



MEMORANDUM

TO: Members of the Authority

FROM: Tim Sullivan
Chief Executive Officer

DATE: June 14, 2023

RE: Brownfields Planning & Assessment Services

Request

The Members are requested to approve:

1. Utilization of up to two million dollars (\$2,000,000) awarded to NJEDA from the United States Environmental Protection Agency (USEPA) to implement NJEDA's Brownfields Planning & Assessment Services, which offers environmental services for eligible New Jersey brownfield sites. The USEPA has approved utilizing \$92,625 of the \$2,000,000 funding for NJEDA staff activities, which will include management and reporting. The remaining funds (approximately \$1,907,375) are budgeted for contracting with the Vendors, who were identified in a public procurement to provide environmental services such as site assessments and reuse planning activities.
2. Awarding and entering into contracts with the five (5) environmental contracting firms (Vendors) indicated in this memo to provide brownfield planning and assessment services for a three (3) year initial term, with two (2) one (1) year extension options to be exercised at the sole discretion of the Authority at the same pricing, terms and conditions. The funds budgeted for contracting (approximately \$1,907,375) will be allocated amongst the Vendors, through the Task Order Requests (TOR) process, as described in this memorandum.

Background

NJEDA was previously awarded \$300,000 in funding by United States Environmental Protection Agency (USEPA) (in Federal Fiscal Year 2021) for Brownfields Assessments, which allowed NJEDA to provide these services. Throughout 2022, the Brownfields and Sustainable Systems team procured a grant manager and environmental contractor to perform professional environmental services at six New Jersey brownfield sites. Over 2/3 of the funds from this grant have been disbursed, and the remaining funds have been obligated. NJEDA has received positive feedback from several communities currently receiving services.

Following this successful implementation, the USEPA selected NJEDA to receive a \$2,000,000 award.

After approval by the Board, on July 13, 2022, the NJEDA entered into a cooperative agreement with USEPA for this funding. The USEPA has approved NJEDA's budget which allocates \$92,625 of the \$2,000,000 funding for staff activities such as management and reporting.

The remaining funds (approximately \$1,907,375) are budgeted for contracting with environmental firms (Vendors) who have been selected to provide environmental services such as site assessments and reuse planning activities. NJEDA selected the Vendors through the procurement process described below. To allow for flexibility depending on the assessment needs, NJEDA may reallocate funding between budget line items (personnel, fringe benefits, travel, supplies, and contractual) upon approval by USEPA. The performance period for each Vendor is five years beginning October 1, 2022 and ending September 30, 2027. The performance period may be extended with approval by USEPA.

One of the goals of the USEPA's Brownfields Assessment program is to provide funding to perform environmental assessment and investigation activities and, to a more limited extent, for the preparation of brownfield inventories, supporting community involvement, conducting planning, and developing site reuse plans. This funding is an important resource that catalyzes the transformation of underutilized properties into community assets.

New Jersey has over 14,000 known contaminated sites, of which an estimated 10% are brownfields. While some NJEDA resources are available to support brownfield redevelopment, more resources are needed. These assessment services can be layered with NJEDA's other tools to advance brownfield redevelopment projects. Specifically, these assessment services complement the NJEDA's Brownfield Redevelopment Incentive Program, Brownfield Impact Fund, and the Hazardous Discharge Site Remediation Fund (HDSRF).

Details

NJEDA's Brownfields Planning and Assessment Services will connect eligible brownfield sites to environmental contractors (Vendors) that can offer professional environmental services pertaining to site assessment, site investigation, reporting, field investigations, community engagement, reuse planning activities, work plan preparation and Licensed Site Remediation Professional (LSRP) services.

Brownfield assessment and planning services may be provided at brownfield sites throughout the state, including sites in the distressed communities within two state programs: the Community Collaborative Initiative (CCI) and the Government Restricted Municipality (GRM) designation. The 13 CCI and GRM communities are: Atlantic City, Bayonne, Bridgeton, Camden, Jersey City, Millville, Newark, Paterson, Paulsboro, Perth Amboy, Salem, Trenton, and Vineland. Of the thirteen priority communities, the USEPA- approved workplan identified seven communities to target, which represent some of state's most distressed communities with the most significant brownfield issues, and strongest local government commitment. These seven communities are: Paterson, Trenton, Atlantic City Perth Amboy, Jersey City, Bridgeton, and Millville. The Authority has a goal to assess a minimum of ten sites within these seven target communities, including at least one site in each of the seven target communities identified in the USEPA-approved workplan.

To encourage participation, the Authority will conduct outreach to municipal staff at each of the identified target communities. NJEDA will also work in collaboration with the NJDEP's Office of Brownfield and Community Revitalization. In addition, the Authority will market these services to municipalities,

redevelopment agencies, brownfield developers and private brownfield site owners throughout the state. Participation is strictly voluntary. Interested parties will be required to first complete an “Expression of Interest” form to nominate a site. NJEDA will consult with USEPA to determine if sites meet the USEPA’s eligibility criteria. As explained in further detail below, a Task Order Request (TOR) will be issued for sites that are deemed eligible by USEPA.

NJEDA will make initial contact with a potential interested party and schedule an interview to assess their needs after receiving an Expression of Interest form. New Jersey municipalities, redevelopment agencies, non-profit organizations, and private parties are eligible. Following the interview, NJEDA will consult with USEPA to verify that the site is eligible and that proposed activities are eligible under the cooperative agreement between USEPA and NJEDA. Sites eligible to receive services are those sites which meet the USEPA definition of a brownfield site, which includes *sites with the presence or potential presence of hazardous substances, pollutants, or contaminants, sites contaminated with controlled substances, and/or mine-scarred lands.*

Entities do not need to own the site to receive services; however, a written site access agreement from the property owner is needed to conduct all on-site activities. Additionally, property owners, as well as the municipality in which the site is located, must enter into an agreement with NJEDA waiving liability to be eligible for services. All Vendors will be responsible to ensure agreements are executed prior to performing on-site activities.

Eligible Assessment activities may include:

- Developing brownfield inventories and prioritizing brownfield sites
- Environmental assessments and characterization, including:
 - Preliminary Assessments, Phase I and Phase II Environmental Site Assessments,
 - Site Investigations and Remedial Investigations to determine existing contamination of hazardous substances and/or petroleum contamination
 - Hazardous Materials Surveys
- Cleanup Planning Activities:
 - Remedial Action Workplans and cleanup cost estimates
 - Evaluation of cleanup alternatives
- Planning Activities associated with brownfield sites, such as site reuse assessments, market studies, brownfield resource roadmaps
- Community involvement activities to inform and engage the community regarding brownfields
- Other Brownfield Assessment services approved by USEPA and NJEDA

Services will be tailored to meet the needs of each entity requesting the services. Not all brownfield sites will receive all of the services listed.

Task Order Request Process

When a project has been approved by USEPA, NJEDA will issue a Task Order Request (TOR) to the pool of Vendors. Specifically, NJEDA will conduct a mini evaluation among the pool to select the Vendor for the specific scope of work in the TOR. This evaluation process was explained in the Vendor Request for Proposal (RFP). The Director of Brownfields and Sustainable Systems or their delegate will (i) issue a TOR detailing the goals of the specific task and any task specific requirements that must be addressed in the

TOR response; (ii) Vendors will provide responses directly addressing the specific requirements and how they will accomplish the goals, including their approach, schedule and pricing which will be based on the contracted rates; and (iii) the Director of Brownfields and Sustainable Systems or their delegate shall review, evaluate and rank Vendor's responses based upon the strength of the underlying proposals in relation to the requested services and required expertise. Given this mini-evaluation process, there is no guarantee that a Vendor will be awarded a TOR throughout the duration of this contract. Following NJEDA's evaluation, the selected Vendor will receive a notice to proceed. No work may begin until the Authority issues a written notice to proceed to the Vendor.

Vendors will complete the following tasks in the performance of the work:

1. Identify the client's needs by participating in an initial kick off meeting.
2. Obtain TOR approval and Notice to Proceed from the Authority prior to beginning work on any project.
3. Perform the professional environmental services.

The Vendor may submit to NJEDA no more than one invoice per month per TOR. The Vendor may only invoice for work performed. The Vendor's invoice submittals must be accompanied by supporting documentation (e.g., drafts, copies of deliverables).

If a Vendor fails to perform the agreed upon work, they will not be paid. Partial payments may be made for work partially completed. A new TOR may be issued to the pool of Vendors to complete the unfinished work. Additionally, a Vendor's failure to complete an agreed upon scope of work in a timely manner will be considered as a factor when evaluating subsequent TORs.

Vendor Selection for Professional Environmental Services

Selected Vendors will be procured using the following process. NJEDA's Procurement Department issued an RFP, #2022-RFP-133, for Professional Environmental Services on January 10, 2023. The RFP was duly advertised in two (2) newspapers for one (1) day and posted on both the Authority's website and the NJ State Business Portal. Additionally, three hundred sixteen (316) firms were notified of the solicitation via e-mail.

The RFP sought to solicit proposals from firms experienced in environmental services including site assessment, site investigation, reporting, field investigations, meetings, work plan preparation and licensed site remediation professional (LSRP) services for the project sites.

Proposals were due on February 1, 2023, and ten proposals were received by the due date. Procurement staff reviewed all proposals for responsiveness. Eight of the ten proposals were deemed responsive and forwarded to an Evaluation Committee comprised of qualified Authority staff for review and evaluation. As set forth in the RFP, proposals were evaluated and scored by the Evaluation Committee members based on:

- Personnel
- Experience of Entity
- Technical Proposal
- Fee Proposal

Fee schedules were not provided to the Evaluation Committee. The Authority's Procurement staff evaluated and scored the pricing, applied the weighted percentages to all criteria, then compiled and completed the overall scoring for each Proposal. The following firms are recommended for contract award to provide professional environmental services:

Rank	Vendor	Score
1	Brownfield Redevelopment Solutions, Inc.	4.5
2	AKRF, Inc	4.0
3	Montrose Environmental Solutions, Inc.	3.9
4	Groundwater & Environmental Services, Inc.	3.7
5	Vanasse Hangen Brustlin, Inc.	3.2

Budget and Payment to Vendors

NJEDA proposes a budget of \$1,907,375 (\$2,000,000 less NJEDA expenses estimated to be \$92,625) to compensate Vendors once they have performed the work specified in individual TORs. As was specified in the RFP, no single Vendor is guaranteed a specific amount of work, or any work at all. Payment will be issued upon successful completion of the work, as evidenced by project-specific deliverables.

Recommendation

The Members are requested to approve: (1) Utilization of up to two million dollars (\$2,000,000) provided by USEPA to NJEDA for implementing Brownfield Planning & Assessment Services; and (2) Entering into contracts with the five environmental contracting firms indicated in this memo to provide brownfield assessment services for a three-year initial term, with two one-year extension options to be exercised at the sole discretion of the Authority at the same pricing, terms and conditions.



Tim Sullivan, CEO

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