

Chapter NR 734

SELECTING AND CONTRACTING ENVIRONMENTAL CONSULTING SERVICES

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NR 734.01 Purpose. The purpose of this chapter is to establish procedures that apply to the procurement of professional services of consultants by the department for projects related to hazardous substance discharge and environmental repair response actions. This chapter is adopted pursuant to ss. 227.11 c2d and 289.06 c1d and c2d, Stats., and ch. 292, Stats.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94; corrections made under s. 13.93 c2md cbd 7., Stats., Register, April, 2000, No. 532; CR 12-023: am. Register October 2013 No. 694, eff. 11-1-13.

NR 734.02 Applicability. This chapter applies to the department[s] selection of, and contract negotiations with, consultants which the department proposes to hire to conduct response actions under the authority of ch. 292, Stats.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94; corrections made under s. 13.93 c2md cbd 7., Stats., Register, April, 2000, No. 532; CR 12-023: am. Register October 2013 No. 694, eff. 11-1-13.

NR 734.03 Definitions. In this chapter:

c1d XConsultant data record formY means a form upon which consultants provide specific data requested by the department to facilitate evaluation of their performance capabilities, experience, personnel and staff and information on past projects.

c2d XConsultant proposalY means those documents submitted by a consultant, indicating interest in providing professional services to the department for a proposed project. The documents may include a tentative project work schedule, the method and shall identify the staff that would be employed to meet the requirements of the proposed project and other information, as requested by the department.

c3d XProjectY means any response action which the department proposes to conduct or conducts.

c4d XMinority businessY means a business certified by the department of administration pursuant to s. 16.287 c2d, Stats.

c5d XSelection committeeY means a group composed of department employees appointed by the department secretary, or his or her designee, for the purpose of selecting consultants to provide professional services to the department for a project.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94; corrections in c4d made under s. 13.92 c4d cbd 6., 7., Stats., Register June 2013 No. 690; CR 12-023: am. c2d, c4d Register October 2013 No. 694, eff. 11-1-13.

NR 734.05 Consultant qualification list. c1d The department shall maintain a list of consultants interested in providing professional services to the department. Consultants who wish to be on the list may submit a consultant data record form to the department at any time, listing their qualifications.

c2d Updated consultant data record forms or verification that the information currently on file is still accurate shall be submitted to the department by January 15th of even numbered years in

order to remain eligible for providing professional services to the department.

c4d The consultant data record forms shall include a request for information on the firm[s] status as a minority business.

Note: Consultant data record forms may be obtained by contacting the DNR[s] Bureau for Remediation and Redevelopment, Fiscal and Information Technology Section, Public Information Request, 101 S. Webster St., P.O. Box 7921, Madison, WI 53707.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94; CR 12-023: am. c2d, r. c3d Register October 2013 No. 694, eff. 11-1-13.

NR 734.07 Selection process. c1d A list of consultants that, based on an accurate and completed consultant data record form, possess the necessary capabilities for each proposed project shall be provided to the selection committee members.

c2d The selection committee shall review the requirements of each project and the qualifications of consultants and select a consultant considered to be appropriate for each project.

c3d When selecting a consultant, the selection committee may utilize any of the procedures specified in ss. NR 734.09, 734.11 and 734.13, for projects with projected costs less than \$2,500,000.

c4d For projects with projected costs greater than \$2,500,000, the selection committee shall utilize the procedures in s. NR 734.13.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

NR 734.09 Committee nomination procedure. c1d Any member of the selection committee may nominate a consultant for consideration. The nominated consultant shall either be from the list of consultants supplied under s. NR 734.07 c1d or the consultant shall, at the request of the committee, complete a consultant data record form within 20 days after nomination. If the nominated consultant fails to provide a completed consultant data record form within that time frame the consultant[s] name shall be removed from consideration for the project.

c2d Upon review of the consultant data record forms of nominated consultants for appropriate capabilities, the committee shall select one or more consultants considered appropriate for the proposed project.

c3d Upon selection, the selection committee shall request a proposal from one or more consultants.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

NR 734.11 Request for qualifications. c1d The selection committee may request consultants who have submitted a consultant data record form to submit an additional statement of qualifications specific to a project.

c2d Criteria for evaluating the project-specific qualifications shall be established by the selection committee or a designee of

the chairperson prior to the review of the statement of qualifications.

c3d Proposals may be requested from one or more consultants who meet the project-specific qualification criteria.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

NR 734.13 Public notice for proposals. c1d For projects having an estimated cost which exceeds \$2,500,000, an invitation for any consultant to submit a project-specific statement of qualifications for consideration by the selection committee shall be published by the department as a class 2 notice under ch. 985, Stats., in the official state newspaper. The notice shall contain, at a minimum, all of the following information:

cad Project title and location.

cbd Name of the department.

ccd Date and place where project information and scope of work may be obtained.

cdd Description of services required.

ced Location where proposals will be received and the date and time receipt of proposals will close.

cfid Name and phone number of the department contact.

c2d In addition to the class 2 notice required in sub. c1d, the department may also solicit project-specific statements of qualifications by any appropriate method, including any of the following:

cad Placing the notice in trade publications or newspapers within the locale of the project.

cbd Mailing the notice directly to potential consultants, if such measure is deemed necessary by the department to assure an adequate number of consultants for consideration by the selection committee.

c3d Criteria for evaluating project-specific qualifications shall be established by the selection committee or the designee of the chairperson prior to review of the statements of qualification.

c4d Proposals may be requested from one or more consultants who meet the project-specific qualification criteria.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94; CR 12-023: am. ctitled, cr. c1d cfd Register October 2013 No. 694, eff. 11-1-13.

NR 734.15 Request for proposal. c1d Upon selection of one or more qualified consultants, the selection committee shall transmit to the consultants the department[s] project scope of work and a request for a proposal for completing the project.

c2d The selection committee may request proposals from any number of qualified consultants.

c3d The department[s] proposed project scope of work shall include all of the following:

cad Consultant reporting requirements.

cbd Consultant data generation requirements.

ccd The requirements for a site safety plan.

cdd A copy of the department[s] standard contract.

ced Any other project-specific requirements.

c4d The request for proposal shall specify a date by which the consultant[s] proposal shall be submitted to the department. If the consultant cannot provide the completed proposal by the time specified, the department may either grant a time extension or deem the consultant non-responsive and remove the consultant from further consideration for the project.

c5d The consultant[s] proposal shall include all of the following:

cad A detailed description of the work to be completed.

cbd A list of key personnel expected to work on the project and their qualifications pursuant to ch. NR 712.

ccd A cost breakdown for the work to be performed, by task and assigned personnel.

cdd A list of subcontractors expected to work on the project and their qualifications pursuant to ch. NR 712.

ced A quality assurance and quality control plan.

cfid A site safety plan.

cgd A proposed schedule for completing each phase of work.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94; CR 12-023: cr. c5d cgd Register October 2013 No. 694, eff. 11-1-13.

NR 734.17 Proposal review. In selecting a consultant for a project, the department shall consider the adequacy of the proposal submitted under s. NR 734.15, in addition to the information in subs. c1d to c5d.

c1d Past performance on similar projects.

c2d Experience and expertise necessary for the specific project.

c3d Availability of qualified environmental staff, as required by ch. NR 712.

c4d The consultant[s] geographic proximity to the site or facility.

c5d Status as a minority-owned firm.

Note: The department shall attempt to ensure that at least 5% of the total amount expended under this section in each fiscal year is paid to minority businesses, as required in s. 23.41 c6d, Stats.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

NR 734.19 Interview. c1d If the selection committee considers it necessary, the committee may interview one or more consultants for the purpose of discussing the department[s] requested scope of services and the consultant[s] proposed method to implement the department[s] scope of work.

c2d Upon completion of the consultant[s] presentations, the selection committee shall select a consultant in accordance with the requirements of s. NR 734.15. An alternate consultant may also be designated by the committee.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

NR 734.21 Award of contract. c1d The department may negotiate the costs and scope of work for any project with a consultant.

c2d Upon completion of contract negotiations, a contract shall be sent to the consultant for signature.

c3d The contract shall be signed by the consultant and the department[s] secretary.

c4d Projects with a cost greater than \$60,000 shall be signed by the governor, in addition to the signatures required pursuant to sub. c3d.

c5d No work on a project may commence until after the required signatures have been obtained.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94; CR 12-023: am. c4d Register October 2013 No. 694, eff. 11-1-13.

NR 734.23 Performance reporting. The department may evaluate the performance of consultants, create a written record of that evaluation, provide summaries of the evaluation to the consultant, provide the consultant an opportunity to discuss the evaluation with the department and allow the consultant to submit a written response for inclusion in the record.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.