

**INVITATION FOR BID  
FOR  
SPEED PROGRAM  
CHAPTER 105 PERMITS**

**I. SCOPE OF WORK**

**A. Background**

The Department of Environmental Protection (DEP) is seeking to engage Qualified Professionals to review permits on an expedited basis as part of the SPEED Program, established in Article XVIII, §§1803-1805 of Act No. 54 of 2024 (SPEED Act).

The Streamlining Permits for Economic Expansion & Development (SPEED) Program provides third-party applicants with the opportunity to engage a Qualified Professional to conduct an expedited review of their permit application. Applicants must specifically request that DEP engage a Qualified Professional to conduct an expedited review of their permit application. Upon such request, DEP will engage the Qualified Professional via a Project Work Order.

Bidders may be individuals or business entities with one or more employees that meet the criteria set forth below to be considered a Qualified Professional for the SPEED Program.

All work must be completed in accordance with the requirements set forth in this Scope of Work and its attachments and pursuant to the Contract Terms and Conditions and any other procedures required by DEP for the performance of the Services.

The SPEED Program is a novel approach to the review and issuance of permits by a Commonwealth agency. As such, this solicitation and the resulting contracts will vary slightly from traditional Commonwealth procurements. Your understanding of the requirements of this solicitation and the terms of any resulting agreement are imperative to the success of the program.

**DEP does not expect SPEED Program reviews to begin until Spring 2025.**

- B. This Scope of Work is for the review of permits issued under 25 Pa. Code Chapter 105, which includes Joint Permit Application for a Water Obstruction and Encroachment Permit. (a.k.a. Individual Waterway Permit).
- C. The selected Qualified Professionals will be required to provide the following services when requested by applicants through the DEP.
  - 1. Review permit applications.

2. Identify deficiencies in permit applications within established review timeframes set by DEP. Guidance documents, review checklists, and templates to be used by awarded bidders are attached to this IFB for reference.
3. Communicate and coordinate directly and regularly with permit applicants and DEP to resolve deficiencies identified during the review process.
4. Provide DEP with a Recommendation Report using templates provided by DEP to document the review and recommended action. The documentation must include detailed explanations and statutory and regulatory citations for all technical deficiencies to support the recommended action. The report must be reviewed, signed, and sealed by a certified Professional Engineer. The recommendation report should be a professional, high-quality report prepared for DEP staff to review as part of a determination of final action for each assigned review.
5. Provide DEP with a draft deficiency letter, using templates provided by DEP. The letter must include detailed explanations of permit deficiencies along with statutory and regulatory citations to support each deficiency assertion.
6. Provide DEP with a draft public notice to be posted in the Pennsylvania Bulletin, using templates provided by DEP.
7. Provide draft public comment response documents in addressing public comments. For any project receiving significant public interest and having a public hearing, the Qualified Professional shall prepare draft responses for a Comment and Response Document following the “Policy on Public Participation in the Permit Review Process”. DEP eLibrary (pa.gov).
8. The Qualified Professional may be required to appear as a fact witness in hearings and court actions involving technical matters related to the assigned project. If expert witness testimony is required, a separate agreement will be required to be entered into between the Qualified Professional and DEP.

## **II. QUALIFICATIONS**

- A. The following criteria must be met to be considered a Qualified Professional for the SPEED Program:
  1. Be employed as a registered professional engineer or other environmental professional with experience in permitting and Chapter 105 rules and regulations.
  2. Hold any additional licensing or certification if required by law to review permit applications.

3. Have five years of relevant permitting experience in this Commonwealth as described in more detail in subsection C section below.
4. Agree to be responsible for the qualified professional's costs if the qualified professional does not perform the initial review according to the timeline and other requirements of §1803(h) of the SPEED Act.
5. Meet the additional criteria listed below in the Special Qualifications Section.

B. Qualified Professionals for the SPEED Program shall not:

1. Have been convicted of, or pled guilty to an environmental crime, or a similar or related criminal offense under federal or state law; or a crime involving fraud, theft by deception, forgery or a similar or related criminal offense under federal or state law;
2. Have had a professional license revoked by a state licensing board or any other professional licensing agency within the previous 10 years; or
3. Have performed services for the applicant within three years of the date of submission of the permit application; and may not have any other conflict of interest that may prohibit the qualified professional from performing the initial review.

C. Required experience and expectations for the review of 105 Permit Applications:

1. The qualified professional must be capable of independently conducting advanced detailed reviews and analyses of permit applications.
2. The qualified professional must possess advanced working knowledge of the Clean Streams Law, the Dam Safety and Encroachments Act, the Flood Plain Management Act (35 P.S. §§ 691.1-691.1001), and the rules and regulations promulgated thereunder, including but not limited to, Chapters 91, 92a, 93, 96, 102, 105, and 106 of Title 25 of the Pennsylvania Code.
3. The qualified professional must possess the working knowledge to review individual Water Obstruction and Encroachment (WO&E) permit applications for required completeness and technical adequacy and conformance to program standards to ensure that all necessary modules, attachments, and data are included. The qualified professional must be familiar with the latest DEP WO&E permit applications and forms, guidance, policies, procedures.
4. The qualified professional must possess working knowledge of both the engineering and environmental portions of WO&E permit applications. When making appropriate recommendations, the qualified professional must be capable of making independent and proficient determinations, performing detailed reviews of engineering, scientific and environmental aspects of Chapter 105 WO&E permit applications.

5. The qualified professional must possess advanced working knowledge of DEP's Stream and Wetland Regulatory Program, and Water Obstruction and Encroachment (WO&E) permit applications (Joint Permit Application and Environmental Assessment Forms).
6. The qualified professional must possess advanced working knowledge of the U.S. Army Corps of Engineers (ACOE) and their regulatory program and associated federal Clean Water Act Section 404 permitting (33 U.S.C.A. 33 § 1344) (PASPGP and Nationwide Permits) and how it relates to and differs from Pennsylvania's stream and wetland regulatory program under the Dam Safety and Encroachments Act, Clean Streams Law and implementation of 25 Pa. Code Chapter 105 regulations.
7. The qualified professional must be proficient in the principles of aquatic ecology, entomology, hydrology, chemistry, soils, and botany related to water quality and aquatic biology, including for streams, rivers, wetlands, lakes and other bodies of water.
8. The qualified professional must be proficient at providing advanced professional engineering work in hydrology and hydraulics for bridges, culverts, other hydraulic structures, and proposed regulated activities that require hydrologic and hydraulic analysis. The qualified professional must possess working knowledge of current hydraulic engineering modeling such as HEC-RAS.
9. The qualified professional must possess working knowledge for FEMA Floodplain and Floodway mapping delineations as well as DEP's assumed 100-year floodway as defined in 25 Pa. Code § 105.1. Consistent with specific Chapter 105 requirements, the qualified professional must understand when a risk assessment is needed and how to review it. (see 25 Pa. Code §§ 105.13(e)(1)(vii), 105.161(e) and 105.201(b))
10. The qualified professional must possess working knowledge of the differences between regulated structures or activities that would require a Joint Permit Application versus those that qualify for a Chapter 105 general permit or waiver of permit requirements. The qualified professional must ensure that proposed projects applying for a Joint Permit Application do not qualify for either a general permit or a waiver. The qualified professional must also understand the difference between a small projects format and standard format under a Joint Permit Application.
11. The qualified professional must possess the knowledge, skills, and experience to read and understand detailed engineering drawings and other site plan drawings.
12. The qualified professional must possess the knowledge, skills, and experience to identify Regulated Waters of this Commonwealth as defined in 25 Pa. Code § 105.1.

13. The qualified professional must possess working knowledge of the latest environmental scientific principles and be capable of applying prescribed methodologies and protocols as directed by the Department. This includes the PA Level 2 Rapid Assessment Protocols (Wetland, Riverine, Lacustrine).
14. The qualified professional must possess advanced working knowledge and skills to evaluate, review, and assess wetland delineation reports, environmental assessments, soil investigations, alternative analyses, and mitigation plans in accordance with 25 Pa. Code Chapter 105, including knowledge and understanding of effects from direct, indirect, temporary, permanent, and secondary impacts such as from hydrologic manipulations to surface and shallow groundwater.
15. Where a wetlands delineation and report are needed, the qualified professional(s) must have adequate training, knowledge and experience applying the *1987 Corps of Engineers Wetland Delineation Manual* and the most recent Regional Supplements for use in Pennsylvania, in accordance with 25 Pa. Code § 105.451, including the knowledge, experience and training to identify hydric soils, hydrophytic plants, hydrology, and apply atypical situations.
16. The qualified professional must possess working knowledge of stream and wetland mitigation requirements under 25 Pa. Code Chapter 105 (see 25 Pa. Code §§ 105.1, 105.13(e)(1)(ix) and 105.20a). The qualified professional must possess a working knowledge of current environmental science and principles on stream and wetland restoration design, functions, stability, and geomorphology for the purposes of ensuring successful functional and sustainable compensatory mitigation designs.
17. The qualified professional must possess a working knowledge of submerged lands of the Commonwealth per Section 15 of the Dam Safety and Encroachments Act, 25 Pa. Code §§ 105.31- 105.35, and possess an understanding of the necessity and process for submerged lands license agreements (SLLAs).
18. The qualified professional must possess working knowledge of the Pennsylvania Natural Diversity Index (PNDI) process and the role played by DEP and other resource agencies such as Pennsylvania Fish and Boat Commission (PFBC), Pennsylvania Department of Conservation and Natural Resources (DCNR), and United State Fish and Wildlife Service (USFWS).
19. The qualified professional must possess working knowledge of Cultural Resource Determinations and the role played by DEP and the Pennsylvania Historic and Museum Commission (PHMC).

20. The qualified professional must possess working knowledge of Acts 14, 67, 68 and 127 with regards to municipal notification and the support of sound land use practices and planning efforts, and how to identify potential land use conflicts that may arise through the notifications or as part of permit review.
21. The qualified professional must have advanced working knowledge of the latest DEP publications, including, but not limited to, permit applications, forms, modules, implementation tools, and guidance.
22. Review comments submitted during the public comment period and prepare draft responses for review by DEP.
23. The Qualified professional must demonstrate prior experience by submitting work products as listed above in accordance with applicable codes, standards, rules, and regulations. Attach a narrative listing at least three (3) projects completed within the last five (5) years, which best illustrates qualifications relevant to the services requested in this IFB. Include the following information for each of the projects. Narrative for each project should be one page long including but not limited to the following information.
24. The qualified professional must have advanced working knowledge of the latest DEP publications, including, but not limited to, permit applications and NOIs, forms, modules, implementation tools (e.g., spreadsheets), and guidance.
25. A resume for each qualified professional that will perform the services under the contract should be included with your bid. The resume(s) should include all information needed to determine that the individual meets the required qualifications set forth in this IFB. Additionally, the resume should include a list of permits and/or applications the professional has worked on in the past 5 years, if any.

### **III. PROJECT WORKFLOW REQUIREMENTS & EXPECTATIONS**

You will be required to operate within the time frames and parameters of the workflow described below. Non-responsiveness or failure to adhere to these expectations will result in DEP soliciting quotes from another contractor. DEP reserves the right to modify this process in the future as need to serve the best interest of the Commonwealth and achieve the objectives of the SPEED Program.

1. When an applicant seeks to utilize the services of a Qualified Professional as part of the SPEED Program, DEP will contact certain qualified contractors to provide quotes. You will have 2 business days to respond to DEP with your willingness to provide a quote.

2. If you indicate that you are willing to provide a quote, DEP will provide you with the permit application submitted by the applicant. You will have 5 business days to provide a quote for the applicant's consideration.
3. If the applicant accepts your quote, you will be required to attend a pre-submission meeting between you, DEP, and the applicant to discuss further details of the project and to finalize the details of the Project Work Order. All Project Work Orders will detail the scope of the review, the expected timeline for permit review, and the quoted cost.
4. You will be required to submit a certification of non-conflict for each Qualified Professional assigned to the Project. If any new Qualified Professionals are added to the project, a non-conflict certification will have to be provided for each person added.
5. Upon receipt of the no-conflict certification, you will be issued a Notice to Proceed by the Department and the timeline for review will begin. A Notice to Proceed will not be issued and you are not permitted to begin work if the applicant has not deposited the quoted amount of funds with the Commonwealth.
6. The initial review must be completed within 20 percent of the total review timeframe provided in the Project Work Order, or within a different timeframe agreed to between the applicant and DEP. If additional reviews are needed due to deficiencies, each additional review should be completed within 10 percent of the total review timeframe provided in the Project Work Order. A maximum of two tolling periods (two additional reviews) are allowed under this program.
7. Upon submission of an acceptable Recommendation Report (known as a "Comprehensive Review Report" for Chapter 105 permits), DEP will release the applicant's funds to you in the quoted amount. You will not provide invoices in order to receive payment. In no event will you receive payment in an amount that exceeds the amount stated in a Notice to Proceed.
8. You may be expected to provide witness testimony in permitting actions that may arise from a permit you have reviewed. You cannot be compensated for any witness testimony with the funds used for the SPEED Program. If your testimony requires compensation, a separate agreement will need to be entered into between you and DEP.

#### **IV. DEPARTMENT CONTACT**

Questions regarding bidding procedures should be directed to Brian Franklin, phone: 717.787.2471, email: [brfranklin@pa.gov](mailto:brfranklin@pa.gov).

#### **V. BID SUBMISSION**

This solicitation will remain open indefinitely or until DEP determines that it is in its best interest to close the solicitation. DEP will begin to accept bids three weeks after the opening

date of this solicitation. The solicitation will remain open, and DEP will continue to accept bids on a rolling basis.

In the event that there is an overwhelming number of bids submitted at any given time, DEP reserves the right to implement a black-out period where bidding will be paused so that DEP can process incoming bids and issue resulting contracts.

All Bids must be submitted electronically via email to the following email account: [RA-EPSPEED@pa.gov](mailto:RA-EPSPEED@pa.gov). The subject line of your submission must clearly state the title of this IFB. If you are responding to multiple IFB's related to the SPEED Program, you must submit a separate email for each one.

A complete bid package must include the following:

1. Documentation as requested in Section II to support the evaluation for all Qualified Professionals included in your bid.
2. Completed Cost Sheet
3. Properly signed Bid Sheet with all required fields filled out.

Incomplete bids will be rejected outright.

All bidders must register as a vendor in the Pennsylvania Supplier Portal. DGS's Supplier Service Center (<https://www.dgs.pa.gov/Materials-Services-Procurement/Supplier-Service-Center/Pages/default.aspx>) is available to assist vendors with registration, and account management. For **questions regarding registration** help, send an email to [RA-PSC\\_Supplier\\_Requests@pa.gov](mailto:RA-PSC_Supplier_Requests@pa.gov) or call (877) 435-7363, choose option 1.

## VI. BID AWARD AND CONTRACT TERMS

Contracts will be awarded to all bidders that DEP determines meet the requirements to be registered as Qualified Professionals for the SPEED Program. All awarded contracts will be effective for period of two years. At the discretion of DEP, the contracts may be renewed for three additional one-year terms.

**Cost will not be a factor in determining bid awards.** Cost may be one of several factors that will aid DEP in determining which Qualified Professionals to issue Project Work Orders to under this agreement. It should be noted that the SPEED Act requires that DEP publicly post all Qualified Professionals awarded contracts and provide their given rates for these services.

The Contract Terms and Conditions included with this IFB as Attachment A are non-negotiable. The submission of your bid is considered to be an acceptance of these terms as written. Scope of Work, price, and timelines will be the only terms included in the Project Work Orders. All Project Work Orders will be subject to the Terms and Conditions included with this IFB. No additional terms will be permitted to be included in any Project



Work Order without the explicit approval of DEP, Office of Chief Counsel and any additional Commonwealth approval that may be required.

## **VII. ADDITIONAL REQUEST FOR INFORMATION**

This Procurement does not include any requirements that bidders or their subcontractors meet small and diverse business requirements. However, if you meet the requirements to be certified as a Small Business, Small Diverse Business, or Veteran Business Enterprise you are encouraged to certify as such with the Commonwealth of PA Bureau of Diversity, Inclusion, and Small Business Opportunities (BDISBO). Please refer to the BDISBO website at: [Small Diverse Business Program](#) for more information about becoming self-certified and ultimately verified as a small/diverse business in Pennsylvania. A Small Business Application Guide is also attached for reference.

## **VIII. ATTACHMENTS**

The following attachments are incorporated as part of this IFB and will be considered a material part of any contract awarded in response to this IFB. DEP reserves the right to modify these attachments at any point during the term of the contract.

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| Attachment A: | Contract Terms and Conditions                            |
| Attachment B: | Small Business Application Guide                         |
| Attachment C: | Final Technical Guidance Documents                       |
| Attachment D: | Operational Template Documents for Dam Safety Permitting |