

**INVITATION TO QUALIFY  
FOR  
PROGRAMMATIC MITIGATION SUPPLY SPONSORS**

**ISSUING OFFICE**

**Pennsylvania Turnpike Commission  
Contracts Administration Department**

**On behalf of the  
Engineering Department**

**ITQ NUMBER 19-40110-8751**

**DATE OF ISSUANCE**

**December 9, 2019**

**INVITATION TO QUALIFY  
FOR  
PROGRAMMATIC MITIGATION SUPPLY SPONSORS**

**ITQ 19-40110 -8751**

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## CALENDAR OF EVENTS

ITQ# 19-40110-8751

The Commission reserves the right to make changes or alterations to this schedule as the Commission determines is in its best interest.

Activity	Date	Time
Invitation to Qualify Issued	December 9, 2019	N/A
Deadline for Sponsors to Submit Questions via email to <a href="mailto:RFP-Q@paturmpike.com">RFP-Q@paturmpike.com</a>	December 23, 2019	2:00 PM
Answers to Sponsors questions posted to the Commission website at <a href="https://www.paturmpike.com/Procurement/Bidlist.aspx?RTYPE=O">https://www.paturmpike.com/Procurement/Bidlist.aspx?RTYPE=O</a> ( <i>Estimate Only</i> )	January 7, 2020	N/A
Due Date for Statements of Qualifications	January 22, 2020	2:00 PM
Oral Clarifications/Presentations ( <i>If necessary</i> )	TBD	TBD
Anticipated Notice to Proceed ( <i>Estimate Only</i> )	June 1, 2020	N/A

## PART I

### GENERAL INFORMATION

**I-1. Purpose.** The Pennsylvania Turnpike Commission (Commission) is pursuing various projects (collectively, the “Projects” and each individually, a “Project”) along the Turnpike System and seeks to retain the services of one or more Programmatic Mitigation Supply Sponsors (Sponsors) experienced in the business of (a) supplying mitigation credits designed to provide resource compensation for unavoidable impacts to natural and environmental resources caused by construction activities and (b) establishing permittee-responsible mitigation sites (PRM Sites), and (c) providing mitigation, regulatory support, land management, execution, and administrative services with respect thereto. Through this Invitation To Qualify (ITQ) process, the Commission is soliciting Statements of Qualifications from Sponsors for the purpose of creating a pool or pools of qualified businesses to provide such services as needed from time to time. Please note that inclusion in the pool does not guarantee or provide assurances that a Sponsor will be selected to provide services to the Commission.

This ITQ provides interested Sponsors with information to enable them to prepare and submit Statements of Qualifications for consideration by the Commission to satisfy a future need for Programmatic Mitigation Supply Sponsor services. Sponsors wishing to be considered for inclusion in the pool(s) should respond to this ITQ in all respects.

The Commission reserves the right to retain Sponsors who are not included in the pool(s) to provide services. Such selection may be based on complexity and such other factors as the Commission deems, in its sole discretion, relevant. Such selection may be made with or without the issuance of a subsequent Request for Qualifications with respect to a specific transaction. The Commission does not intend to name all Sponsors that could potentially be deemed “qualified” to the pool(s), but rather intends to select firms that best meet the Commission’s selection criteria, as identified in Section III-3 of this ITQ.

Following the creation of the pool(s), the Commission reserves the right, in its sole and absolute discretion, to add or remove Sponsors from the pool(s) at any time.

#### **I-2. Background.**

##### **The Turnpike System**

The Pennsylvania Turnpike Commission System is composed of Interstate I-376, I-76, I-276, and I-476, and State Route SR 576, SR 66 and SR 43, and any additional future expansions of the Pennsylvania Turnpike Commission System.

##### **Overview**

The Commission frequently requires mitigation for its projects. The Commission is seeking to select a pool of sponsors to provide mitigation credits and/or establish PRM Sites for projects that have environmental impacts. Mitigation Banks and PRM Sites can provide required mitigation credits for projects that have environmental impacts.

**I-3. Issuing Office.** This ITQ is issued for the Commission by the Contracts Administration Department on behalf of the Engineering Department. All questions regarding this ITQ must be directed to the Commission pursuant to the process identified in Section I-11 below. No questions will be addressed except through such process.

**I-4. Scope.** This ITQ contains instructions governing the Statements of Qualifications to be submitted and the material to be included therein; a description of the service to be provided; requirements which must be met to be eligible for consideration; general evaluation criteria; and other requirements to be met by each Statement of Qualifications.

**I-5. Problem Statement.**

**A. General Description**

The Pennsylvania Turnpike Commission (Commission) is pursuing various projects (collectively, the “Projects” and each individually, a “Project”) along the Turnpike System and seeks to retain the services of one or more Programmatic Mitigation Supply Sponsors (Sponsors) experienced in the business of (a) supplying mitigation credits designed to provide resource compensation for unavoidable impacts to natural and environmental resources caused by construction activities and (b) establishing permittee-responsible mitigation sites (PRM Sites), and (c) providing mitigation, regulatory support, land management, execution, and administrative services with respect thereto. Through this Invitation To Qualify (ITQ) process, the Commission is soliciting Statements of Qualifications from Sponsors for the purpose of creating a pool or pools of qualified businesses to provide such services as needed from time to time. Please note that inclusion in the pool does not guarantee or provide assurances that a Sponsor will be selected to provide services to the Commission.

This ITQ provides interested Sponsors with information to enable them to prepare and submit Statements of Qualifications for consideration by the Commission to satisfy a future need for Programmatic Mitigation Supply Sponsor services. Sponsors wishing to be considered for inclusion in the pool(s) should respond to this ITQ in all respects.

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Following the creation of the pool(s), the Commission reserves the right, in its sole and absolute discretion, to add or remove Sponsors from the pool(s) at any time.

**B. Requested Services**

Programmatic Mitigation Supply services.

**I-6 Type of Contract.** It is proposed that if a contract is entered into as a result of this ITQ, work will be assigned through Work Order Request for Proposals (WORFP) issued to the pool of Sponsors. The WORFP will include the evaluation criteria that will be used by the Commission to evaluate the proposals and assign Work Orders. Evaluation criteria will generally include cost for credits and ability to meet the PTC project schedule. Please note that inclusion in the pool of Sponsors selected as a result of this ITQ does not guarantee or provide assurances that a Sponsor will be assigned any specific, minimum number or specific monetary amount of work during the contract duration.

**I-7. Contractor Integrity Provisions.** Contractor Integrity Provisions will apply to this contract upon award and the awarded vendor may be required to complete a Background Qualifications Questionnaire prior to entering into an Agreement with the Commission and attend annual ethics training provided by the Commission. Integrity Provisions and other related documents can be found on the Commissions website at [www.paturnpike.com](http://www.paturnpike.com) (Doing Business, General Information, Integrity Provisions).

Include full disclosure of any potential conflict with the State Adverse Interest Act, 71 P.S. § 776.3, for a State Advisor or State Consultant by the prime or any subconsultant. If there is no adverse interest, you shall include the following statement: "I have reviewed the State Adverse Interest Act and determined that there is no adverse interest for anyone on this Agreement team." This information should be included in your transmittal letter/cover page or executive summary.

**I-8. Rejection of Statements of Qualifications.** The Commission reserves the right to reject any and all Statements of Qualifications received as a result of this request.

**I-9. Subcontracting.** Any use of subcontractors by a Sponsor must be identified in the Statement of Qualifications. During the contract period use of any subcontractors by the selected Sponsor, which were not previously identified in the Statement of Qualifications, must be approved in advance in writing by the Commission.

**I-10. Incurring Costs.** The Commission is not liable for any costs incurred by Respondents in their preparation and submission of Statements of Qualifications, in participating in the ITQ process.

**I-11. Questions and Answers.** Written questions may be submitted to clarify any points in the ITQ which may not have been clearly understood. Written questions should be submitted via email to [RFP-Q@paturnpike.com](mailto:RFP-Q@paturnpike.com) with **ITQ# 19-40110-8751** in the subject line to be received no later than the date and time provided on the Calendar of Events. Respondents shall use the form provided in Appendix A to submit the questions. All questions and written answers will be posted to the website as an addendum to and become part of this ITQ. No questions regarding the ITQ will be addressed except through this process.

**I-12. Addenda to the ITQ.** If it becomes necessary to revise any part of this ITQ before the response date, addenda will be posted to the Commission's website under the original ITQ document. It is the responsibility of all Respondents to periodically check the website for any new information or addenda to the ITQ.

The Commission may revise a published advertisement. If the Commission revises a published advertisement less than ten days before the ITQ due date, the due date will be extended to maintain the minimum ten-day advertisement duration if the revision alters the project scope or selection criteria. Respondents are responsible to monitor advertisements/addenda to ensure the submitted Statement of Qualifications complies with any changes in the published advertisement.

**I-13. Response.** To be considered, Statement of Qualifications must be delivered to the Pennsylvania Turnpike Commission's Contracts Administration Department, Attention: Wanda Metzger, on or before the date and time provided on the Calendar of Events. The Commission will **not** accept proposals via email or facsimile transmission. The Pennsylvania Turnpike Commission is located at 700 South Eisenhower Boulevard, Middletown, PA 17057 (Street address). Our mailing Address is P. O. Box 67676, Harrisburg, PA 17106.

**Please note that use of U.S. Mail, FedEx, UPS, or other delivery method, does not guarantee delivery to the Contracts Administration Department by the above listed time for submission.** Respondents mailing submissions should allow sufficient delivery time to ensure timely receipt of their Statements of Qualifications. If the Commission office location to which submissions are to be delivered is closed on the Statement of Qualifications response date, due to inclement weather, natural disaster, or any other cause, the deadline for submission shall be automatically extended until the next Commission business day on which the office is open. Unless the Respondents are otherwise notified by the Commission, the time for submission of Statements of Qualifications shall remain the same.

**I-14. Statements of Qualifications.** To be considered, Respondents should submit a complete response to this ITQ, using the format provided in PART II. Each Statement of Qualifications should be submitted in five (5) hard copies of the Technical Submittal. In addition to the hard copies of the Statements of Qualifications, **two complete and exact electronic copies** of the Statement of Qualifications (along with all requested documents) on a Flash Drive in PDF format. The electronic copy must be a mirror image of the hard copy. The Flash Drive should clearly identify the Respondents and include the name and version number of the virus scanning software that was used to scan the Flash Drive before it was submitted. The Respondent shall present the Statements of Qualifications to the Contracts Administration Department only. No other distribution of Statements of Qualifications will be made by the Respondent. Each Statement of Qualifications page should be numbered for ease of reference.

An official authorized to bind the Respondent to its provisions must sign the Statement of Qualifications. If the official signs the Statement of Qualifications Cover Sheet (Appendix B to this ITQ) and the Statement of Qualifications Cover Sheet is attached to the Statements of Qualifications, the requirement will be met. For this ITQ, the Statements of Qualifications must remain valid for at least 120 days. Moreover, the contents of the Statement of Qualifications of the selected Respondent will become contractual obligations if a contract is entered into.

Each and every Respondent submitting Statements of Qualifications specifically waives any right to withdraw or modify it, except as hereinafter provided. Statements of Qualifications may be withdrawn by written or fax notice (fax number (717) 986-8714) received at the Commission's address for Statements of Qualifications delivery prior to the exact hour and date specified for Statements of Qualifications receipt.

Overnight Delivery Address:  
Contracts Administration Department  
Attn: Wanda Metzger  
PA Turnpike Commission  
700 South Eisenhower Blvd.  
Middletown, PA 17057

US Mail Delivery Address:  
Contracts Administration Department  
Attn: Wanda Metzger  
PA Turnpike Commission  
P.O. Box 67676  
Harrisburg, PA 17106

However, if the Respondent chooses to attempt to provide such written notice by fax transmission, the Commission shall not be responsible or liable for errors in fax transmission. Statements of Qualifications may also be withdrawn in person by a Respondent or its authorized representative, provided his/her identity is made known and he/she signs a receipt for the Statements of Qualifications, but only if the withdrawal is made prior to the exact hour and date set for Statements of Qualifications receipt. Statements of Qualifications may only be modified by the submission of a newly sealed Statements of Qualifications or submission of a sealed modification which complies with the requirements of this solicitation.

**I-15. Economy of Preparation.** Statements of Qualifications should be prepared simply and economically, providing a straightforward, concise description of the Respondent's ability to meet the requirements of the ITQ. For submissions, the body (in response to Part II-D – II-F) of the proposal shall not exceed ten (10) pages of 12-point type.

**I-16. Discussions for Clarification.** Respondents who submit Statements of Qualifications may be required to make an oral or written clarification of their Statements of Qualifications to the Issuing Office to ensure thorough mutual understanding and Respondent responsiveness to the solicitation requirements. The Issuing Office through the Contracts Administration Department will initiate requests for clarification.

**I-17. Statements of Qualifications Contents.** Statements of Qualifications will be held in confidence and will not be revealed or discussed with competitors, unless disclosure is required to be made (i) under the provisions of any Commonwealth or United States statute or regulation; or (ii) by rule or order of any court of competent jurisdiction. All material submitted with the statement becomes the property of the Commission and may be returned only at the Commission's option. Statements of Qualifications submitted to the Commission may be reviewed and evaluated by any person other than competing Respondents at the discretion of the Commission. The Commission has the right to use any or all ideas presented in any response. Selection or rejection of the responding firm does not affect this right.

In accordance with the Pennsylvania Right-to-Know Law (RTKL), 65 P.S. § 67.707 (Production of Certain Records), Respondents shall identify any and all portions of their Statement of Qualifications that contains confidential proprietary information or is protected by a trade secret. Statements of Qualifications shall include a written statement signed by a representative of the company/firm identifying the specific portion(s) of the response that contains the trade secret or confidential proprietary information.

Respondents should note that "trade secrets" and "confidential proprietary information" are exempt from access under Section 708(b)(11) of the RTKL. Section 102 defines both "trade secrets" and "confidential proprietary information" as follows:

Confidential proprietary information: Commercial or financial information received by an agency: (1) which is privileged or confidential; **and** (2) the disclosure of which would cause substantial harm to the competitive position of the person that submitted the information.

Trade secret: Information, including a formula, drawing, pattern, compilation, including a customer list, program, device, method, technique or process that: (1) derives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; **and** (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. The term includes data processing software by an agency under a licensing agreement prohibiting disclosure.

65 P.S. §67.102 (emphasis added).

The Office of Open Records has determined that a third party must establish a trade secret based upon factors established by the appellate courts, which include the following:

- the extent to which the information is known outside of his business;
- the extent to which the information is known by employees and others in the business;
- the extent of measures taken to guard the secrecy of the information;
- the value of the information to his business and to competitors;



the amount of effort or money expended in developing the information; and  
the ease of difficulty with which the information could be properly acquired or duplicated by  
others.

See *Crum v. Bridgestone/Firestone North Amer. Tire.*, 907 A.2d 578, 585 (Pa. Super. 2006).

The Office of Open Records also notes that with regard to “confidential proprietary information the standard is equally high and may only be established when the party asserting protection shows that the information at issue is either ‘commercial’ or ‘financial’ and is privileged or confidential, and the disclosure *would* cause substantial competitive harm.” (emphasis in original).

For more information regarding the RTKL, visit the Office of Open Records’ website at [www.openrecords.state.pa.us](http://www.openrecords.state.pa.us).

**I-18. Debriefing Conferences.** Respondents whose firms are not selected to be included in the pool or pools will be notified of the name of the selected Respondents and given the opportunity to be debriefed, at their request. The Issuing Office will schedule the time and location of the debriefing. The Respondent will not be compared with other respondents.

**I-19. News Releases.** Sponsors shall not issue news releases, internet postings, advertisements or any other public communications pertaining to this ITQ without prior written approval of the Issuing Office, and then only in coordination with the Issuing Office.

**I-20. Term of Appointment.** The Commission intends that the pool or pools established pursuant to this request will remain in effect for two (2) years but reserves the right to extend the term of the pool or pools for up to one (1) two-year period.

**I-21. Respondent’s Representations and Authorizations.** Each Respondent by submitting its Statement of Qualifications understands, represents, and acknowledges that:

- a. All information provided by, and representations made by, the Respondent are material and important and will be relied upon by the Issuing Office in establishing pools. Any misstatement, omission or misrepresentation shall be treated as fraudulent concealment from the Issuing Office of the true facts relating to the submission of this Statement of Qualifications. A misrepresentation shall be punishable under 18 Pa. C.S. § 4904.
- b. To the best knowledge of the person signing the proposal for the Respondent, the Respondent, its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not in the last four (4) years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding or proposing on any public contract, except as disclosed by the Respondent in its Statement of Qualifications.
- c. To the best of the knowledge of the person signing the Statement of Qualifications for the Respondent and except as otherwise disclosed by the Respondent, the Respondent has no outstanding, delinquent obligations to the Commonwealth including, but not limited to, any state tax liability not being contested on appeal or other obligation of the Respondent that is owed to the Commonwealth.

- d. The Respondent is not currently under suspension or debarment by the Commonwealth, or any other state, or the federal government, and if the Respondent cannot certify, then it shall submit along with the Statement of Qualifications a written explanation of why such certification cannot be made.
- e. Each Respondent, by submitting its Statement of Qualifications, authorizes all Commonwealth agencies to release to the Commission information related to liabilities to the Commonwealth including, but not limited to, taxes, unemployment compensation, and workers' compensation liabilities.
- f. The Respondent has not, under separate contract with the Commission, made any recommendations to the Commission concerning the need for the services described in the ITQ.

**I-22. Indemnification.** The Sponsor shall be responsible for, and shall indemnify, defend, and hold harmless the Commission and its Commissioners, officers, employees, and agents (the "Indemnified Parties") from all claims, liabilities, damages, and costs including reasonable attorneys' fees, for bodily injury (including death) and damage to real or tangible personal property arising from or related to the negligence or other tortious acts, errors, and omissions of Sponsor, its employees, or its subcontractors while engaged in performing the work of this Agreement or while present on the Commission's premises, and for breach of this Agreement regarding the use or disclosure of proprietary and confidential information where it is determined that Sponsor is responsible for any use of such information not permitted by this Agreement. This indemnification obligation shall not be reduced in any way by any limitation on the amount or type of damages, compensation, or benefits payable by Sponsor or its subcontractors under any employee benefit act including but not limited to Workers' Compensation Acts, Disability Benefits Acts, or other Employee Benefit Act.

**I-23. Data/Information Security Breach Notification.** "Breach" shall mean any successful unauthorized acquisition, access, use, or disclosure of Commission data that compromises the security or privacy of such data.

"Commission Data" means Commission provided information and Commission related information acquired as a result of the services provided to Commission under this Agreement.

Sponsor shall report to the Commission any Breach affecting Commission Data. The notice to be provided to the Commission by Sponsor shall be provided without unreasonable delay and no later than within 72 hours of Sponsor's discovery of any Breach. A Breach shall be deemed to be discovered on the first day on which the Sponsor knows or reasonably should have known of the Breach. The notice to be provided to the Commission by Sponsor shall be made in writing to the Commission's Information Security Officer and shall include the following content: (1) the nature of the Breach; (2) the specific Commission Data affected by the Breach; (3) the steps the Sponsor is taking to remediate the Breach; and (4) steps the Sponsor is taking to mitigate future Breaches. Following notification of the Breach, Sponsor shall cooperate with the Commission's investigation of the Breach and provide any other information regarding the Breach or the Commission Data affected which the Commission may reasonably request. Should notice to individuals whose information was part of Commission Data be required under any applicable data privacy law, including, but not limited to, individual state data breach notice laws or federal laws such as HIPAA and Gramm Leach Bliley Act, Sponsor shall provide the Commission with copies of any template notification letters and draft regulatory correspondence for Commission's prior approval. Sponsor shall provide any notifications required under the applicable data privacy laws on behalf of the

Commission at the request of Commission. The Commission reserves the right to handle any notifications required and shall notify Sponsor if the Commission will be handling the required notifications. Upon request, Sponsor shall provide the Commission with its cyber-security policies and procedures. Sponsor agrees to reimburse the Commission for any and all reasonable costs associated with the Commission's response to Sponsor's Breach, including any fees associated with the Commission's investigation of Sponsor's Breach, notification costs, and any reasonable offer of credit or identity monitoring product.

**I-24. Security Requirements.** Sponsor will comply with the Security Requirements are described in Appendix C – Security Requirements.

## PART II

### INFORMATION REQUIRED FROM SPONSORS

Statements of Qualifications must be submitted in the format, including heading descriptions, outlined below. To be considered, the response must respond to all requirements in this part of the ITQ. Any other information thought to be relevant, but not applicable to the enumerated categories, should be provided as an appendix to the Statement of Qualifications.

Each Statement of Qualifications shall consist of one sealed submittal:

1. Technical Submittal, which shall be a response to RFP **Part II, Sections II-1 A through G**; see Part I-5 of this ITQ for direction on page limitations.

The Commission reserves the right to request additional information which, in the Commission's opinion, is necessary to assure that the Sponsors's competence, number of qualified employees, business organization, and financial resources are adequate to perform according to the ITQ.

#### II-1. Required Information

- A. **Statement of Qualifications Cover Sheet (See Appendix B)**  
Show the name of your firm, Federal I.D. number, address, name of contact person, contact person's email and telephone number date and the subject: **PROGRAMMATIC MITIGATION SUPPLY SPONSORS, ITQ 19-40110-8751**. Appendix B must be signed by an individual who is authorized to negotiate terms, render binding decisions and commit your firm's resources.
- B. **Table of Contents**  
Include a clear identification of the material by section and by page number.
- C. **Executive Summary**  
Summarize your understanding of the work to be done and make a positive commitment to perform the work necessary. This section should summarize the key points of your submittal. (Limit to two pages.) Include in this section or in a transmittal letter/cover page a statement regarding full disclosure of any potential conflict with the State Adverse Interest of State Advisor or Consultant Statute as instructed in Proposal Section 1.7 Contractor Integrity Provisions.
- D. **Firm Overview**  
Provide a brief history and description of your firm's business organization and its programmatic mitigation supply practice and experience. Include the location of offices and the number of employees in each office. Discuss your firm's presence in and commitment to the Commonwealth of Pennsylvania. Include a discussion of the specific expertise and services that distinguish your firm.
- E. **Personnel and References**  
Provide the names, proposed roles, background and experience, office location and availability of the personnel that would work on the Commission's account, and

specifically identify the primary person(s) who will be responsible for managing the relationship with the Commission. Sponsor must submit a current resume for key staff proposed employees listing relevant experience and applicable professional affiliations.

**F. Relevant Experience**

Provide a narrative statement regarding your firm's current ability to provide services for programmatic mitigation supply both generally and pursuant to the requirements of appropriate federal and state environmental regulations and statues including, but not limited to, the mitigation credits controlled by the Clean Water Act and/or Endangered Species Act. Respondents must provide Pennsylvania Umbrella Banking Instrument (UMBI) or evidence that Respondent has submitted application for the UMBI to an Interagency Review Team (IRT). Additionally, include a statement regarding your understanding of the requirements as outlined in this ITQ and your ability to provide services for programmatic mitigation supply both generally and pursuant to the requirements of the Clean Water Act and/or Endangered Species Act.

Describe your firm's experience in providing mitigation credits and/or PRM Sites designed to provide compensation and offsets for unavoidable impacts to natural and environmental resources caused by projects similar for programmatic mitigation supply both generally and pursuant to the requirements of the Clean Water Act and/or Endangered Species Act to other clients, especially other Pennsylvania governmental entities and/or similar public/private sector transportation organizations. Describe the business practices that enable you to complete these tasks in an efficient, timely and, at times, expeditious manner.

Include a statement regarding any other specialty programmatic mitigation supply services your firm may offer.

**G. Potential Conflict of Interest**

Identify any relationships or activities that might present a conflict of interest if your firm is selected to provide programmatic mitigation supply services pursuant to the requirements as described in this ITQ.

## PART III

### CRITERIA FOR SELECTION

**III-1. Mandatory Responsiveness Requirements.** To be eligible for selection, the Statement of Qualifications should be (a) timely received from a Respondent; and (b) properly signed by the Respondent.

**III-2.** Statements of Qualification will be reviewed and evaluated by a Technical Evaluation Team (TET) of qualified personnel based on the evaluation criteria listed below. The TET will present the evaluations to the Professional Services Procurement Committee (PSPC). The PSPC will review the TET's evaluation and provide the Commission with the firm(s) determined to be highly recommended for inclusion in the pool(s).

The Commission will select the most highly qualified firm(s) for inclusion in the pool(s) or the firm whose Statement of Qualifications is determined to be most advantageous to the Commission by considering the TET's evaluation and the PSPC's determination as to each firm's rating. In making the PSPC's determination and the Commission's decision, additional selection factors may be considered taking into account the estimated value, scope, complexity and professional nature of the services to be rendered and any other relevant circumstances. Additional selection factors may include, when applicable, the following: geographic location and proximity of the firm, firm's Pennsylvania presence or utilization of Pennsylvania employees for the assignment; equitable distribution of work; diversity inclusion; and any other relevant factors as determined as appropriate by the Commission.

Consideration for inclusion in the pool(s) will only be made to Sponsors determined to be responsive and responsible in accordance with Commonwealth of Pennsylvania Management Directive 215.9, Contractor Responsibility Program.

**III-3.** The following criteria will be used, in order of relative importance from the highest to the lowest, in evaluating each statement of qualifications.

1. Overall
  - a. Ability to provide mitigation credits, via a bank or PRM Site, in an efficient, timely and, at times, expeditious manner.
  - b. Responsiveness, organization, and clarity of Statement of Qualifications.
2. Assigned Personnel
  - a. Qualifications and experience of employees to perform programmatic mitigation supply services pursuant to the requirements of the Clean Water Act and/or Endangered Species Act.
  - b. Location and availability to Commission staff.
3. Firm Experience
  - a. Copy of the approved Pennsylvania Umbrella Mitigation Banking Instrument (UMBI), or,
  - b. Currently or previously submitted prospectus(s) submitted to an Interagency Review Team (IRT) for Pennsylvania mitigation bank permitting for species and/or habitat banking.
  - c. Relevant experience supplying mitigation credits and/or establishing PRM Sites.

Proposer Questions		Pennsylvania Turnpike Commission (PTC)			
		Respondent Name:			
#	Page	Section	Section Description	Proposer Question	Commission Response
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					

**APPENDIX B – STATEMENT OF QUALIFICATIONS COVER SHEET  
 Pennsylvania Turnpike Commission  
 PROGRAMMATIC MITIGATION SUPPLY SPONSORS**

**ITQ# 19-40110-8751**

**Enclosed is the statement of qualifications submission for the Respondent identified below for the above referenced ITQ:**

<b>Sponsor Information:</b>	
Respondent Company Name	
Respondent Mailing Address	
Respondent Website	
Respondent Contact Person/Title	
Contact Person's Phone Number	
Contact Person's Fax Number	
Contact Person's Email Address	
Respondent Federal ID Number	
Location of Headquarters	
Location of Office(s) Performing the Work	
Listing of all Pennsylvania Offices and Total Number of Pennsylvania Employees	

**Submittals Enclosed:**

<input type="checkbox"/> Statement of Qualifications Submittal
<b>Signature</b>
Signature of an official authorized to bind the Respondent to the provisions contained in the Respondent's submission: _____
Print Name
Title

**An official authorized to bind the Respondent to its provisions must sign the Statement of Qualifications. If the official signs this Statement of Qualifications Cover Sheet and the Statement of Qualifications Cover Sheet is attached to the Statement of Qualifications, the requirement will be met.**





**APPENDIX C – ITQ 19-40110-8751**  
**COMMISSION SECURITY REQUIREMENTS**  
**Revised: 06/01/19**

**General Security Requirements**

Vendor shall supply all hosting equipment (hardware and software) required for performance of the contract and ensure maintenance and replacement as necessary to maintain compliance with the Service Level Agreement(s).
The vendor shall warrant all system/software to be delivered free of malware or other malicious or destructive code.
In the event of adverse risk findings through an audit or assessment, the vendor shall cooperate with the Commission in remediating any risks to the system, including complying with requests to temporarily take the system offline or otherwise limit access to the system during remediation if warranted.
Vendors must have a plan for compliance with all applicable breach notification laws, including Pennsylvania’s Breach of Personal Information Notification.
The Commission must be notified in writing within 72 hours of the earliest indication or report of a potential breach or unintended disclosure of confidential information.
Incident response actions that may affect confidential information must be conducted quickly and with ample resources. Vendor must hire a professional third-party incident response team if its inhouse resources do not have sufficient skill or availability.
The Commission shall have the right to view all incident response evidence, reports, communications, and related materials, affecting Commission systems, upon request.
If requested by the Commission, or if required by law, the vendor, at its own cost and expense, shall notify in writing all persons affected by the incident.
The vendor is responsible for hardening all devices to run only the services required to support the application. All unnecessary services must be disabled (for example, UPnP, SLP, etc.).
If Commission user service disruptions are expected, the change must be approved by the Change Review Board (CRB) before implementation.
No generic user accounts for shared resources will be permitted.
Audit logs must be implemented for all systems. All actual or attempted violations of system security must generate an audit log. Audit logs must be secured against unauthorized access or modification.
All account credentials (username/password) must be encrypted during transmission.
All administrator account passwords and SNMP community strings must be changed from the manufacturer’s default values to a hardened value.



**APPENDIX C – ITQ 19-40110-8751  
COMMISSION SECURITY REQUIREMENTS  
Revised: 06/01/19**

**Hosted/Cloud-Based Security Requirements**

The Commission’s data must be located and remain within the continental United States.
Vendor shall use commercially reasonable resources and efforts to maintain adequate internet connection bandwidth, service capacity, and ensure its data center and/or other vendors performing subcontracted services have industry standard physical, technical, human, and administrative controls.
Vendor shall house all services and equipment in an operational environment that meets industry standards including climate control, fire and safety hazard detection, redundancy, electrical needs, and physical security.
If Commission employee access is required, then the latest version of ADFS (Active Directory Federated Services), using the latest version of SAML, must be used for authentication and authorization, and the Identity Source must be either the Commission’s on-premise ADFS installation or the Commission’s Azure AD instance.
When SAML authentication is used for cloud-hosted systems, the vendor must use Provider-side Initiated authentication.
All cloud-based/hosted systems using HTTPS, or any other protocol using SSL/TLS, must use TLS 1.2 or later with a key size no smaller than 2048 bits.
For public-facing systems, the vendor shall utilize a third-party certificate provider who is a recognized and trusted authority in the industry.
The vendor is responsible for sending the Commission system/network vulnerability scan results upon request.
The vendor will supply firewall and IPS logs for malicious intrusion and access attempts into hosted Commission systems upon request.
Vendors must have, and upon request by the Commission, shall provide copies of its information security policies that cover the following elements: <ul style="list-style-type: none"> <li>- Data classification and privacy</li> <li>- Security training and awareness</li> <li>- Systems administration, patching, and configuration</li> <li>- Application development and code review</li> <li>- Incident response</li> <li>- Workstation management, mobile devices, and antivirus</li> <li>- Backups, disaster recovery, and business continuity</li> <li>- Regular audits and testing</li> <li>- Requirements for third-party business partners and contractors</li> <li>- Compliance with information security or privacy laws, regulations, or standards</li> </ul>
The vendor shall allow the Commission, or an agreed upon third party, to perform security assessments, vulnerability assessments, or audits of systems that contain Commission data.
For systems hosted off the Commission’s network, an industry-accepted endpoint protection solution must be operated on all hosting servers.



**APPENDIX C – ITQ 19-40110-8751**  
**COMMISSION SECURITY REQUIREMENTS**  
**Revised: 06/01/19**

**On-Prem/Physically-Connected Security Requirements**

The Commission’s IT Security Team must be allowed to scan, for security vulnerabilities, any new equipment and/or changes to existing equipment before implementation.
The Commission’s IT Security team must be given administrator-level access to all installed equipment for incident response and security assessment.
All Microsoft Windows-based systems, connected to the Commission’s network, will be joined to the Commission’s Active Directory domain and will be patched by the Commission’s IT staff on a monthly-basis at a minimum.
The vendor is responsible for updating all non-Windows systems, not operated or administered by the Commission, to the vendors’ latest recommended level.
If remote access is needed, the vendor must use HorizonView. If using VPN for remote access, a Commission owned, and managed device is required.
If local connectivity to the Commission’s network is needed, a Commission-owned and managed device is required. Vendor-owned devices are not permitted to be connected to the network.
The vendor’s system/software must co-exist with all industry accepted endpoint software with no exceptions.
The vendor must provide the necessary directory and file exclusions to allow the system/software to operate as intended.

# Addendum No. 1

ITQ # 19-40110-8751

## Programmatic Mitigation Supply Sponsors

**Prospective Respondents: You are hereby notified of the following information in regard to the referenced RFP:**

### **REVISION**

1. Replace item 1 within Part II, Information Required from Sponsors on page 10 of 12 of the RFP (page 8 of 19 in original RFP PDF file) in its entirety with the following:  
Each Statement of Qualifications shall consist of one sealed submittal:
  1. Technical Submittal, which shall be a response to RFP Part II, Sections II-1 A through G; see Part I-15 of this ITQ for direction on page limitations.

### **QUESTIONS AND ANSWERS**

Following are the answers to questions submitted in response to the above referenced RFP as of December 23, 2019. All of the questions have been listed verbatim, as received by the Pennsylvania Turnpike Commission.

Proposer Questions			Pennsylvania Turnpike Commission (PTC)		
#	Page	Section	Section Description	Proposer Question	Commission Response
1.	4	I-9	Subcontracting	We periodically utilize subcontractors for various services on mitigation bank/PRM projects. On future banks/projects it is not known which subcontractors we may use (if any). Would the Commission simply like a list of past subcontractors, for purposes of this ITQ response?	Sponsor must identify any use of known subcontractors in Statement of Qualifications. Any subcontractors not identified in the Statement of Qualifications must be approved in advance in writing by the Commission.

Proposer Questions			Pennsylvania Turnpike Commission (PTC)		
#	Page	Section	Section Description	Proposer Question	Commission Response
2.	10 -11	I-15	Economy of Preparation	Are staff resumes excluded from the page count?	Yes, staff resumes are excluded from the page count.
3.	11	II-1.F	Relevant Experience	Is it permissible to only provide documentation of UMBI approval, such as a letter from the regulatory agency that references the approved UMBI/permit numbers?	Provide as requested in RFP Part II – Information Required from Sponsors.
4.	11	II-1.F	Relevant Experience	Does the Commission desire to see confirmation of a Sponsor having an approved PADEP Statewide Operating Permit for mitigation banking, as well as an approved UMBI from the IRT?	Provide as requested in RFP Part II – Information Required from Sponsors.
5.	10	II-1.F	Required Information	Does the Commission desire to see any specific documentation of a Sponsor's financial competency, such as successful completion of large monetary value mitigation projects, experience and ability to post large surety/performance bonding, etc.?	Provide as requested in RFP Part II – Information Required from Sponsors.

All other terms, conditions and requirements of the original ITQ dated December 9, 2019 remain unchanged unless modified by this Addendum.

## Addendum No. 2

ITQ # 19-40110-8751

### Programmatic Mitigation Supply Sponsors

**Prospective Respondents: You are hereby notified of the following information in regard to the referenced RFP:**

#### **QUESTIONS AND ANSWERS**

Following are the answers to questions submitted in response to the above referenced RFP as of January 6, 2020. All of the questions have been listed verbatim, as received by the Pennsylvania Turnpike Commission.

Proposer Questions			Pennsylvania Turnpike Commission (PTC)		
#	Page	Section	Section Description	Proposer Question	Commission Response
1.	11	II-1.F	Relevant Experience	Is it permissible to only provide documentation of UMBI approval, such as a letter from the regulatory agency that references the approved UMBI/permit numbers?	PTC RESPONSE: Provide as requested in RFP Part II – Information Required from Sponsors.
2.				FOLLOW UP QUESTION: The full UMBI document includes several hundred pages of text and appendices, which by itself would surpass the ITQ response page limit. Would it be acceptable to simply provide official USACE and PADEP acknowledgement of our approved UMBI? If not, can the UMBI be submitted as an appendix to Part II and excluded from the page limitations?	The Commission will accept the official notification letter from USACE and PADEP showing acknowledgement of approved UMBI.

All other terms, conditions and requirements of the original ITQ dated December 9, 2019 and Addendum #1 remain unchanged unless modified by this Addendum.