

**OCEAN/WIND POWER ECOLOGICAL BASELINE STUDIES**  
**SOLICITATION FOR RESEARCH PROPOSALS**  
**RESPONSE TO BIDDERS QUESTIONS**

**\*\*NOTE:** An Addendum to the Solicitation for Research Proposals (SRP) has been posted to the NJDEP website (<http://www.state.nj.us/dep/dsr/>). **All bidders shall respond to the SRP and the Addendum to the SRP.**

<b>QUESTION</b>	<b>RESPONSE</b>
<i>It is unclear where you will post bidders questions and the State's answers on the website. I cannot find a Q/A section.</i>	All responses to questions will be posted on the following website <a href="http://www.state.nj.us/dep/dsr/">http://www.state.nj.us/dep/dsr/</a> between May 4 and May 11, 2007.
<i>We would appreciate your clarifying whether the NJDEP will accept additional questions after May 4?</i>	No additional questions will be accepted after the deadline of May 4, 2007.
<i>If a contractor or consultant is awarded and/or works on this research project, will they be precluded from working on future development phases of offshore NJ wind projects?</i>  <i>The SRP does not specify the qualifications and type of Contractors. Will the State accept a proposal from a bid responder that would, ultimately, also be interested in direct investment in the opportunities that the baseline studies would help to define? In other words, will the NJ DEP allow wind / wave energy developers who would subsequently be direct participants in construction, operation, and ownership of wind energy facilities off the coast of New Jersey in state or federal waters, to be a contractor responding to accomplish the SRP studies? Or, stated alternatively, is the NJ DEP limiting their consideration of bidders to academic researchers and engineering firms?</i>	No, however see response below.  No. Wind energy developers, power suppliers, utilities, or any other entity that may have a vested interest in the outcome of the study or would subsequently be direct participants in construction, operation, and ownership of wind energy facilities off the coast of New Jersey in State or federal waters are prohibited from participating in this study and shall not be awarded this contract.
<i>Can you clarify the supplemental funding portion of the RFP? It states that supplemental funding information will NOT be part of the evaluation process. However,</i>	The award of the NJDEP Ocean/ Wind Power Ecological Baseline Studies contract shall be based on each bidder's proposal to perform work within the \$4,464,000 budget, nothing more.

<p><i>if a bidder does provide supplemental funding/in-kind services it appears they will be at a disadvantage.</i></p>	<p>While the solicitation allowed bidders to identify and submit in a separate envelope additional supplemental funding that could augment the work, the State intends to award the contract without considering that added funding. This is being done to keep a level playing field and not give an advantage or disadvantage to potential bidders.</p> <p>However, if after contract award, the awarded contractor offered supplemental funding that could augment the work of the contract, NJDEP agrees to work with the awarded contractor to utilize the supplemental funding.</p>
<p><i>Who will be the NJDEP Project Manager?</i></p>	<p>We do not identify the NJDEP project manager until after contract award.</p>
<p><i>Is it allowed to submit a proposal just to do one of the studies (e.g., avian surveys), or does the submission need to be for all taxonomic groups of interest?</i></p>	<p>As stated in the Solicitation for Research Proposals: the proposal must meet all of the project objectives to be acceptable. <b>Any proposal not meeting all of the objectives will be rejected, i.e., no partial proposals will be accepted.</b></p>
<p><i>Avian surveys: The Solicitation for Research Proposals (SRP) indicated surveys should be conducted twice during critical spring and fall migration periods. It may not be possible to accommodate two spring surveys in different years in an 18 month period if work starts in September 2007. Also June 1 - November 30 is the Hurricane season, which may further complicate the field work. How will this be handled given the desired schedule of 18 months of field work?</i></p>	<p>The SRP states on page five (5): “The contractor shall perform work such that the critical spring <b>or</b> (<i>emphasis added</i>) fall migration periods are sampled twice.” Therefore, avian surveys that begin in Fall 2007 will also be conducted in the Fall 2008 (with one Spring survey in 2008).</p> <p>The NJDEP is aware that weather conditions are a factor in conducting survey work for this project. The contractor shall include flexibility and contingencies in their proposal design and budget for factors (e.g., adverse weather) that may delay required surveys.</p>
<p><i>It may be difficult to undertake required radar surveys from spud barges 24 hrs/day (for extended periods) in deep, ocean waters (up to 100 feet) during hurricane season. How will this be handled in terms of data capture requirements?</i></p> <p><i>Is it expected that the radar collect data continuously for the duration of the 18-month study period?</i></p>	<p>The bidder shall propose a radar survey design that meets the stated objectives in the SRP. This can include periodic surveys and/or surveys during key periods of avian activity. It is not expected that radar data will be collected continuously during the 18-month survey period.</p>

<p><i>What are the weighting values for the four Proposal Evaluation Criteria? Or are they all considered equal?</i></p>	<p>The NJDEP does not disclose the weighting values for the SRP proposal evaluation criteria.</p>
<p><i>Will the submission of the preliminary sampling and avian modeling designs be included as part of page count?</i></p>	<p>Yes</p>
<p><i>Is the page limit of 25 pages single or double sided?</i></p> <p><i>Do two-page foldouts count as 1 or 2 pages?</i></p> <p><i>The SRP indicates original proposals cannot be supplemented, changed or corrected in any way. Given the limited nature of the response (25 pages) and requirement for fixed price the evaluation committee may want to reconsider these conditions.</i></p> <p><i>The Solicitation for Research Proposals (SRP) states that “Proposal is limited to 25 pages in length.” The SRP also states that qualifications and experience does not count toward the page limitation. Does the page count exclude Corporate Qualifications, projects and past performance? How many pages are allowed for these sections?</i></p> <p><i>Is there a page limit and does the budget count toward the 25 page limitation?</i></p>	<p><b>Due to requests for expansion of the number of pages allowed, the NJDEP has increased the page limitation to thirty (30) pages for the proposal portion of the submittal.</b></p> <p>Bidders may submit double sided copies of their proposal, however each side of a page counts as one page.</p> <p>Two-page fold outs, for example large tables or figures, will count as one (1) page.</p> <p>Pages in the proposal that <u>summarize</u> the bidders qualifications and experience do count towards the <b>30</b> page limit. However, supporting documentation (for example, resumes/CVs, corporate summaries of past projects, etc.) do not count towards the <b>30</b> page limitation. There is no overall page limitation to the submission, although the main technical proposal shall not exceed <b>30</b> pages.</p> <p>Yes, the budget counts toward the <b>30</b>-page limitation.</p>
<p><i>Assessment of Impacts Question - SRP wants two classes of impacts, temporary (construction) and permanent (construction and operation) for the listed resources. Also wants incorporation of MMS PEIS. Does this mean the inclusion of a ranking of impacts consistent with MMS Major/Moderate/Minor hierarchy? The 2006 NJ Report identifies three principles for impact assessment: no unacceptable adverse impacts to wildlife or natural resources, no unacceptable interference with critical avian or marine mammal lifecycle habits, no unacceptable loss of</i></p>	<p>The SRP text concerning the MMS PEIS means that the contractor shall review and utilize the information in this document and not recreate the assessment/analyses conducted therein. Additional assessment/analyses beyond the scope of the MMS PEIS and specific to the designated Study Area shall be performed. The bidder may propose any method(s) for assessing potential impacts; the suitability of this method(s) will be considered in the evaluation of the proposal by the NJDEP. The environmental assessment conducted as part of this RFP will be an “initial assessment” using the data compiled and collected as part of this study and focusing</p>

<p><i>critical habitats. Could you please clarify the expectations on qualitative impact assessment?</i></p>	<p>on those parameters identified in the RFP. It should, at a minimum, identify the potential for significant adverse impacts to occur to the listed parameters and to identify locations within the Study Area where the probability of adverse impacts occurring is scaled (e.g., high, moderate and low).</p>
<p><i>Have you received questions from any other potential responders to the SRP?</i></p>	<p>All questions received from potential bidders have been posted. Some questions have been combined/reworded to minimize duplicate questions.</p>
<p><i>How and to whom have you disseminated this SRP?</i></p>	<p>The SRP notification was emailed to public and private research organizations (e.g., Colleges, Universities, and non-profits), national and local environmental consulting firms, and other firms with related experience. This list was based on the NJDEP Division of Science, Research &amp; Technology's research contact list as well as additional organizations with environmental and ecological/biological experience. The notification was also posted on the NJDEP website <a href="http://www.state.nj.us/dep/dsr/">http://www.state.nj.us/dep/dsr/</a> and environmental related list serves.</p>
<p><i>We would request that it be clarified as an addendum that the SRP should fully examine the current use of artificial reefs off New Jersey and their impact as well as the potential benefits and costs of wind/energy farms being some form of artificial reefs, including spatial and use issues.</i></p>	<p>The identification and assessment of potential impacts to artificial reefs are included in the RFP under Objective #5 and major Work Task #7.</p> <p>Economic studies (e.g., benefits and costs) are not being conducted under this SRP. The State of NJ plans on issuing a separate RFP to assess the potential costs and benefits of off-shore wind turbines.</p>
<p><i>There is insufficient time in which to develop a full proposal for such a complex and ambitious project, especially a project that has such enormous implications for New Jersey's environment and must be designed with great care.</i></p>	<p>NJDEP believes there is sufficient time (i.e., 36 days) to prepare and submit a proposal given the detailed SRP issued on April 19, 2007 and the due date of May 25, 2007.</p>
<p><i>The SRP requires that the contractor obtain or assist NJDEP in obtaining NMFS permits (aerial and boat surveys). This process normally takes at least 6 months. What is the impact to the schedule and</i></p>	<p>NJDEP is aware of the need for and the typical time frame for obtaining Federal permits. The SRP does require that the contractor assist in obtaining these permits. The NJDEP has taken initial steps to obtain these permits. The SRP</p>

<p><i>project if permits cannot be obtained by the November 2007 start date?</i></p>	<p>states that field surveys shall begin October 1, 2007. Adjustments will be made to the field schedule in the event that Federal permits are not received by October 1, 2007,</p>
<p><i>What is the anticipated project award date?</i></p>	<p>The anticipated project award date is August 2007.</p>
<p><i>With regard to the subject solicitation, given the nature of the work being procured, would NJDEP consider a contract type other than fixed price?</i></p>	<p>No. This project has a fixed budget and NJDEP is interested in doing work within that fixed budget. There is no contingency money for cost over runs. Therefore, any other arrangement that could result in expenditures greater than the budget is unacceptable.</p>
<p><i>What format is desired for the Project Costs (Budget) and what type of backup information is required?</i></p> <p><i>Does NJDEP have a Budget Template that is required for this submittal?</i></p>	<p>As stated in the SRP, the submitted budget will show specific staff, hours, equipment, travel and other costs for each task. At a minimum, the budget should be broken down into the following categories: personnel costs (i.e., salaries, fringe benefits), consultants and subcontractors, other costs (e.g., equipment, supplies, travel, etc), total direct costs, total indirect costs, and total project amount.</p>
<p><i>Based on the company's read of the SRP, the Quality Assurance Work Plan is not required to be submitted as part of the proposal, but will be submitted after contract award. Is this the correct interpretation?</i></p>	<p>A Quality Assurance Work Plan is not required as part of the proposal, but is required to be submitted after the award of the contract and prior to the initiation of any field work. However, the bidders shall provide information in the proposal on Quality Assurance practices and procedures that the bidder plans to employ should they be awarded this contract. This information will be part of the proposal evaluation.</p>
<p><i>When is the Draft Quality Assurance Plan due to the State Contract Manager? What is the State review time? When is the Final Draft Quality Assurance due to the State Contract Manager? Is State acceptance mandatory prior to initiating the project? Is there sufficient time in the state reviews schedule to allow work to start by October 1, 2007?</i></p>	<p>The Draft Quality Assurance Work Plan (QAWP) shall be due to the NJDEP within three weeks of contract award. The NJDEP will provide comments within two weeks of receipt of the Draft QAWP. State acceptance of the QAWP is required prior to initiation of any field work.</p>
<p><i>Does NJDEP require full resumes of all Personnel to be involved in the project or</i></p>	<p>NJDEP requires the qualifications and experience for all Key Personnel, including those proposed as the lead investigator/manager</p>

<p><i>only Key Personnel?</i></p>	<p>for the specific tasks listed in the RFP. Sufficient information will be supplied to evaluate the qualifications and experience of the project manager, QA Officer, all biologists (avian, marine mammal, sea turtle and other – including those who will be conducting field observations), modelers, GIS experts, EIS experts, vessel operators (e.g., boat and plane), equipment operators (e.g., hydrophone and radar), as well as any other key personnel.</p>
<p><i>The SRP requires that 25 copies of the draft and final be provided as deliverables. There is currently no specified number of copies required for electronic deliverables. How many copies of the electronic data on CDs or DVDs are required along with the 25 paper copies?</i></p>	<p>It is anticipated that electronic deliverables will be provided to the NJDEP via e-mail or the internet as files. Where the size of such files is too large for easy access/downloading, the files will be provided on CD/DVDs. It is currently anticipated that no more than 25 CD/DVDs would be required.</p>
<p><i>Should the avian component of the project emphasize equally collection of data on migratory birds, winter resident birds, and resident birds or should data on one or more of these categories be emphasized in the proposal?</i></p>	<p>Data gathering should emphasize both migratory and resident/transient birds (i.e., Year One of the study should focus equally on all three categories). However, in Year Two (months 13-18), additional emphasis <u>may</u> be placed on particular species or locations/times based on the results of the Year One work.</p>
<p><i>In the SRP, one avian boat and aerial survey per month is listed as a minimum requirement. In general, the fall and winter seasons have higher avian activity levels than spring and summer because neotropical migrants migrate over water off the east coast during the fall and water birds (loons, sea ducks) migrate in late fall and winter in the area, before migrating north in early spring (April). Can the minimum requirement for surveys be reduced to one for the summer season (May-August)? And, supplemental surveys conducted during the critical migratory seasons.</i></p>	<p>No, the minimum number of required avian surveys is once per month. The proposed study design may include additional surveys during particular periods of interest or avian activity. Proposals will be evaluated in relation to the researchers' ability to provide the most comprehensive data on bird use of the Study Area.</p>
<p><i>Marine Mammals: Page 7 states that boat-line transect studies will be performed on the same survey lines as the aerial surveys. Due to proximity, this will create a situation of pseudo replication on the track lines. Is it possible to utilize a different (and NMFS</i></p>	<p>A sawtooth pattern for the boat surveys is acceptable. Bidders can submit alternative survey designs, however, they must provide suitable justification for the sampling scheme.</p>

<p><i>approved) trackline pattern to conduct the surveys (such as a double saw tooth pattern)? Can we suggest an alternative design which will be more effective in both costs and data quality?</i></p>	
<p><i>Development of the predictive and spatial models requires input of several variables. For marine mammals it is important to acquire oceanographic data during survey periods. Is oceanographic data collection desired by NJDEP?</i></p>	<p><u>Yes, all bidders must include the additional data collection activities as listed in the separately posted <b>SRP Addendum</b>.</u> This can be found on the following website:  <a href="http://www.state.nj.us/dep/dsr/">http://www.state.nj.us/dep/dsr/</a></p>
<p><i>Other than the GIS and digital spatial and temporal data electronic files is a deliverable expected for the baseline study data, or will the baseline data be incorporated into one Environmental Impact Assessment Report?</i></p>	<p>The baseline data shall be submitted to the NJDEP and incorporated into the Draft Final Report and Final Report. These Reports shall summarize, evaluate and discuss the baseline data to meet the Objectives and Major Work Tasks stated in the SRP. The Environmental Impact Assessment shall be a section of the Draft Final Report and Final Report. As stated in the SRP “All digital data will be submitted using appropriate software, as specified by NJDEP, and in the same version of said software that is in use by the NJDEP at the time of submittal (currently Word, Access, Excel, ArcGIS). In addition, GIS METADATA will be required for all baseline data.</p>
<p><i>What non-publicly distributed GIS data does NJ hold in-house that will be available for use in this contract?</i></p>	<p>The NJDEP will work in concert with the contractor to identify and obtain GIS data that is available within regulatory and statutory bounds.</p>
<p><i>On page 10 Impacts to seabed, wetlands and uplands (e.g., transmission cables) are requested to be addressed, however, the SRP does not request any wetland or upland data collection. Are these impacts to be addressed generically or will NJDEP provide specific areas where transmission cables will traverse wetlands and uplands? Will terrestrial data (e.g., wetlands data, transmission corridor data) be provided for the onshore components of the Impact Assessment report or will baseline data need to be compiled by the contractor?</i></p>	<p>There is no presumption of where transmission cables will traverse habitats (e.g., seabeds, wetlands, uplands). The impact assessment should be conducted generically. The NJDEP does not expect baseline data to be collected on wetlands and uplands. Terrestrial data (e.g., wetlands GIS data) is available for coastal regions of New Jersey.</p>
<p><i>Will a National Environmental Policy Act (NEPA) document be required or is the SRP</i></p>	<p>Preparation of a NEPA EIS or EA document is not required or requested. The SRP includes as</p>

<p><i>requesting a technical Environmental Impact Assessment Report document?</i></p>	<p>Major Task #7 an “Initial Environmental Assessment of Potential Impacts”.</p>
<p><u>Contracts</u></p> <p>1. <i>Purchase and Property Waivered Services Contracts Standard Terms and Conditions</i></p> <p>a) <i>Paragraph III.D.5: Responsibilities of Contracts states the subcontractors must be approved by the Director in writing and receive approval from the Agency Project Manager.</i></p> <p>i. <i>Is this approval process only for subcontractors who were not included in the original RFP response?</i></p> <p>ii. <i>Must the subcontractors be approved before the RFP response is submitted?</i></p> <p>iii. <i>Is the Director’s written approval necessary before obtaining the Agency Project Manager’s approval?</i></p> <p>iv. <i>If not, how is the subcontractor approval matrix structured?</i></p> <p>b) <i>Paragraphs VI.A.2 and VI.A.3: Business Registration</i></p> <p>i. <i>If the New Jersey business registration is not received before the bid due date, May 25, 2007, can the Bidder provide application documentation with its bid?</i></p> <p>ii. <i>If so, can the Bidder submit the provide proof of business registration upon receipt, after award?</i></p> <p>iii. <i>Paragraph VI.A.2 states, “Proof of valid business registration...., if applicable, by every subcontractor of the bidder, with bidder’s bid...” However, Paragraph VI.A.3 states “... all sub-contractors of the contractor must provide to the contractor proof of New Jersey business registration.” Will contractor’s non-New Jersey subcontractors be required to register and obtain a New Jersey business registration?</i></p> <p>iv. <i>If so, will Bidder be allowed to submit subcontractor’s proof of New Jersey business registration or application documentation with its bid.</i></p> <p>c) <i>Paragraph VI.I: P.L. 2004, C.57 New Jersey State use tax</i></p> <p>ii. <i>Will NJ state use tax be applied to the NJDEP SRP?</i></p> <p>iii. <i>If so, at what rate?</i></p>	<p>1. a. Subcontractors should be identified in the bid and award of the contract shall constitute approval of the subcontractors. If after award, the contractor adds or changes subcontractors, it should so notify NJDEP. If there is an addition of a subcontractor after award, NJDEP must seek approval of the subcontractor from the Director of the Division of Purchase and Property on behalf of the contractor.</p> <p>1.b. Bidders must have a New Jersey business registration before award of a contract. No contract award will be granted unless the bidder is a registered business with New Jersey. Call 609-292-1730 for information. Applications can be taken over the telephone. The web address is provided in the Standard Terms and conditions.</p> <p>The bidder may become registered after bid submission but must be registered before contract award.</p> <p>Registration of subcontractors can be arranged after contract award but before the work of the contract begins. All subcontractors including non-New Jersey subcontractors must become registered.</p> <p>1.c. For this contract, the contractor may not add sales and use tax to any bill or invoice. The State of New Jersey is exempt from the imposition of sales and use tax.</p>

<p>2. <i>Page 12 of the SRP states, "All work conducted by the contract must be conducted within the United States of America."</i></p> <p>b. <i>Does this include foreign subcontractors the contractor may wish to hire due to their specialized expertise?</i></p> <p>c. <i>Does New Jersey have established guidelines for a Contractor to hire expert foreign subcontractors?</i></p> <p>3. <i>There are three Source Disclosure Certification forms (Waiver, Agency, and Vendor).</i></p> <p>a. <i>Are all three forms required with the Contractor's bid?</i></p> <p>b. <i>If so, what should be entered in the Contract Number, Purchase Order Number, and Waiver Number fields?</i></p> <p>c. <i>Is the Source Disclosure Certification form used by the Director and Agency Project Manager to approve the bidder's subcontractors?</i></p>	<p>2. b. Yes. This applies to foreign subcontractors. All work must be performed in the United States unless the bidder can document that work outside of the USA falls under one of the exceptions.</p> <p>3. a. Only one Source Disclosure form shall be submitted with the bid that covers all work to be performed under the contract by the bidder and all subcontractors. Use the form associated with the waiver requirement.</p> <p>3.b. No need to fill in these fields. The contract number, Purchase Order number, and waiver number fields on the form</p> <p>3.c. Yes. It could be used to deny the use of a subcontractor.</p>
<p><i>Will Performance Security be required for NJDEP SRP Prime Contractors? Subcontractors?</i></p>	<p>No</p>
<p><i>If a company submits an RFP Response that has developed proprietary software and intends to use it in the performance of this work and the software will remain company property, what vehicle is available for identifying this to the State of New Jersey</i></p>	<p>Bidders must identify any proprietary software that it intends to use in the bid. All software that is developed during the contract becomes the property of the State. If the proprietary software must be used by NJDEP after contract award in order to use or manipulate any data created, the bidder must say that in the bid and provide NJDEP with a copy of the software and permission for NJDEP to use that software after the contract terminates. See section V. M of the standard terms and conditions</p>
<p>END OF QUESTIONS AND RESPONSES</p>	