

REQUEST FOR PROPOSALS

RFP NO. 2033-10-01

"ARRA IMPLEMENTATION OF SEP AND EECBG PROGRAM"

July 28, 2009

The Louisiana Department of Natural Resources (DNR) invites you to submit a proposal to provide services and materials to conduct the project described in Enclosure (4). The programmatic project cost will be Fifty million, Seven Hundred Ten Thousand, Three Hundred Thirty-three and no/100 Dollars (\$50,710,333). The proposed cost for technical assistances, program implementation, and administrative support for programs shall not exceed 6.55% of the \$50,701,333 programmatic cost. A contract period of approximately 29 months is scheduled with initiation of the contract period on approximately November 1, 2009 and ending approximately April 30, 2012. This program is funded by the U.S. Department of Energy through the State Energy Program Grant and the EECBG Program Stimulus Grant. Proposals should be prepared according to the instructions and information in Enclosure (2). Consideration of proposals will be limited to those proposers who meet the prerequisites listed in Enclosures (2) and (3).

Proposals should provide a straightforward and concise presentation, adequate to satisfy the requirements of the RFP. Elaborate proposals are neither required nor desired. DNR may award a contract, based on initial offers received, without discussion of such offers. Proposers are, therefore, advised to submit their initial offers on the most favorable terms possible. Please note that any or all proposers may be required to make oral presentations of their proposals prior to final selection of the Contracting Party. If the DNR chooses to require oral presentations, those proposers selected to make such presentations will be so notified by the Contracts and Grants Administrator by telephone on or before September 8, 2009, and presentations will be made by proposers at a time assigned by the Contracts and Grants Administrator on September 14, 2009. Presentations will be at the Louisiana Department of Natural Resources, LaSalle Office Building, 617 North Third Street, Baton Rouge, Louisiana 70802.

The DNR reserves the right to reject all proposals. This RFP is not intended and shall not be construed to commit DNR to pay any costs incurred in connection with any proposal or to procure or contract for any services.

All potential contractors should be advised that contractors may, in certain circumstances be deemed "public employees" as defined by the Ethics Commission. **Full disclosure to the DNR is required of any potential conflicts.** Any potential conflicts **shall** be resolved with the Ethics Commission prior to seeking a contract. The Commission on Ethics for Public Employees is located at 2415 Quail Dr., Baton Rouge, LA 70808; telephone number 225-763-8777; toll free at 1-800-842-6630.

THERE WILL BE A NON-MANDATORY PRE-PROPOSAL CONFERENCE HELD ON August 14, 2009 FROM 9:30 AM TO 12:00 PM CENTRAL STANDARD TIME HELD IN THE LaBelle ROOM AT THE LOUISIANA DEPARTMENT OF NATURAL RESOURCES, LASALLE OFFICE BUILDING, 617 NORTH THIRD STREET, BATON ROUGE, LOUISIANA, 70802.

QUESTIONS REGARDING THIS REQUEST FOR PROPOSALS SHALL BE SUBMITTED IN WRITING TO THE CONTRACTS AND GRANTS ADMINISTRATOR.

Replies to such questions will be provided in writing and the questions and answers thereto will be sent to all potential proposers. Questions must be in writing and received no later than 3:00 PM central standard time on or before August 17, 2009, to Louisiana Department of Natural Resources, Room #1265, LaSalle Office Building, 617 North Third Street, Baton Rouge, Louisiana 70802, or fax to (225) 342-8700.

REVIEW & SELECTION

Proposals will be evaluated and ranked by a Proposal Review Committee, according to the following criteria to be weighted according to points listed:

1. Technical approach to the project and adequacy of proposal to achieve the requirements of the Scope of Services in the desired degree of detail. (35)
2. Cost. (30). Cost ratings will be determined using the following formula:

Lowest cost proposal will receive 30 points. All other proposals will be rated by multiplying the maximum possible points (30) by a fraction that consists of the lowest cost as numerator and cost proposal being evaluated as denominator.

3. Relevant experience of the firm and qualifications of the key personnel assigned to this project. (35)

In the event oral presentations are requested, they will be evaluated on the clarity and detail of the technical approach and relevant experience of the firm, with a maximum score of twenty points, which will be added to the initial scores for a final score. Only those proposers susceptible of receiving an award will be contacted to present if it is determined that oral presentations are required.

The Proposal Review Committee shall make its report to the Secretary. Award shall be made to the responsible offeror whose proposal is awarded the highest number of points and determined in writing by the Secretary of DNR to be the most advantageous to the State, based upon the evaluation factors set forth in the RFP.

All dates given in this RFP are subject to change at the discretion of the DNR. Notice will be provided to all potential proposers.

Subject to the approval of the Louisiana Office of Contractual Review and the State Department of Civil Service, the Secretary of the DNR is the only individual who can legally commit DNR to the expenditure of funds in connection with this proposed procurement. Any other commitment, either explicit or implied, is invalid. The resultant contract will be subject to contracting requirements of the Louisiana Division of Administration, the DNR, the Department of Civil Service, and U.S. Department of Energy. Allowability of costs will be determined in accordance with applicable regulations of these agencies.

Enclosures

- (1) General Information
- (2) Proposal Preparation Instructions and Information Required in Proposals
- (3) Prerequisites to Selection
- (4) Scope of Services

DEFINITIONS

TERM	DEFINITION
Contractor	A firm or individual who is awarded a contract
Proposal	A response to an RFP
Proposer	A firm or individual who responds to an RFP
RFP	A request for proposals
Shall, Must, or Will	Denotes mandatory language; a requirement that must be met without alteration
Should, Can, or May	Denotes desirable, non-mandatory language

GENERAL INFORMATION

1. REPORT SUBMISSIONS

- a. Monthly progress reports shall be submitted with each invoice for payment describing the status and progress of the Contracting Party's performance.
- b. A final summary report shall be submitted by the Contracting Party with the final invoice for payment within thirty (30) days following expiration of the contract.

2. TIME EXTENSIONS

Request for time extensions to the contract completion date must be made in writing with adequate justification no less than forty-five (45) days prior to the end of the contract period. Requested time extensions are not effective until approved in writing by the DNR and the Louisiana Office of Contractual Review. In no case shall this contract be extended beyond 36 months.

3. PAYMENT

- a. Payment for work performed under this contract will not exceed the agreed contract amount.
- b. Payment will be made based upon actual costs incurred, after approval by the DNR and shall be made within approximately thirty (30) days of receipt of each invoice submitted by the Contracting Party and upon approval by the DNR Project Manger.

4. PROJECT INFORMATION

This project is under the direction of a DNR Energy Section Manager. Such materials as pertain to this project are available for review in the Department's Technology Assessment Division and may be used in this project, but may not take the place of items that the Contracting Party is required to develop.

5. OWNERSHIP OF DOCUMENTS

Upon completion or termination of the contract, all data collected by the Contracting Party and all documents, notes, drawings, tracings and files collected or prepared in connection with this work, except the Contracting Party's personnel and administrative files, shall become and be the property of the DNR, and the DNR shall not be restricted in any way whatever in its use of such material. No other person shall have a property interest therein. In addition, at any time during the contract period, the DNR shall have the right to require the Contracting Party to furnish copies of any or all data and all

documents, notes and files collected or prepared by the Contracting Party specifically in connection with this contract.

6. USE AND DISCLOSURE OF CONFIDENTIAL INFORMATION

Proposals submitted in response to this RFP may contain trade secrets and/or privileged or confidential commercial or financial information which the proposer (or his subcontractor) does not want used or disclosed for any purpose other than evaluation of the proposal. The use and disclosure of such data may be restricted, provided the proposer marks the cover sheet of the proposal with the following legend, specifying the pages of the proposal which are to be restricted in accordance with the conditions of the legend:

"The data contained in Pages ____ of the proposal have been submitted in confidence and contain trade secrets and/or privileged or confidential commercial or financial information, and such data shall be used only or disclosed only for evaluation purposes, provided that if a contract is awarded to this proposer as a result of or in connection with the submission of this proposal, the State of Louisiana shall have the right to use or disclose the data herein to the extent provided in the contract. This restriction does not limit the State of Louisiana's right to use or disclose data obtained from any source, including the proposer, without restrictions."

Further, to protect such data, each page containing such data shall be specifically identified and marked CONFIDENTIAL. Proposals marked confidential in their entirety will not be considered.

It should be noted, however, that data bearing the aforementioned legend may be subject to release under the provision of the Louisiana Public Records Law, L.R.S. 44:1 et seq. The State of Louisiana assumes no liability for disclosure or use of unmarked data and may use or disclose such data for any purpose. It should be noted that any resultant contract will become a matter of public record.

However, the DNR reserves the right to make any proposal, including any proprietary information contained therein, available to DNR personnel, to other state or federal agencies or other organizations for the sole purpose of assisting the DNR in its evaluation of the proposal. The DNR shall require said individuals to protect the confidentiality of any specifically identified proprietary information or privileged business information obtained as a result of their participation in these evaluations.

7. "FOREIGN" CORPORATIONS CONTRACTING WITH STATE OF LOUISIANA

According to the provisions of L.R.S. 12:301-302, any corporation which is incorporated in another state must obtain a certificate of authority to transact business in Louisiana from the Louisiana Secretary of State, Corporations Division.

NOTE: The certificate of authority should not be submitted with proposals. However, corporations incorporated in another state must obtain a certificate of authority prior to contracting with the DNR.

8. INSURANCE

The Contracting Party shall procure and maintain, for the duration of this contract, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contracting Party, his agents, representatives, employees or subcontractors.

A. Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office form number GL 0002 (Ed. 1/73) covering Comprehensive General Liability and Insurance Services Office form number GL 0404 covering Broad Form Comprehensive General Liability; or Insurance Services Office Commercial General Liability coverage ("occurrence" form CG 0001). "Claims made" form is unacceptable. The "occurrence form" shall not have a "sunset clause".
2. Insurance Services Office form number CA 0001 (Ed. 1/78) covering Automobile Liability and endorsement CA 0025 or CA 0001 12 90. The policy shall provide coverage for owned, hired, and non-owned coverage.
3. Workers' Compensation insurance as required by the Labor Code of the State of Louisiana, including Employers Liability insurance.

B. Minimum Limits of Insurance:

Contractor shall maintain limits no less than:

1. Commercial General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, personal injury, and property damage.
2. Automobile Liability: \$1,000,000 combined single limit per accident, for bodily injury and property damage.
3. Workers' Compensation and Employers Liability:

Workers' Compensation limits as required by the Labor Code of the State of Louisiana and Employers Liability coverage. Exception: Employers liability limit is to be \$1,000,000 when work is to be over water and involves maritime exposure.

4. Aircraft or Watercraft Liability (when applicable to project) - \$2,000,000 for watercraft and \$5,000,000 for aircraft.

C. Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the DNR. At the option of the DNR, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the DNR, its officers, officials, employees, and volunteers; or the Contracting Party shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

D. Other Insurance Provisions

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

1. General Liability and Automobile Liability Coverages
 - a. The DNR, its officers, officials, employees, Boards and Commissions and volunteers are to be added as "additional insureds" as respects liability arising out of activities performed by or on behalf of the Contracting Party; products and completed operations of the Contracting Party, premises owned, occupied or used by the Contracting Party. The coverage shall contain no special limitations on the scope of protection afforded to the

DNR, its officers, officials, employees or volunteers. It is understood that the business auto policy under "Who is insured" automatically provides liability coverage in favor of the State of Louisiana.

- b. Any failure to comply with reporting provisions of the policy shall not affect coverage provided to the DNR, its officers, officials, employees, Boards and Commissions or volunteers.
- c. The Contracting Party's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

2. Workers' Compensation and Employers Liability Coverage

The insurer shall agree to waive all rights of subrogation against the DNR, its officers, officials, employees and volunteers for losses arising from work performed by the Contracting Party for the DNR.

3. All Coverages

Each insurance policy required by this article shall be endorsed to state that coverage shall not be suspended, voided, cancelled by either party, or reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the DNR.

E. Acceptability of Insurers

Insurance is to be placed with insurers authorized to do business in Louisiana with a Best's rating of no less than A-:V. This requirement will be waived for workers' compensation coverage only.

F. Verification of Coverage

The Contracting Party shall furnish the DNR with certificates of insurance affecting coverage required by this article. The certificates for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf. The DNR reserves the right to require complete, certified copies of all required policies, at any time.

G. Subcontractors

The Contracting Party shall include all subcontractors as insureds under its policies or shall furnish separate certificates for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

9. DISCLOSURE OF OWNERSHIP

For-profit and non-publicly traded corporations must provide a Disclosure of Ownership form (Enclosure (1), Page 8 of 8 Pages) when contracting with the DNR. The Disclosure of Ownership should not be submitted with proposals. However, prior to contracting with the DNR, the form must be completed, notarized, and submitted to the Louisiana Secretary of State, Corporations Division, 3851 Essen Lane, Baton Rouge, Louisiana 70809 and a copy stamped by the Corporations Division must be provided to the DNR.

10. DISADVANTAGED/WOMEN BUSINESS ENTERPRISE AND SMALL BUSINESSES IN RURAL AREAS REQUIREMENTS:

The Contracting Party shall ensure that disadvantaged/women business enterprises (D/WBEs) and small businesses in rural areas (SBRAs) have the maximum opportunity to participate in the performance of this contract and any subcontracts for supplies, equipment, construction, or services that may be let. In this regard, the Contracting Party shall take all necessary and reasonable steps to ensure that D/WBEs and SBRAs have the maximum opportunity to compete for and perform services relating to this contract.

The following affirmative steps for utilizing D/WBEs and SBRAs are required:

1. Solicitations for products or services shall be sent to firms/individuals listed as MBE's and WBE's.
2. Where feasible, divide total requirements into smaller tasks to permit maximum D/WBE and SBRA participation.
3. Where feasible, establish delivery schedules which will encourage D/WBE and SBRA participation.
4. Encourage use of the services of the U.S. Department of Commerce's Minority Business Development Agency (MBD) and the U.S. Small Business Administration to identify D/WBEs and SBRAs.

5. Require that each party to a subcontract takes the affirmative steps outlined here.

Enclosure (1)
Page 7 of 8 Pages

The Contracting Party shall submit to the DNR Project Manager a quarterly procurement summary detailing purchases from D/WBE and SBRA vendors.

Furthermore, for the full term of the contract, the Contracting Party shall abide by all regulatory requirements which are: 1) issued pursuant to these laws by any federal agency whose funds have been used to finance this contract, and 2) which are in effect as of the beginning date of the contract term.

Jay Dardenne
Secretary of State

DISCLOSURE OF OWNERSHIP
(R.S. 12:23 E, 12.205 E AND 12:304 A (II))

STATE OF _____

PARISH OF _____

BEFORE ME, the undersigned Notary in and for the parish herein above shown, personally came and appeared the undersigned who, after being duly sworn, did depose and say that:

Corporation Name

is contracting with the state and listed below are the names and addresses of all persons or corporate entities who hold ownership interest of five percent or more in the corporation or who hold by proxy the voting power of five percent or more in the corporation and, if anyone is holding stock in his own name that actually belongs to another, the name of the person for whom held, including stock held pursuant to a counterletter.

1. Persons or corporate entities owning 5% or more:

Name Address

Name Address

Name Address

2. Persons or corporate entities who hold by proxy the voting power of 5% or more:

Name Address

Name Address

Name Address

3. Stock held for others and for whom held:

Name Address

For Whom Held Address

Name Address

For Whom Held Address

Name Address

For Whom Held Address

Sworn to and subscribed before me at _____, LA this _____ day of _____, 20__.

Corporation Representative

Notary

PROPOSAL PREPARATION INSTRUCTIONS AND INFORMATION REQUIRED IN PROPOSAL

PROPOSAL DEADLINE – August 31, 2009.

PROPOSALS NOT CONTAINING THE MANDATORY INFORMATION REQUIRED IN THIS ENCLOSURE WILL BE CONSIDERED TO BE UNACCEPTABLE AND WILL NOT BE EVALUATED BY THE DNR. PROPOSALS RECEIVED IN RESPONSE TO THIS RFP BECOME THE PROPERTY OF THE DNR AND WILL NOT BE RETURNED.

If you desire to submit a proposal, one original of the technical proposal and the financial information shall, and six copies of the technical proposal should, be submitted to the Contracts and Grants Management Division **no later than 3:00 p.m. central standard time on or before** August 31, 2009, and should be delivered to: Karen Y. Lewis, Contracts & Grants Administrator, Louisiana Department of Natural Resources, LaSalle Office Building, 617 North Third Street, 12th Floor, Room 1265, Baton Rouge, Louisiana 70802. Please note that faxed or e-mailed proposals will not be accepted. The DNR will not acknowledge timely receipt of proposals by mail or telephone.

PROPOSALS, AMENDMENTS, AND ADDITIONAL INFORMATION THERETO RECEIVED AFTER SAID DATE AND TIME WILL NOT BE CONSIDERED. NOTE: MAIL THROUGH THE U.S. POSTAL SERVICE IS NOT DELIVERED DIRECTLY TO THE BUILDING. Therefore, you are advised to send your proposal by some means other than the U.S. Mail.

The proposer should set forth, in detail, the technical and management plans by which he intends to meet each of the requirements contained in Enclosure (4), Scope of Services (SOS). The proposer, in his technical and management plan, should present the information necessary for the DNR's evaluation of his technical and managerial qualifications. The proposal will be evaluated in light of the material and the substantiating evidence presented in the proposal, not on the basis of what may be inferred.

A. VOLUME I. TECHNICAL PROPOSAL (ONE ORIGINAL and SIX COPIES)

1. Complete the attached Cover Sheet (Enclosure 2, Page 5 of 5 Pages).
2. Table of Contents: Proposals should include a paginated table of contents to facilitate locating the information included.
3. Abstract: Proposals should include a concise abstract of about 250 words stating the proposers overview of the project and the proposed method of implementation.

4. Technical Discussion: This section should be presented in as much detail as practical and include the following:
 - a. Scope of Services (SOS)
 1. The proposer should prepare a scope of services which specifically responds (in order listed) to each item specified in Enclosure (4), (SOS). This section should present a detailed statement of the methodology to be utilized to carry out each task and a precise description of the deliverables to be received by the DNR as end products of the services rendered.
 2. Project Schedule: This subsection should include the period of performance, proposed duration of project in months by tasks, and a milestone chart. Time for preparation and submission of required reports should be included in the project schedule.
 3. Project Organization and Management: This subsection should include the project team proposed for this work (identification of persons assigned to individual tasks), and the function and responsibilities of subcontractors.
 - b. The proposer should provide an explanation of any additional tasks to be performed which are deemed necessary by the proposer for successful project completion; explanation of deviation from and/or deletion of any tasks listed in Enclosure (4), SOS.
5. Personnel Qualifications: This subsection should contain a list of personnel to be used on this project and their qualifications. Resumes, including education, background, accomplishments and any other pertinent information, should be included for each of the key personnel (including subcontractors) to be assigned for direct work on the project. It is desirable that the resumes submitted show evidence that the staff has the minimum required qualifications that the selected proposer's staff must have in accordance with this RFP.

6. Relevant Company Experience: This subsection should include company and subcontractors experience which is relevant to the proposed project including company and privately-sponsored work, a representative list of current governmental contracts in this and related fields, and/or such contracts completed in the recent past, including dollar amount of contract, title, sponsoring agency, contract number, name and telephone number of contracting officer. Utilizing the forms as indicated below.

NOTE: For items 5 and 6, the Standard Form: DOTD 24-102 (Rev. 1/2003) shall be used. This form and instructions can be assessed at:

[http://webmail.dotd.louisiana.gov/ContWeb.nsf/ae0c39714057d86186256b92004bb5b3/1aa5d63f8b9610b786256b9d0050a76e/\\$FILE/200204_sf_24-102r.doc](http://webmail.dotd.louisiana.gov/ContWeb.nsf/ae0c39714057d86186256b92004bb5b3/1aa5d63f8b9610b786256b9d0050a76e/$FILE/200204_sf_24-102r.doc) and

[http://webmail.dotd.louisiana.gov/ContWeb.nsf/ae0c39714057d86186256b92004bb5b3/1845db3c28f432b186256d4e00642de7/\\$FILE/Instructions%20for%20SF24-102.pdf](http://webmail.dotd.louisiana.gov/ContWeb.nsf/ae0c39714057d86186256b92004bb5b3/1845db3c28f432b186256d4e00642de7/$FILE/Instructions%20for%20SF24-102.pdf)

7. Subcontractors: Persons who are not full time employees of the proposer shall be considered as subcontractors. All subcontractors necessary to conduct the work must be identified, including the percentage of project to be accomplished. For subcontractor(s) or Contracting Party(s), the proposer should include letters of agreement to undertake their portion of the proposed project.
8. Insurance: The proposal should include a certificate of insurance as proof that proposer has in effect limits of insurance required by Enclosure (1), General Information, Item 8. If selected as a contractor, the proposer shall provide certificates of insurance as proof of coverage at the time of contract negotiation.
9. Cost Proposal: A written cost statement for administering the programs 1-6 described in Enclosure 4, containing the information required by this Enclosure must be submitted. The total proposed cost shall include a detailed itemized cost statement, delineated by task, including various classes/categories of man hours at appropriate rates, with extended totals; and an itemized listing of all other expenses or fees (including travel) that are expected to be paid by the DNR.

NOTE: Travel and other allowable expenses shall be reimbursed in accordance with the Division of Administration State General Travel Regulations, within the limits established for State Employees as defined in Division of Administration Policy and Procedure Memorandum No. 49 (PPM No. 49). PPM 49 can be found at the website: **www.state.la.us/osp/travel/traveloffice.htm**. All out of state travel will be subject to prior approval by the Secretary of the Department of Natural Resources.

B. VOLUME II. FINANCIAL INFORMATION (SEPARATE VOLUME) (1 COPY)

1. Financial Capability: Proposer should provide the latest three years of financial statements, preferably audited, or other evidence of financial status sufficient to demonstrate its capability, and the capability of each of its subcontractors, to carry out the project, i.e. letters from banks and other financial companies.
2. Overhead rate: The proposer's overhead rate, with a complete, detailed breakdown of the components and percentages, must be included with the proposal. The method for computation of the overhead rate for this specific project must be included. In addition, the normal overhead rate used for similar projects should be included. If the overhead rate is incorporated into hourly rates or other cost categories, the proposer must identify the categories used and the percentage attributable to overhead.

VOLUME I
Cover Sheet

RFP No. _____ Amt. of Proposal \$_____ Total Manhours _____

Title " _____ "

Contact: Name _____ Title _____

Address _____

Phone No.: _____

Sub-Contractors:

Proposer hereby certifies that:

1. This proposal will remain in effect for at least 90 days from August 31, 2009.
2. The key personnel identified in this proposal will not be removed from the project without prior approval of the Department of Natural Resources.
3. Proposer will be ready and able to begin work within fifteen (15) days after contract award.
4. Proposer possesses an established system of accounting and financial controls adequate to permit the effective administration of a contract or willingness to modify the present system to meet State of Louisiana requirements.
5. The undersigned is authorized to represent _____ and can commit the organization to all provisions of this proposal.
6. Proposer hereby acknowledges that, if awarded this contract, Chapter 15 of Title 42 of the Louisiana Revised Statutes (L.R.S. 42:110 et seq., Code of Governmental Ethics) will apply to the firm/individual in the performance of services called for in this RFP.

Date

Enclosure (3)
Page 1 of 2 Pages

Proposers should be aware of the provisions of Section XIII of Louisiana Division of Administration, Office of Contractual Review, Regulations for the Procurement of Professional, Personal and Consulting Services which regard the determinations of responsibility which will be used in the selection process and which are set forth in their entirety below. Proposers are responsible for ensuring that their proposal contains sufficient information for the DNR to make their determination.

XIII Determinations of Responsibility

- A. In order to qualify as responsible, the selected proposer must meet the following standards as they relate to the particular procurement under consideration:
 - 1. Has adequate financial resources for performance, or has the ability to obtain such resources as required during performance;
 - 2. Has the necessary experience, organization, technical qualifications, skills and facilities, or has the ability to obtain them (including probable subcontractor arrangements);
 - 3. Is able to comply with the proposed or required time of delivery or performance schedule;
 - 4. Has a satisfactory record of integrity, judgment, and performance. Contracting Parties which are seriously delinquent in current contract performance, considering the number of contracts and the extent of delinquencies of each, shall in the absence of evidence to the contrary or compelling circumstances, be presumed to be unable to fulfill this requirement;
 - 5. Is otherwise qualified and eligible to receive an award under applicable laws and regulations.
- B. The selected proposer should present acceptable evidence of financial resources, experience, organization, technical qualifications, skills, and facilities, to perform the service called for by the contract.
- C. No contract for consulting services for \$50,000 or more shall be awarded to any person or firm unless the head of the agency has first determined that such person or firm is responsible within the meaning of Sections A and B.

- D. In any case where a contract for consulting services is for \$50,000 or more, the head of the agency shall prepare, sign, and place in the contract file a statement of the facts on which a determination of responsibility was based. Any supporting documents or reports and any information to support determinations of responsibility of offeror or potential subcontractors should be kept on file with the agency, subject to inspection upon the request by the Director of Contractual Review or her designee.
- E. Before making a determination of responsibility, the head of the using agency shall have sufficient current information to satisfy himself that the prospective Contracting Party meets the standards in Sections A and B. Information from the following sources shall be utilized before making a determination of responsibility.
1. Information from the prospective Contracting Party, including representations and other data contained in proposals, or other written statements or commitments, such as financial assistance and subcontracting arrangements;
 2. Other existing information within the agency, including financial data, the list of debarred and ineligible bidders and records concerning Contracting Party performance;
 3. Publications, including credit ratings and trade and financial journals;
 4. Other sources, including banks, other financial companies, and State departments and agencies.
- F. To the extent that a prospective Contracting Party cannot meet the standard in Section A.2 except by means of proposed subcontracting, the prospective prime Contracting Party shall not be considered to be responsible unless recent performance history indicates an acceptable subcontracting system or prospective major subcontractors are determined by the head of the agency to satisfy that standard.