on the bottom of the Consultant Performance Evaluation form. Thank you for your time and your cooperation.

**STREET TRANSPORTATION DEPARTMENT
ENVIRONMENTAL ON-CALL CONSULTING SERVICES
FOR FISCAL YEARS 2020/21 & 2021/22
RFx: 600000687**

CONSULTANT PERFORMANCE EVALUATION FOR _____
(firm name)

In the box below, provide the project title, contracted services provided by the firm, and start and completion date of services. This form is to be completed by the Owner, or the Owner's representative directly responsible for oversight of the project. The project services evaluated must be relevant to the services of this project. Every rating area must be scored.

RATINGS: Summarize the Consultant's performance and **circle the number** below that corresponds to the performance rating for each category. Please see the rating scale.

1 = Unsatisfactory; 2 = Poor; 3 = Good; 4 = Excellent

HOW WOULD YOU RANK THE BUSINESS RELATIONSHIP BETWEEN THE OWNER AND THE FIRM?	4 3 2 1	Comments:
WAS THE TEAM PRESENTED IN THE PROPOSAL THE TEAM THAT WORKED ON THE PROJECT TO COMPLETION?	4 3 2 1	Comments:
WAS STAFF PROACTIVE IN SOLVING PROBLEMS THAT MAY HAVE OCCURRED ON THE PROJECT?	4 3 2 1	Comments:
WAS THE CONTRACTED SCOPE OF SERVICES COMPLETED ON TIME AND WITHIN BUDGET?	4 3 2 1	Comments:
HOW WOULD YOU RATE THE QUALITY OF WORK PERFORMED BY THIS FIRM ON YOUR PROJECT?	4 3 2 1	Comments:
DID THE FIRM RECOMMEND EFFICIENCIES OR PROVIDE INNOVATIVE IDEAS OR SUGGESTIONS?	4 3 2 1	Comments:

WOULD YOU BE WILLING TO CONTRACT WITH THIS FIRM AGAIN? (YES = 1 point)	YES NO	Comments:
TOTAL SCORE		(MAXIMUM 25 POINTS)

Reference Evaluation Provided By:

Name and Title: _____

Agency/Organization: _____

Date: _____

Telephone Number: _____

*Email completed form by **March 13, 2020 by 12:00 pm Phoenix time to:***

soq.referencechecks@phoenix.gov

***EMAIL SUBJECT LINE SHOULD REFERENCE RFx NUMBER 6000000867**

The document should reference the project number and firm for which the reference check is being submitted. If no project number is available, reference the service and firm for which the reference check is being submitted.

EXHIBIT B

ENVIRONMENTAL SERVICES - SCOPE OF WORK

Phase I Environmental Site Assessment

The Phase I ESA must be conducted to meet the requirements set forth in ASTM E1527-13 and the EPA Standards and Practices for AAI Rule, 40 CFR 312. In addition, an outline of specific task and report expectations is provided below.

- I. Report Cover must include the following:
 - a. Property address and parcel number(s).
 - b. City of Phoenix project number(s) (e.g., AV, PT, ST, etc.) and project name
 - c. Date of the final report
 - d. AAI date (the date of the first review of items listed in AAI [40 CFR 312.20(b)] and ASTM E1527-05 – to be used for tracking the 180-day expiration date).
 - e. EAS Number.
- II. Executive Summary must be included; indicate property/project description, key findings, archaeology, conclusions, and recommendations. List out all recognized environmental conditions (RECs), Historical recognized environmental conditions (HREC's), Conditional recognized environmental conditions (CREC's), and *de minimis* conditions, by property, if applicable
- III. Introduction must include the following:
 - a. Discussion of data gaps, including access issues, visual limitations, historical data failure, lack of interviews, etc. and comment on significance.
 - b. Statement of involved personnel and role; note the EP for each project.
- IV. Site Description: Include a discussion of all areas mentioned in ASTM E1527-13 Section 9, and also include sanitary sewer and potable water hook-up dates, location, general appearance, types of structures, building construction, current use, site security or lack thereof, etc.
- V. User Provided Information
 - a. Historical Title Report will be procured by the consultant.
 - b. COP will provide owner information; however, the consultant will need to identify the property manager and occupant information, in most cases.
 - c. COP will provide an ASTM User Questionnaire and site contact information.
- VI. Records Review
 - a. Conducted in accordance with ASTM E1527-13, Section 8.
 - b. Database Report
 - i. ASTM/AAI search radius.
 - ii. Summary table for entire database with database name, date of last update, search radius, number of sites listed.
 - iii. Summary table for each relevant database with more than one property of concern identified in the database report including facility name, address, distance from site, groundwater gradients (unless more site specific information is available, use ADWR Report #35 (Rascona, 2005) for depth to groundwater and flow direction), site status, and whether the facility listed is an environmental concern.
 - iv. Discussion of file review information, as applicable. For areas within 100 feet of an identified plume area, include plume map, COCs, GW flow and depth to water in the plume and distance to the site.
 - c. Additional Records
 - i. Include Fire Department, Maricopa County, and City building records (on-line and historical). MCESD septic records do not need to be obtained for residential properties developed prior to 1984 or where a sewer tap connection date can be verified by the COP.
 - ii. Include other databases, such as the ADEQ Drycleaner Inventory, WQARF Active Preliminary Investigation List, ADEQ Drywell List, and unremediated meth lab list on Board of Technical Registration website.
 - iii. As appropriate, include tribal records, historical societies, Bureau of Mines, State Fire Marshal, and/or Health Department.
 - d. Physical Setting

- i. Include soils information.
 - ii. Include a statement regarding potential onsite waters of the US.
 - e. Historical Use for Property/Adjoining Properties
 - i. Include a summary table in the introduction for the historical section that will include a list of each historical data type, the source, and the applicable dates.
 - ii. Include discussion of data failure and if it impacts your knowledge of the historical uses of the site and your ability to make conclusions and recommendations.
 - iii. Research must go back to first developed use or 1940, whichever is earlier.
 - iv. Review and discuss all standard sources as listed in ASTM E1527-13, including the (historical) title report, as well as other historical sources.
 - v. Aerial review must go back every 5 years (as available), to 1940, at a minimum.
 - vi. City Directories shall include findings for site (current and any identified historical address) and use of adjacent properties.
 - vii. Archaeology review (contact Pueblo Grande Museum).
 - viii. Vapor Encroachment Considerations: Identify all properties with a current and/or historical property boundary within 100 feet or less of the subject property boundary and where current and/or historical uses include those types of uses identified as of particular concern for potential vapor intrusion by ASTM E2600-10, Section 8.4.1. Such properties shall be listed as a REC unless otherwise explained with the application of professional judgment as discussed in ASTM E2600-10, Section 8.5.3.
- VII. Site Reconnaissance
 - a. The site visit must be conducted by someone who meets the definition of an EP.
 - b. Conduct a refrigerant-containing appliance inventory (application type, location, manufacturer, photo documentation, and data plate information, if available).
- VIII. Interviews
 - a. Interviews must be conducted in accordance with 40 CFR 312.23 and ASTM E1527-13, Section 10. If any of the interviews cannot be conducted, provide documentation of attempts to make contact.
 - b. Interviews must be conducted with the current owner, operator, and occupant.
 - c. Conduct interviews with at least one of the following: current and past facility managers, past owners, occupants, or operators, or employees of current and past occupants. Documentation shall be provided showing attempts to locate previous owners, etc.
 - d. Conduct interviews with neighboring or nearby property owners, if the property is considered an “abandoned property” or as available for properties that are not abandoned.
- IX. Findings, Opinion, Conclusions, and Recommendations
 - a. List out all recognized environmental conditions (RECs), Historical recognized environmental conditions (HREC’s), Conditional recognized environmental conditions (CREC’s), and *de minimis* conditions, by property, if applicable.
 - b. Include a recommendations section, indicating whether or not recommendations for additional assessment are warranted, and if so, provide discussion of recommendations.
- X. Appendices
 - a. Photographs
 - i. Minimum of six photographs of the site and adjacent properties must be included.
 - ii. Must include photographs of any RECs and significant findings.
 - iii. Photos must not be formatted to more than 4 per page.
 - b. Diagrams
 - i. Vicinity Map
 - ii. Site Plan: The Site Plan must be of sufficient detail to show structures, location of any RECs, and all adjacent properties with addresses and business names labeled.
 - iii. Aerial Photograph(s)
 - 1. Must include at least one aerial photograph with the site boundary clearly indicated on the figure.
 - 2. Include additional aeriels used in determining RECs (with site boundary clearly indicated).
 - 3. Any aeriels included shall have the site boundaries indicated.
 - c. Other Reference Material
 - For sites located within a WQARF or other identified plume, include the information

available on the ADEQ website (<http://www.azdeq.gov/environ/waste/sps/phx.html>); for NPL sites, include information from the EPA website (<http://www.epa.gov/superfund/sites/siteinfo.htm>); Sanborn maps, database report (well records that are not on site or within 1/8 mile of site may be omitted), file review documentation, previous reports, local agency records, site records, archaeological documentation, qualifications of personnel working on this project, etc.

The Phase I ESA must be conducted to meet the requirements set forth in ASTM E1527-13 and the EPA Standards and Practices for AAI Rule, 40 CFR 312.

Phase I Environmental Site Assessment Update

Phase I ESA Updates must be conducted to meet the requirements set forth in ASTM E1527-13, Section 4.6 and the EPA Standards and Practices for AAI Rule, 40 CFR 312 (40 CFR 312.20(c)(3)). Specifically, the Update must include:

- Updated interviews with past and present owners, operators, and occupants
- Updated searches for recorded environmental cleanup liens.
- Updated reviews of federal, tribal, state, and local government records.
- Visual re-inspection of the facility and of adjoining properties.
- The declaration of the EP.

In addition, the City of Phoenix expects that the Update also include:

- New site photographs to document the visual inspection.
- New aerial photographs, if applicable.
- The archaeology does not need to be updated.

The Update typically will be written as a stand-alone report, following the Phase I report format previously described, and if so, must not be a duplication of the previous report. When authorized by the COP, you may provide the update in a letter report format.

The cover shall include the AAI date of the original report as well as the AAI date for the update. The Update must include an electronic copy of the previous report(s) as an attachment. The final CD shall include the current report and the previous report(s).

Phase II Environmental Site Assessment

At the request and direction of the City, and after completion of a Phase I assessment, the Consultant shall perform a Phase II assessment on specified properties. The purpose of the assessment is to determine the extent of any suspected environmental contamination and to estimate remediation costs in the event the City proceeds to acquire the property. The assessment shall at a minimum be performed in accordance with ASTM E1903-11 and the requirements presented herein. The following are some of the tasks expected of the Consultant:

- I. Field Activities
 - a. Permitting and agency notification, as necessary.
 - b. Utility location (Blue Stake and private locator, when necessary).
 - c. Perform necessary sampling, including drilling/excavation associated with the investigation (e.g. underground storage tanks, pesticides, etc.).
 - d. Inspect structures and remove investigation derived waste from the site.
 - e. Site restoration. Discuss scope with COP. Include costs in proposal.
 - f. Identify potential hazardous wastes located on the site. Propose removal activities to COP.

- II. Laboratory Analysis
 - a. Follow chain of custody protocol. Include chain-of-custody documentation in report.
 - b. Include laboratory QA/QC information.
 - c. Include laboratory accreditation information.

- III. Report with the following sections, at minimum

- a. Report Cover must include:
 - i. Date the report was prepared.
 - ii. City of Phoenix project number (e.g., AV, PT, WD numbers).
 - iii. Property address and parcel number.
 - iv. Light Rail Transit (LRT) number, if applicable.
 - v. Project name, if applicable (e.g., Light Rail Transit Project, Community Noise Reduction Program, etc.).
- b. Executive Summary
- c. Introduction must include:
 - i. Discussion of limitations (e.g. access issues, visual limitations, etc.)
 - ii. Involved personnel, including qualifications of the environmental professional(s) (include regulatory statement).
- d. Findings, Conclusions, and Recommendations, if any, must be provided.
- e. Diagrams
 - i. Must include all sample locations.
 - ii. Must to be to scale.
- f. Photographs of site activities. Take a photograph of the site before and after investigation.

Phase II assessments are designed and directed on a case-by-case basis. Associated costs are projected as the requirements dictate. The Consultant will present a preliminary proposal with costs for approval prior to commencement of the project. As the Phase II assessment is performed, it is often necessary to alter the scope of work previously agreed upon. Major revisions will require the consent of the requesting department.

Vapor Encroachment Screening

The vapor encroachment screening (VES) must be conducted to meet the requirements set forth in ASTM E2600-15. In addition, and for clarification, an outline of specific task and report expectations is provided below.

- I. The Tier I Screening shall begin by identifying the groundwater flow direction and average depth based on existing data known to the consultant through the Phase I or other investigations, or, if unavailable, the Arizona Department of Water Resources Hydrologic Map Series report No. 35 for the Phoenix AMA (Rascona, 2005). Using that information, the consultant must prepare and include a figure showing the subject property and the area of concern as defined by ASTM E2600-10.
- II. The consultant must identify each use of particular concern, as described in ASTM E2600-15 section 8.4.1, occurring within the area of concern, in a table that includes the location, the potential contaminants of concern associated with that use, a brief description of the available records, if any, that can be used to evaluate whether a release has occurred, and a description of the professional judgment used to determine whether a vapor encroachment condition (VEC) exists, likely exists, cannot be ruled out or can be ruled out as described in ASTM E2600-15 section 8.6. All such uses shall be plotted on a figure showing the subject property.
- III. It is particularly important that the report be organized to address each of the steps described in sections 8.5-8.7 of ASTM E2600-15. The reader must be able to easily determine whether the prescribed steps were followed and to clearly understand if and how professional judgment was applied to reach the conclusions stated in the report.
- IV. The report format shall substantially follow the recommendations in sections 12 and Appendix X4 of ASTM E2600-15 but must also include an executive summary briefly discussing the findings with particular description of any identified VECs.

- V. The report must identify the relevant experience of each professional that applies his or her professional judgment during the Tier I Screening Assessment.

- VI. For any identified VECs the report must include a plume distance test as described in section 8.5.2 of ASTM E2600-15 with a clear and compelling explanation of how that test was performed and what professional judgment was necessary. This may include references to professional reports, regulatory records, technical documents, or other relevant information. Experience with plume configurations in the Phoenix area is essential and shall be relied upon extensively in performing this test. The test must include assessment of whether intervening data points, i.e. monitoring wells or site-specific data in known regulatory files, could be used to evaluate the plume distance test. This assessment can be used to subsequently identify a potential Tier 2 Screening scope of work.

EXHIBIT C

INDEMNIFICATION CLAUSE AND INSURANCE REQUIREMENTS

INDEMNIFICATION

Consultant ("Indemnitor") must indemnify, defend, save and hold harmless the City and its officers, officials, agents and employees ("Indemnitee") from any and all claims, actions, liabilities, damages, losses or expenses (including court costs, attorneys' fees and costs of claim processing, investigation and litigation) ("Claims") caused or alleged to be caused, in whole or in part, by the wrongful, negligent or willful acts, or errors or omissions of Consultant or any of its owners, officers, directors, agents, employees, or subconsultants in connection with this Contract. This indemnity includes any claim or amount arising out of or recovered under workers' compensation law or on account of the failure of Consultant to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. Consultant must indemnify Indemnitee from and against any and all Claims, except those arising solely from Indemnitee's own negligent or willful acts or omissions. Consultant is responsible for primary loss investigation, defense and judgment costs where this indemnification applies. In consideration of the award of this contract, Consultant agrees to waive all rights of subrogation against Indemnitee for losses arising from or related to this Contract. The obligations of Consultant under this provision survive the termination or expiration of this Contract.

Consultant ("Indemnitor") must indemnify, defend, save and hold harmless the City of Phoenix and its officers, officials, agents and employees ("Indemnitee") from and against any and all demands, claims, complaints, losses, damages, actions or causes of action, assessments, liabilities, costs or expenses including, without limitation, interest, penalties and reasonable attorney's fees and reasonable expenses of investigation and remedial work (including investigations and remediation by engineers, environmental consultants and similar technical personnel) asserted against or imposed upon or incurred by Indemnitee arising in connection with, or resulting from, any Environmental Law, including, but not limited to, any use, generation, storage, spill, release, discharge or disposal of any Hazardous Substance that is now or comes to be located on, at, about or under the property or because of, or in connection with, the violation of any Environmental Law (hereinafter collectively referred to as "Claims") to the extent that such Claims are caused by the Fault of Indemnitor, its officers, officials, agents, employees, Consultants, volunteers, tenants, subtenants, invitees or licensees. As used in this section: (a) "Hazardous Substances" are those substances defined as toxic or hazardous substances, pollutants, or wastes by Environmental Law and the following substances: gasoline, kerosene, or other petroleum products, toxic pesticides and herbicides, volatile solvents, materials containing asbestos or formaldehyde, and radioactive materials; (b) "Environmental Law" means federal, state or local laws and regulations, including common law, that relate to health, safety or environmental protection; and (c) "Fault" means those nonculpable acts or omissions giving rise to strict liability under any Environmental Law pertaining to Hazardous Substances, as well as culpable conduct (negligence or willful misconduct). In consideration of the award of this contract, the Consultant agrees to waive all rights of subrogation against the City, its officers, officials, agents and employees for losses arising from the work performed by the Consultant for the City.

INSURANCE REQUIREMENTS

Consultant and subconsultants must procure insurance against claims that may arise from or relate to performance of the work hereunder by Consultant and its agents, representatives, employees and subconsultants. Consultant and subconsultants must maintain that insurance until all of their obligations have been discharged, including any warranty periods under this Contract.

These insurance requirements are minimum requirements for this Contract and in no way limit the indemnity covenants contained in this Contract. The City in no way warrants that the minimum limits stated in this section are sufficient to protect the Consultant from liabilities that might arise out of the performance of the work under this Contract by the Consultant, his agents, representatives, employees or subconsultants and Consultant is free to purchase such additional insurance as may be determined necessary.

1. Minimum Scope and Limits of Insurance

Consultant must provide coverage with limits of liability not less than those stated below. An excess liability policy or umbrella liability policy may be used to meet the minimum liability

requirements provided that the coverage is written on a "following form" basis.

a. Commercial General Liability – Occurrence Form

Policy must include bodily injury, property damage, and broad form contractual liability and XCU coverage.

- General Aggregate \$2,000,000
- Products – Completed Operations Aggregate \$1,000,000
- Personal and Advertising Injury \$1,000,000
- Each Occurrence \$1,000,000

The policy must be endorsed to include the following additional insured language: "The City of Phoenix is named as an additional insured with respect to liability arising out of the activities performed by, or on behalf of the Consultant".

b. Automobile Liability

Bodily injury and property damage for any owned, hired, and non-owned vehicles used in the performance of this Contract.

Combined Single Limit (CSL) \$1,000,000

The policy must be endorsed to include the following additional insured language: "The City of Phoenix is named as an additional insured with respect to liability arising out of the activities performed by, or on behalf of the Consultant, including automobiles owned, leased, hired or borrowed by the Consultant".

c. Worker's Compensation and Employers' Liability

Workers' Compensation	Statutory
Employers' Liability	
Each Accident	\$100,000
Disease – Each Employee	\$100,000
Disease – Policy Limit	\$500,000

1. Policy must contain a **waiver of subrogation** against the City of Phoenix.
2. This requirement does not apply when a Consultant or subconsultant is exempt under A.R.S. 23-902(E), **AND** when such Consultant or subconsultant executes the appropriate sole proprietor waiver form.

d. Consultant's Pollution Liability

For losses caused by pollution conditions that arise from the operations of the Consultant as described in the Scope of Services section of this Contract.

Per Occurrence	\$1,000,000
General Aggregate	\$2,000,000

1. The policy should be written on an "occurrence" basis with no sunset clause or if written on a "claims-made" basis, it must be maintained for a period of not less than 8 years with the retroactive date to be prior to or held constant with the date of this contract.
2. Such insurance must name the City of Phoenix and its subsidiaries and affiliates as Additional Insureds with respect to liability arising out of the activities performed by, or on behalf of the Consultant.
3. The policy must provide coverage for pollution conditions that arise from the operations of the Consultant described under the scope of services contract. The policy should include the following coverages:

- Bodily injury, sickness, disease, mental anguish or shock sustained by any person, including death and medical monitoring costs.
 - Property damage including physical injury to or destruction of tangible property including the resulting loss of use thereof, cleanup costs, and the loss of use of tangible property that has not been physically injured or destroyed including diminution in value.
 - Environmental damage including physical damage to soil, surfacewater or groundwater, or plant or animal life, caused by pollution conditions and giving rise to cleanup costs.
 - Defense including costs, charges and expenses incurred in the investigation, adjustment or defense of claims for such compensation damages.
 - Asbestos or lead (no exclusion)
 - Mold
 - Transportation cargo
 - Non-Owned Disposal sites
4. Should any of the work involve treatment, storage or disposal of hazardous wastes from the job site, Consultant must furnish an insurance certificate from the designated disposal facility establishing that the facility operator maintains current Pollution Legal Liability Insurance in the amount of not less than \$1,000,000 per occurrence/\$2,000,000 annual aggregate and will cover sudden and gradual pollution losses arising from the facility, associated with work performed under this agreement.

e. Professional Liability (Errors and Omissions Liability)

The policy must cover professional misconduct or lack of ordinary skill for those positions defined in the Scope of Services of this contract.

Each Claim	\$1,000,000
Annual Aggregate	\$1,000,000

In the event that the professional liability insurance required by this Contract is written on a claims-made basis, Consultant warrants that any retroactive date under the policy must precede the effective date of this Contract; and that either continuous coverage will be maintained or an extended discovery period will be exercised for a period of two (2) years beginning at the time work under this Contract is completed.

2. Additional Insurance Requirements

The policies are to contain, or be endorsed to contain, the following provisions:

- a. On insurance policies where the City of Phoenix is named as an additional insured, the City of Phoenix is an additional insured to the full limits of liability purchased by the Consultant even if those limits of liability are in excess of those required by this Contract.
- b. The Consultant's insurance coverage must be primary insurance and non-contributory with respect to all other available sources.

3. Notice of Cancellation.

For each insurance policy required by the insurance provisions of this Contract, the Consultant must provide to the City, within two business days of receipt, a notice if a policy is suspended, voided or cancelled for any reason. Such notice will be mailed, hand delivered or sent directly to:

City of Phoenix
Office of the City Engineer
Design and Construction Procurement
200 W. Washington Street, Fifth Floor
Phoenix, Arizona 85003-1611

4. Acceptability of Insurers

Insurance is to be placed with insurers duly licensed or authorized to do business in the state of Arizona and with an "A.M. Best" rating of not less than B+ VI. The City in no way warrants that the above-required minimum insurer rating is sufficient to protect the Consultant from potential insurer insolvency.

5. Verification of Coverage

Consultant must furnish the City with certificates of insurance (ACORD form or equivalent approved by the City) as required by this Contract. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf.

All certificates and any required endorsements are to be received and approved by the City before work commences. Each insurance policy required by this Contract must be in effect at or prior to commencement of work under this Contract and remain in effect for the duration of the project. Failure to maintain the insurance policies as required by this Contract or to provide evidence of renewal is a material breach of contract.

All certificates required by this Contract must be sent directly to the Design and Construction Procurement; 200 W. Washington Street, Fifth Floor, Phoenix, Arizona 85003-1611. The City project/contract number and project description must be noted on the certificate of insurance. The City reserves the right to require complete, certified copies of all insurance policies required by this Contract at any time. **DO NOT SEND CERTIFICATES OF INSURANCE TO THE CITY'S RISK MANAGEMENT DIVISION.**

6. Subconsultants

Consultants' certificate(s) must include all subconsultants as additional insureds under its policies or Consultant must furnish to the City separate certificates and endorsements for each subconsultant. All coverages for subconsultants must be subject to the minimum requirements identified above.

7. Approval

Any modification or variation from the insurance requirements in this Contract must be made by the Law Department, whose decision is final. Such action will not require a formal Contract amendment, but may be made by administrative action.