



**APRIL 3, 2020  
REQUEST FOR PROPOSALS**

## **Three Rivers Watershed Based Plan**

**Due Date:  
April 30, 2020 by 2:00 p.m.**

**Receipt Location:  
Central Midland Council of Governments  
236 Stoneridge Drive  
Columbia, SC 29210**

**Official Contact:  
Guillermo Espinosa  
Senior Planner  
(803)744-5126  
[gespinosa@centralmidlands.org](mailto:gespinosa@centralmidlands.org)**

## CONTENTS

1. Introduction .....	3
2. Request for Proposal (RFP) Process and Policies .....	4
3. Proposal Contents .....	8
4. Evaluation and Award Process .....	9
5. Selection Criteria .....	11
6. Scope of Work .....	12
7. Terms and Conditions.....	15
8. Attachment A: Map of Three Rivers Watershed.....	17

## 1. INTRODUCTION

### 1.1. Project Summary

Central Midlands Council of Governments (CMCOG) is issuing this Request for Proposals (RFP) to identify a qualified consultant team to assist with developing a watershed-based plan to address bacteria impairments for the non-TMDL portions of the Lower Saluda, Broad, and Congaree River watersheds in Richland and Lexington Counties. The target area consists of portions of the following HUC 12 watersheds: 030501091402, 030501091403, 030501100301, and 030501100104. A map of the study area is included as Attachment A.

This project is being funded through a DHEC grant from the EPA Drinking Water State Revolving Fund for Source Water Protection and ***must be compliant with EPA's WBP-development guidance and include all nine (9) required elements*** as outlined in the [SC Simplified Guide to Developing Watershed-Based Plans](#). In addition, this plan must include components that address climate change considerations, and the protection of public drinking water sources in the watershed.

The selected RESPONDENT will be one that has a demonstrated understanding, familiarity, and experience with developing and implementing EPA compliant, watershed-based plans. Proposals should clearly demonstrate the RESPONDENTs ability to successfully complete each of the tasks outlined in Section 6: Scope of Work.

### 1.2. Background and Statement of Need

The Three Rivers Watershed (TRW) represents a 55.6 square mile area that extends from the Town of Lexington to below the confluence of the Broad, Saluda, and Congaree rivers. The watershed is unique and of critical importance because it represents the heart of the Columbia metropolitan area and extends across nine (9) different political jurisdictions consisting of two (2) counties (Richland and Lexington), seven (7) municipalities (Columbia, West Columbia, Cayce, Town of Lexington, Irmo, Pine Ridge, and South Congaree), and ten (10) MS4 areas. The three rivers and their tributaries are recognized as outstanding recreational, cultural, and economic resources. The rivers provide critical wildlife habitat; they are a regional and statewide paddling, swimming, and fishing destination; they support a number of domestic and industrial wastewater discharges; they anchor an extensive regional greenway system; and they provide a critical source of drinking water for the Cities of Cayce, Columbia, and West Columbia. These drinking water utilities serve approximately 457,833 customers across the region.

The watershed is highly urbanized and supports a wide variety of land uses. Bacterial contamination has been a historic problem in the region, with a total of 10 Approved TMDL's in adjacent portions of the four (4) HUC12 Sub-Watersheds. These TMDL's date all the way back to 2001, targeting streams and tributaries which flow directly into the 3RW Area. While there are currently no TMDLs in place for the 3RW Area, three (3) SCDHEC monitoring stations were listed on the 2016 303(d) list for bacteria impairments. A draft of the SCDHEC

303(d) 2018 report identifies three (3) additional stations with bacterial impairments. This 2018 draft report also includes two (2) stations as protection priorities, both located by source water intakes for the City of Columbia and the City of West Columbia. Because of these impairments and protection priorities, SCDHEC has indicated a TMDL for the 3RW Area will likely be developed in the next several years.

Since 2016, a multi-jurisdictional coalition of stakeholders has been coordinating efforts to address bacterial contamination in the watershed. Active participants include representatives from: Richland County, Lexington County, City of Columbia, City of West Columbia, City of Cayce, Town of Irmo, Town of Lexington, SCDOT, CMCOG, and the Congaree Riverkeeper. This collaborative effort has resulted in improved communication, data sharing, and coordination of water quality monitoring efforts. The next logical step for the group is to develop a watershed-based plan to identify bacteria pollutant sources, establish common water quality goals, and develop programmatic or structural Best Management Practices (BMP) to address bacterial impairments. The ultimate goal of the plan is to create a common framework for improving water quality within the 3RW Area.

## **2. REQUEST FOR PROPOSAL (RFP) PROCESS AND POLICIES**

### **2.1. Submittal of Proposals**

Central Midlands Council of Governments (CMCOG) is hereby issuing this Request for Proposals (RFP) to firms that have the capability and interest in undertaking and performing the scope of work described in this RFP. The RFP will be publicly advertised and released in accordance with the CMCOG procurement policy. The official contact for this solicitation is:

Guillermo Espinosa  
Senior Planner  
Central Midlands Council of Governments  
236 Stoneridge Drive  
Columbia, SC 29210  
Phone: (803) 744-5126  
[gespinosa@cmcog.org](mailto:gespinosa@cmcog.org)

Each firm responding to this solicitation is officially a RESPONDENT. Each RESPONDENT must submit a sealed proposal package containing an original and eight (8) copies plus one (1) digital copy of its proposal to Guillermo Espinosa at the address above no later than **2:00 p.m. on April 30, 2020**. Proposals may be submitted in person, by messenger, or by regular mail. All proposals will be logged in and date and time stamped. **Any proposal package that is received after the date and time specified will be logged and date and time stamped as "late" and returned unopened to the RESPONDENT.**

## 2.2. Proposed Procurement Timeline

Release date for RFP	April 3, 2020
Final Date to Receive Written Questions/Clarifications	April 15, 2020
RFP Closing Date	April 30, 2020
Evaluation Committee Review and Recommendation	May 8, 2020
Intent to Award Released	May 15, 2020

## 2.3. Labeling of Proposals

All proposals must be submitted in a sealed envelope or package plainly marked “Three Rivers Watershed Based Plan,” ATTN: Guillermo Espinosa, and name and address of the RESPONDENT in the upper left hand corner. No responsibility will attach to CMCOG or any official or employee thereof, for the pre-opening, post-opening, or failure to open a proposal not properly addressed and identified.

## 2.4. Questions/Requests for Clarification

All questions and/or requests for clarification regarding this RFP should be provided via email to Guillermo Espinosa at [gespinosa@centralmidlands.org](mailto:gespinosa@centralmidlands.org) no later than April 15, 2020 at 5:00 p.m. ET. Confirmation of receipt will be provided. It is the responsibility of the RESPONDENT to follow up with the official contact if no confirmation is received. No questions will be accepted by telephone. All questions submitted and their answers will be posted on the CMCOG website at [www.centralmidlands.org](http://www.centralmidlands.org) as an addendum to this RFP.

## 2.5. Addenda

If it becomes necessary to revise any part of this RFP, a written addendum will be issued. All addenda issued by CMCOG will become part of the official RFP and will be posted on the CMCOG website.

## 2.6. Contact Policy

No direct or indirect contact regarding this solicitation may be made with any representatives of CMCOG and/or partner agencies/organizations other than the OFFICIAL CONTACT identified in this RFP. If such contact is made, CMCOG reserves the right to reject a proposal submitted by that RESPONDENT. All questions and/or requests for clarification must be provided in accordance with Section 2.4 of the RFP.

## **2.7. Acceptance and Rejection of Proposals**

Any proposals that do not conform to the essential requirements of the RFP shall be rejected. CMCOG reserves the right to waive informalities and minor irregularities in submittals and reserves the sole right to determine what constitutes informalities and minor irregularities. CMCOG also reserves the right to accept or reject any or all proposals received in response to this RFP and to negotiate separately with competing RESPONDENTS. CMCOG is not obligated to enter into any contract on the basis of any submittal in response to this RFP. CMCOG reserves the right to request additional information from any firm submitting under this RFP if such information is necessary to further evaluate the firm's qualifications.

## **2.8. Cancellation/Rejection**

CMCOG may cancel this RFP in whole or in part at any time if it is determined to be in the best interest of CMCOG. CMCOG may reject any or all proposals in whole or in part if it is determined to be in the best interest of CMCOG.

## **2.9. Conflict of Interest**

RESPONDENTS shall promptly notify CMCOG in writing of all potential conflicts of interest for any prospective business association, interest, or other circumstance, which may influence or appear to influence the RESPONDENT'S judgment or quality of services being provided hereunder. Such written notification shall identify the prospective business association, interest, or circumstance, the nature of work that such a person may undertake, and request an opinion of CMCOG as to whether the association, interest, or circumstance would, in the opinion of CMCOG, constitute a conflict of interest. By submitting this proposal, the respondent certifies that it has no conflict of interest with any employee, agent, elected official or officer of the city CMCOG and partner agencies/organizations or any other conflict as may be set forth herein.

## **2.10. Collusion**

More than one proposal from an individual, firm partnership, corporation, association or related parties under the same or different names will not be considered. If CMCOG believes that collusion exists among RESPONDENTS, all proposals from the suspected firms will be rejected. "Related parties" means RESPONDENTS or the principals thereof, which have a direct or indirect ownership or profit sharing interest in another RESPONDENT.

RESPONDENTS shall comply with all local, state, and federal directives, orders, and laws as applicable to this RFP and any resulting contract.

By responding to this RFP, RESPONDENTS certify that the response is made without previous understanding, agreement, or connection with any person, firm or corporation making a proposal for the same item, and they certify the knowledge that this would constitute an illegal action.

### **2.11. Proprietary/Confidential Information**

Trade secrets or proprietary information submitted by a RESPONDENT in connection with a procurement transaction shall not be subject to public disclosure under the Freedom of Information Act; however, the RESPONDENT must invoke the protections of this section prior to or upon submission of the data or other materials, and must identify the data or other materials to be protected and state reasons why protection is necessary. Disposition of material after award is made should be stated by the RESPONDENT. No information, materials or other documents relating to this procurement will be presented or made otherwise available to any other person, agency, or organization until after award.

All RESPONDENTS must visibly mark as "Confidential" each part of their proposal that they consider to contain proprietary information. All unmarked pages will be subject to release in accordance with the guidelines set forth under Chapter 4 of Title 30 (The Freedom of Information Act) South Carolina Code of Laws and Section 11-35-410 of the South Carolina Consolidated Procurement Code. Privileged and confidential information is defined as "information in specific detail not customarily released to the general public, the release of which might cause harm to the competitive position of the part supplying the information." The examples of such information provided in the statute includes: customer lists, design recommendations and identification of prospective problem areas under an RFP, design concepts to include methods and procedures, and biographical data on key employees of the RESPONDENT.

Evaluative documents pre-decisional in nature such as inter or intra-agency memoranda containing technical evaluations and recommendations are exempted so long as the contract award does not expressly adopt or incorporate the inter or intra-agency memoranda reflecting the pre-decisional deliberations.

Marking the entire proposal confidential/proprietary is not in conformance with the South Carolina Freedom of Information Act.

### **2.12. Disadvantaged Business Enterprise**

It is the policy of the CMCOG to ensure nondiscrimination in the award and administration of contracts and to use Disadvantaged Business Enterprises (DBEs) in all types of contracting and procurement activities according to State and Federal laws. To that end the CMCOG has established a DBE program in accordance with regulations of the United States Department of Transportation found in 49 CFR Part 26. Each RESPONDENT is encouraged to use certified DBEs to meet the tasks and milestones of this request. To ensure compliance with the CMCOG DBE goals, CMCOG requests that RESPONDENTS make all reasonable efforts to meet the minimum participation goal of 5% for DBEs for this project.

### **2.13. Competition**

CMCOG conducts all procurement transactions in a manner providing full and open competition. Nothing contained herein is intended to, nor should it be construed to, limit competition, but instead is intended to provide fair, impartial, and free competition among all offers. It is the intent and purpose of CMCOG that this RFP permit and encourage open competition. This RFP identifies all evaluation factors that will be used in the selection process and their relative importance. Selection of the most qualified and responsible RESPONDENT will be based on the technical merits of their proposal and their ability to perform successfully under the terms outlined in this RFP.

## **3. PROPOSAL CONTENTS**

RESPONDENTS interested in providing the services outlined in this RFP must prepare and submit a proposal that adheres to the following requirements:

### **3.1. Number of Pages**

Proposals must not be more than the equivalent of 25 single sided 8 ½ by 11 inch pages in length (not counting the front and back covers of the proposal, section dividers that contain no information, and all required forms).

### **3.2. Cover Letter**

The response should contain a cover letter signed by a person who is authorized to commit the RESPONDENT to perform the work included in the proposal and should identify all sub-contractors, materials, and enclosures being forwarded in response to the RFP.

### **3.3. RESPONDENT Qualifications**

Provide relevant information about the RESPONDENT team to include the following:

- Name and contact information for the proposed project manager who will be the sole point of contact for CMCOG during day to day operations
- Organization/company overview as it relates to the requirements of the RFP
- Organization/company overview of all sub-contractors as it relates to the requirements of the RFP
- Number of years the organization has been providing the requested services with a brief description of recently performed projects that indicate the past performance and abilities of the proposed team. More detail on specific projects should be included in the references section.

### **3.4. Key Personnel**

Provide a proposed project management structure that identifies the project manager and all personnel who will be assigned to work on this project, including a description of their



abilities, qualifications, and experience. Include resumes and contact information for all key individuals (including sub-consultants) who will be completing a portion of the scope of work. This information must cover which tasks each key individual will be responsible for, along with a proportional estimate of each individual's anticipated workload. **This section must also include an organizational chart that depicts the proposed project management, personnel, and sub-consultant organizational structure.**

### **3.5. Project Proposal**

Provide a description of the project understanding and a detailed methodology and work plan to include a proposed list of required tasks and milestones to address the provided scope of work as well as any additional recommendations, options, or alternatives that should be taken into consideration by CMCOG.

### **3.6. Project Schedule**

Provide a proposed project schedule that includes the key task activities, duration, milestones and deliverables that will complete the scope of work within the timeframe outlined in this RFP. This section must include a flow chart depicting key task activities and the sequence of their completion within the proposed timeframe.

### **3.7. References**

Provide three (3) client references for recently performed, relevant projects within the last five (5) years that indicate the past performances and abilities of the proposed team. Include a key client contact person for each project with their current daytime phone number and email address.

## **4. EVALUATION AND AWARD PROCESS**

### **4.1. Selection Committee**

CMCOG will conduct a formal selection process to determine the best qualified RESPONDENT. This process will include the formation of a selection committee and the appointment of other technical advisors as needed, to review all of the proposals and score them based on the established selection criteria outlined herein. This process may include two steps. The first step will involve an evaluation of the Respondent's technical proposal using the selection criteria outlined in Section 5 below. Second, the highest scoring technical proposals, up to three, ***may be invited to oral interviews if it is determined to be in the best interest of CMCOG and project partners.*** The selection of the RESPONDENT will be determined by the highest total score from the selection committee.

CMCOG reserves the right to contact a firm to obtain written clarification of information submitted in their proposal and to contact references to obtain information regarding performance reliability and integrity.

#### **4.2. Notice of Award**

Once the evaluation committee has made a recommendation to CMCOG, and CMCOG has approved such recommendation, a notice of “Intent to Award” will be posted on the CMCOG website. A notice will also be emailed to all RESPONDENTS informing them of the success, or lack thereof, of their proposal to receive an award.

#### **4.3. Appeal Policy**

RESPONDENTS dissatisfied with the decisions regarding contract award can appeal to CMCOG. The protest must be filed in writing by the authorized signatory official for the RESPONDENT addressed to Ben Mauldin, Executive Director, CMCOG within ten working days of the announcement of the “Intent to Award.” Announcement of our “Intent to Award” will be posted on the CMCOG web site. The ten working days to file appeals will begin on the date the “Intent to Award” is posted on the web site. All RESPONDENTS are encouraged to review CMCOG’S website ([www.centralmidlands.org](http://www.centralmidlands.org)) daily during the RFP evaluation period. CMCOG will not consider appeals from individuals or organizations that do not have standing to appeal nor from sub-contractors of RESPONDENTS. The signature of a party on an appeal document constitutes a certification by the signer that the signer has read the document and to the best of their knowledge, information, and belief and, after reasonable inquiry, it is well grounded in fact. It must be warranted by existing law or by a good faith argument, and that it is not submitted for any improper purpose such as to harass, limit competition, or cause unnecessary delay or needless increase in the cost of the procurement or the appeal. The cost of the appeal will be borne solely by the appealing organization or individual. CMCOG will issue a written decision in accordance with its contract appeals procedures. Frivolous appeals will not be addressed by CMCOG. The decision of CMCOG is final. There will be no formal debriefing on CMCOG decisions on the appeal.

#### **4.4. Contract Negotiations**

After closing of the appeal period, if no appeals were received or successfully granted, the highest rated respondent identified in the “Intent to Award” will be invited to enter into contract negotiations with CMCOG to finalize the scope of work, personnel, hours, hourly rates, use of subcontractors, and other direct costs that will be required to complete the agreement between CMCOG and the selected RESPONDENT. If an agreement cannot be reached with the top ranked firm, CMCOG will select the next most responsive and qualified firm and the negotiation phase will be repeated. This process will continue until an agreement is reached with a qualified firm that can provide the required scope of services. Any contracts awarded as a result of this procurement process will be between the selected RESPONDENT and CMCOG.

## 5. SELECTION CRITERIA

The selection criteria and the percentage of their importance in making the selection are:

### **STEP ONE:**

#### **5.1. Understanding the Purpose and Method of Approach (30%)**

A determination will be made of the RESPONDENT'S understanding of the project purpose and goals as presented in the RFP. Evaluation will be based on the information presented in the RESPONDENT'S proposal, and the approach and allocation of time on specific tasks. The technical soundness of the RESPONDENT'S stated approach to the project, the comprehensiveness of the proposed approach, and the techniques to be used will also be evaluated. *Proposals must demonstrate how RESPONDENTS plan to address each of the areas outlined in Section 6: Scope of Work, with particular attention to the EPA 9-Elements, source water protection, and climate change requirements.* A key consideration in scoring is any innovative approach to meeting these requirements that modifies, enhances, or goes beyond the suggested Scope of Work (e.g., additional data sources, innovative modeling techniques, public outreach initiatives, etc.). Any such suggestions must be reasonable and feasible given time and cost constraints.

#### **5.2. Experience, Qualifications, and Cooperative Work Experience (25%)**

The ability of a prospective RESPONDENT will be evaluated under the terms of the RFP relative to the experience, qualifications, technical competence, and capacity to successfully complete the required work. RESPONDENTS will also be evaluated under the terms of the RFP relative to having staff with the qualifications needed to successfully complete the project. Qualifications of professional personnel assigned to the project, as specified in the proposal including sub-consultants, will be measured by both education and experience, and with particular reference to experience on similar projects. The RESPONDENT'S professional and project staff that work on the project must be the same staff that is identified in the proposal. This criteria also covers the RESPONDENT's experience working as a cooperative team with other RESPONDENTS and public agencies.

#### **5.3. Past Performance on Projects of a Comparable Nature (25%)**

RESPONDENTS should clearly demonstrate through their proposals their past performance and quality of work on projects of a similar nature in whole or in part. Per Section 3.7 of the RFP, RESPONDENTS must also provide three (3) client references for recently performed, relevant projects within the last five (5) years that indicate the past performances and abilities of the proposed team. These references must include a key client contact person for each project with their current daytime phone number and email address.

## **STEP TWO (If Required - CMCOG reserves the right not to include this activity)**

### **5.4. Oral Presentations (20%)**

RESPONDENTS may be requested to make an oral presentation of their proposal. The highest scoring technical proposals, up to three, may be invited to oral interviews. This presentation, if held, will provide an opportunity for the RESPONDENT to clarify their proposal. Notice for oral presentations, if held, will be provided by CMCOG.

### **6. SCOPE OF WORK**

The following Scope of Work details the tasks expected from the selected RESPONDENT. A successful RESPONDENT will note how these tasks address the EPA-9 Elements of a Watershed-Based Plan.

#### **Task 1: Stakeholder Coordination and Outreach**

Assist CMCOG and the Project Advisory Committee (PAC) with developing and implementing a stakeholder coordination and outreach strategy to include participation in PAC meetings, providing guidance and technical support for pollutant source focus groups, and assisting with planning and design of public outreach opportunities.

##### **Key Activities:**

- Meet with PAC to provide progress reports, solicit input, and present deliverables for review
- Assist with planning and design of pollutant source focus groups
- Assist with planning and design of public meetings and other opportunities for public participation and outreach (e.g., survey, website, etc.)

#### **Task 2: Existing Conditions Analysis**

Develop a watershed inventory by reviewing and analyzing existing data and collecting additional information as needed. This information will be used to supplement and inform additional pollutant source assessment activities described in Task 3.

##### **Key Activities:**

- Review and analyze existing plans and reports
- Review and analyze data provided by CMCOG and project partners
- Identify data gaps and collect additional information as needed to aid in determining pollutant sources

### **Task 3: Pollutant Source Assessment**

Work with CMCOG and project partners to identify the major point and non-point source cause(s) and source(s) of bacterial contamination, and calculate the degree to which each source contributes to the impairment. Sources will be identified, mapped, and described at the sub-watershed level. This information will then be used to develop a series of pollutant load reduction goals needed to attain federal and state water quality standards. A technical memorandum will be developed summarizing the findings from the existing conditions analysis and pollutant source assessment.

#### **Key Activities:**

- Identify point and non-point sources of bacterial contamination by sub-watershed
- Estimate pollutant loads from each source to quantify their proportional impact
- Establish pollutant load reduction goals needed to attain water quality standards
- Identify critical/priority areas for remediation/mitigation
- Provide technical memorandum summarizing existing conditions, pollutant source assessment, and overall characterization of the watershed

### **Task 4: Recommendations and Implementation Plan**

Work with CMCOG and project partners to identify management measures needed to achieve pollutant load reduction goals. Management measures should include a wide variety of policy, program, and project recommendations. Specific recommendations will be identified for critical/priority areas in each jurisdiction and/or sub-watershed. Recommendations will also include development of a coordinated water quality monitoring strategy that establishes load reduction evaluation criteria.

The implementation plan will include a prioritized project list that establishes for each project: load reduction estimates, cost estimates, responsible entities, timeframes, and performance metrics/milestones. The successful RESPONDENT will work closely with partners to develop a project prioritization scoring strategy. The implementation plan will also include an assessment of funding and technical assistance needs, and a monitoring strategy to evaluate the effectiveness of implementation efforts over time.

#### **Key Activities:**

- Identify policy, program, and project recommendations by critical area, jurisdiction, and sub-watersheds as appropriate
- Develop a water quality monitoring strategy that establishes load reduction evaluation criteria
- Develop an implementation plan that includes a prioritized project list
- Identify potential funding sources and technical assistance needs

- Develop a monitoring strategy with performance metrics and milestones

#### **Task 5: Source Water Protection and Climate Change Considerations**

Work with CMCOG and project partners to develop a drinking water protection and climate change component to the watershed based plan. Source water considerations will include an assessment of potential pollutant impacts on drinking water systems within the watershed and will identify recommendations that help mitigate these impacts. Climate change considerations will include an assessment of the potential impacts of more intense or extreme watershed disturbances (e.g., higher temperatures, extended periods of drought, or more frequent and intense flooding events) on pollutant loads and project recommendations. The assessment should include incorporating different extreme weather input scenarios into pollutant load models, as well as considering different resiliency and adaptation pathways for relevant project recommendations (e.g., designing stormwater BMPs to accommodate more frequent and intense rain events).

#### **Task 6: Final Report**

All analysis, results and recommendations from the previous tasks will be compiled into a final draft watershed based plan. The draft plan will be presented to CMCOG, the PAC, and other stakeholders for review prior to being finalized.

#### **Key Activities:**

- Prepare and submit draft report for review by CMCOG, PAC, and project stakeholders
- Incorporate input and prepare final report

#### **Deliverables**

Final deliverables for this project will include all presentation materials, any geospatial datasets developed during the analysis, and a print ready digital copy of the final report. A limited number of hard copy reports will also be required. This number will be determined during contract negotiations. All project deliverables must be made available to CMCOG and members of the PAC.

#### **Schedule**

The selected RESPONDENT must agree to begin work upon issuance of a notice to proceed and to complete this work within thirteen (13) months of the date of notice to proceed. The work shall be guided by a detailed flow diagram prepared by the RESPONDENT and furnished to CMCOG within one week of receipt of notice to proceed, and approved by CMCOG. The project shall be considered complete only after action has been taken by CMCOG and the PAC to approve the final deliverables. Periodic payments for the work shall be made in accordance with a schedule proposed by the selected RESPONDENT and approved by CMCOG.

## **Briefings**

The selected RESPONDENT will be expected to participate in regular briefings with CMCOG. These briefings shall be held at least once every month at an agreed upon location and time during the course of the project. These may be held through teleconference. The purpose of the briefings will be to apprise CMCOG and the PAC of the activities of the RESPONDENT, to schedule future activities, and to ensure that the project is on schedule.

## **7. TERMS AND CONDITIONS**

### **7.1. Insurance Requirements**

The RESPONDENT shall effect and maintain insurance at its own cost and expense to protect itself and CMCOG from claims under Workers' Compensation Acts; from claims for damages because of bodily injury including sickness, disease, or death of any of its employees or other parties; from claims for damages because of injury to or destruction of tangible property; and from claims arising out of the performance of professional services caused by errors, omissions, or negligent acts for which it is legally liable, each in the amount of \$1,000,000 or statutory amount as applicable.

### **7.2. Equal Opportunity/Non-Discrimination Compliance**

The successful RESPONDENT will take affirmative action in complying with all federal, state and local requirements concerning fair employment and employment of the handicapped, and concerning the treatment of all employees, without regard or discrimination by reason of race, color, religion, sex, sexual orientation, national origin or physical handicap.

### **7.3. Funding**

Funding for this project is provided through a DHEC grant from the EPA Drinking Water State Revolving Fund for Source Water Protection and through supplemental funding from project partners. **All required EPA and DHEC terms and conditions, in addition to those contained herein, will be incorporated into the resulting contract.** Costs incurred prior to notice-to-proceed will be the responsibility of the selected RESPONDENT and will not be reimbursed. All travel expenses prior to notice to proceed shall be at the selected RESPONDENT's expense.

### **7.4. Subcontracts**

The selected RESPONDENT shall not subcontract any work or services covered by this scope of work without the prior written approval of CMCOG. Subcontractors are also subject to all the terms and conditions in this section.

### **7.5. Assignment**

The selected RESPONDENT cannot assign or transfer any future contract or its provisions without written consent by CMCOG. Any attempted assignment or transfer not in compliance with this provision is null and void. A change in ownership of the selected RESPONDENT is considered an assignment.

### **7.6. Amendments**

Any contract with the selected RESPONDENT may only be amended by written agreement from all participating parties, which must be executed in the same manner as the contract.

### **7.7. Recordkeeping, Audits, & Inspections**

The selected RESPONDENT shall create and maintain adequate records to document all matters covered by this project and its terms and conditions. The RESPONDENT shall retain all such records for six (6) years or other longer period required by law after termination, cancellation, or expiration of the contract and make records available for inspection and audit at any time CMCOG deems necessary. If any litigation, claim, or audit has begun but is not completed at the end of the six-year period, or if audit findings have not been resolved at the end of the six-year period, the records shall be retained until all litigations, claims, or audit findings involving the records have been resolved and final action taken. The selected RESPONDENT shall allow CMCOG to inspect facilities and locations where project activities are to be performed on reasonable notice. Unjustified failure to produce any records required under this paragraph may result in immediate termination of the contract with no further obligation on the part of CMCOG.

The selected RESPONDENT must dispose of records containing CMCOG confidential information in a secure manner such as shredding or incineration once the required retention period has ended. Confidential information means information known or maintained in any form, whether recorded or not, consisting of protected health information, confidential business information, and any other information required by law to be treated as confidential, designated as confidential by CMCOG, or known or believed by the selected RESPONDENT to be claimed as confidential or entitled to confidential treatment.

### **7.8. Termination**

Either party may terminate the contract by providing a thirty (30) calendar days advanced written notice of termination to the other party. CMCOG may terminate the contract for cause, default, or negligence on the selected RESPONDENT's part at any time without advanced written notice. CMCOG, at its option, may allow the selected RESPONDENT reasonable time to address any issues before termination.



8. ATTACHMENT A: MAP OF THREE RIVERS WATERSHED

