

### Solicitation of Quotes

## To provide Design and Permitting Services of Innovative and Alternative Onsite Wastewater Treatment Systems (I/A OWTS) for the Suffolk County Department of Health Services

**Advertised/Issue Date:** May 9, 2017

**Technical Questions Due:** May 16, 2017  
3:30 PM

**Must be submitted in writing (fax/email acceptable)**

**Proposer's Conference:  
(Mandatory)** May 22, 2017  
10:00 AM  
Suffolk County Department of Health Services  
Division of Environmental Quality  
360 Yaphank Avenue  
Yaphank, New York 11980

**Response Due Date:** June 2, 2017, 3:30 pm

#### Contact Information:

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Suffolk County Department of Health Services  
Division of Environmental Quality  
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#### Invitation:

The Suffolk County Department of Health Services ("**Department**") is soliciting quotes from qualified New York State Design Professionals\* ("**Designer(s)**"), to prepare and submit site plans for Approved Innovative and Alternative Onsite Wastewater Treatment Systems ("**I/A OWTS**") for the Department's Division of Environmental Quality, as further described in this Solicitation of Quotes ("**SOQ**").

The objective of the SOQ is to establish fixed quotes for the design of I/A OWTS pursuant to grants from the County's Septic Improvement Program ("**SIP**") for fiscal years 2017/ 2018. The Department's intent is to create a list of Designers and Designer costs and to provide such list to SIP grant recipients that will contract independently with the Designer.

\*For purposes of this SOQ, Designer(s) shall be defined as a person licensed to practice engineering or architecture in New York State by the State Education Department in accordance with article 145 or article 147 of title VIII of the New York State Education Law, respectively, and who is currently registered with the New York State Education Department.

**Section I  
General**

**1. Background**

On Long Island, economic prosperity, public health and safety, and our quality of life rely upon the integrity of water that surrounds us. While all sources of water pollution have an impact on water quality, nitrogen pollution from failing septic systems has clearly emerged as the most widespread and least effectively addressed of the region's growing cocktail of water pollutants. Suffolk County, with a population larger than eleven (11) states and a region that derives its drinking water from the ground, must pay particular attention to the 360,000 septic/cesspools in Suffolk, accounting for seventy-four percent (74%) of the homes.

Suffolk County is fully committed to its stated mission to reduce nitrogen loading to surface and ground water from all sources. Excessive nitrogen loading from septic systems and cesspools is the most substantial sources of nitrogen in our waters. Since 2014, Suffolk County has progressively set the stage for Innovative and Alternate Onsite Wastewater Treatment Systems ("**I/A OWTS**") by evaluating and approving technologies through an I/A OWTS Demonstration Program, regulating I/A OWTS through the adoption of Article 19 of the Suffolk County Sanitary Code, and training the septic industry through amendments to the Liquid Waste Licensing Law.

The next logical progression to reduce nitrogen loadings from sanitary waste is through financial incentives to homeowners as recommended in the Comprehensive Water Resources Management Plan. The County Executive has introduced a proposed local law that would establish the Reclaim Our Water: Septic Improvement Program ("**SIP**"), as further described in Attachment A of this SOQ. A proposed local law, Introductory Resolution No. 1262-2017 attached hereto as Attachment B, to establish a grant assistance program for the installation of I/A OWTS is currently under consideration by the Suffolk County Legislature.

**2. Summary of SOQ**

- a. The County, through its Sewer Infrastructure Committee (the "**Committee**") intends to award up to an estimated two million dollars (\$2,000,000.00) a year in SIP grant funding ("**Grant**") to eligible single-family homeowners ("**Grant Recipients**"). The Department is seeking qualified New York State Design Professionals ("**Designer(s)**") to provide for the design of an Approved (as that term is described herein) I/A OWTS to Grant Recipients, including, but not limited to, providing recommendations as to the Approved I/A OWTS that may be suitable for the Grant Recipient's property, preparing site plans for the Approved I/A OWTS chosen by the Grant Recipient, submitting of such plans to the Department's Division of Environmental Quality's Office of Wastewater Management ("**OWM**"), and submission of as-built plans to OWM for final approval, as further set forth herein (the "**Services**"). For purposes of this SOQ, Designer(s) shall be defined as a person licensed to practice engineering or architecture in New York State by the New York State Education Department in accordance with Article 145 or Article 147 of Title VIII of the New York State Education Law, respectively, and who is currently registered with the New York State Education Department.

- b. Designers selected pursuant to this SOQ will be placed on a list provided to Grant Recipients (the “List”). The Grant Recipients may choose a selected Designer, who shall provide the Services to the Grant Recipient. Such Services shall be charged to the Grant Recipient by the Designer in accordance with the fixed unit price submitted by the Designer in response to this SOQ.
- c. It is estimated that the Grant funds will enable approximately two-hundred (200) upgrades annually.

### 3. Questions and Comments

#### a. Administrative Questions

Administrative questions (e.g., procedural questions on how to respond to this SOQ) may be submitted by telephone or in writing (fax/email acceptable) to the Department staff member listed on page one of this SOQ.

#### b. Technical Questions

Technical questions (questions which are specific to the service requested in this SOQ) must be submitted in writing (fax/email are acceptable) on or before the date set forth on page one of this SOQ to the attention of the Department staff member listed on page one of this SOQ. Responses to such technical questions will be developed by the Department and issued in the form of an Addendum to this SOQ.

### 4. Proposer’s Conference

A **mandatory** Proposer’s Conference will be held on the date set forth on page one of this SOQ.

**Location:** Suffolk County Department of Health Services  
Division of Environmental Quality  
360 Yaphank Avenue  
Yaphank, NY, 11980

### 5. Due Date for Quotes

Quotes must be submitted to the attention of the Department staff member listed on page one, by 3:30 p.m. on the date set forth on page one of this SOQ.

In the interest of fairness to all participants, no extensions or exceptions will be permitted, unless issued as an Addendum to this SOQ and applicable to all Designers.

**Late Quotes will be REJECTED**

### 6. Responses Package Requirements

- Submissions, including the responses to Sections II and III and Attachments C and D, are required to be sent to the Suffolk County Department of Health Services, Division of Environmental Quality.
- Number of Copies: Original plus three (3) copies and two (2) CDs or USB Flash Drives.
- The SOQ No. (located on upper right hand corner of this page) must be on:

- All outer mailing envelopes/package
- Original Quote and all copies on the binder/cover page
- Original must be labeled "ORIGINAL"
- Original must contain the actual ink signed and notarized required County forms
- All copies must be complete copies of the Original
- Quotes should be submitted in a tabbed and labeled binder, not permanently bound
- Transmittal letter and all required forms should be placed in First Tab of Binder
- Do NOT return SOQ document. This is for you to keep for reference.

**7. Effective Period of Quotes**

Quotes submitted in response to this SOQ are irrevocable. Once a Designer quote is accepted, the quote for the fixed price of the Services shall remain in effect for a period of two (2) years from July 1, 2017.

The County, however, reserves the right to terminate the List and/or issue a new SOQ at any time as the County may deem to be in its best interest. If the County determines to terminate the List prior to July 1, 2017 the County shall notify the selected Designer(s) that the List has been terminated.

**8. Incurred Expenses**

The County is not responsible for any costs incurred by prospective Designers in preparing and submitting quotes in response to this SOQ.

**9. Award Criteria**

Designers will be selected based on their responsiveness to this SOQ, the Designer's unique history and experience, technical services, and on a "best value basis" (typically demonstrated by the lowest cost for the contemplated Services), as further set forth below. For purposes of the SIP, Designers must be trained in at least two (2) Approved I/A OWTS technologies and/or I/A OWTS technologies currently being evaluated by the Department.

**a. General Qualifications**

Designer's history, expertise, personnel, reliability, and references. See SOQ Section III, paragraph 1. entitled "Background of Responder," paragraph 2. entitled "Experience," and paragraph 3. entitled "References" for specific requirements.

**b. Quotes**

Value of quotes provided for Services. See SOQ Section III, paragraph 5. entitled "Quote" for specific requirements.

**10. Approval (Provisional or General Use)**

In addition to all other requirements set forth herein, in order to qualify as a selected Designer, the Designer must either be certified in the use of an I/A OWTS technology(ies) that has received Provisional or General Use Approval from the Department, as outlined in the Standards promulgated under Article 19 of the Suffolk County Sanitary Code (collectively, "**Department Approved Technology**") or I/A OWTS technology(ies) that are under Department review pursuant to the

County's Innovative and Alternative Septic Demonstration Program Phase I and II, for which Request for Expressions of Interest were issued by the County on April 14, 2014 and March 10, 2016, respectively ("**I/A Septic Demo Program**"). I/A OWTS technology(ies) under evaluation by the Department pursuant to the I/A Septic Demo Program **may only be used by Designer after Provisional Approval has been granted by the Department.**

**11. Acceptance of Terms and Conditions**

By submitting a response to this SOQ the Designer shall be deemed to have accepted all terms and conditions set forth in this SOQ and agrees to abide by the fixed unit prices quoted for the Services. The County reserves the right to reduce the terms and conditions set forth in this SOQ to a written agreement between the County and the Designer. However, in no event shall the absence of such written agreement release the Designer from being bound by all of the terms and conditions set forth herein as well as to the fixed unit prices quoted by the Designer for the provision of Services.

**12. Compliance with Law**

By submitting a response to this SOQ, the Designer agrees that it shall comply with all Federal, State and local laws, rules, regulations and ordinances applicable to the Services, including, but not limited to, Article 19 of the Suffolk County Sanitary Code and the New York State Board of Regents, Part 29 entitled "Unprofessional Conduct."

**13. Agreements with Grant Recipients**

- a. If a Designer is chosen by a Grant Recipient to perform the Services it is expected that the Designer will enter into a written agreement with the Grant Recipient for the Services. The Designer may not charge more than the fixed rate quote for the Services offered by the Designer in response to this SOQ
- b. While the Grant Recipient is the Grant awardee, it is anticipated that the County will make the Grant payments directly to the Designer through an assignment of payment which will be part of the Grant. However, Grant funding may only be applied to certain Service costs. **Grant payments may not cover the entire cost of the Services. The balance of the cost of the Services will be the responsibility of the Grant Recipient and receipt of payment will be the Designer's responsibility through a separate contract between the Designer and the Grant Recipient.**

In the event that the Grant Recipient terminates the project for any reason prior to installation of an Approved I/A OWTS, the Grant Recipient, at his/her sole expense, will be responsible for reimbursement to the Designer for Services performed, except as may be provided pursuant to the "Extrodinary Hardship" paragraph below. By responding to this SOQ, the Designer acknowledges and agrees that it shall not be entitled to nor shall it make a claim for lost profits or loss of anticipated earnings due to termination.

**Extrodinary Hardship.** A Grant Recipient or his/her representative may petition for for "extraordinary hardship" (limited to: death of homeowner, loss of job, property damage or loss due to an "Act of God") to cover the costs of design plans that will not advance to the installation stage. Each petition will be reviewed and decided upon by the Sewer Infrastructure Committee. If such petition is granted, costs incurred by the Designer prior to termination of the project prior to installation may be eligible to receive Grant funding.

**14. Non-Exclusive Use**

It is the Department's intention to assist Grant Recipients to obtain the Services from the Designer(s). However, nothing herein shall be construed to require procurement exclusively from successful Designer(s). The County reserves the right to allow procurement of the Services from other sources when it is in the best interest of the County do so and without notice to the successful Designers.

**15. No Minimum Guarantee**

The County makes no guarantee to the selected Designers that any minimum or maximum amount of the Services will be utilized.

**16. Non-Performance**

In the event the Designer does not fulfill its obligations under the terms and conditions of this SOQ, as determined in the sole discretion of the Department, the Department may withhold payment of any Grant funds assigned to the Designer by a Grant Recipient. In addition, the Department may remove the Designer from the List.

**17. Indemnification**

- a. The Designer shall protect, indemnify, and hold harmless the County, its agents, servants, officials, and employees from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, suits or actions, costs, and expenses caused by the negligence or any acts or omissions of the Designer, including reimbursement of the cost of reasonable attorneys' fees incurred by the County, its agents, servants, officials, and employees in any action or proceeding arising out of or in connection with the Services.
- b. The Designer hereby represents and warrants that it will not infringe upon any copyright in performing the Services. The Designer agrees that it shall protect, indemnify, and hold harmless the County, its agents, servants, officials, and employees from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, suits or actions, costs, and expenses arising out of any claim asserted for infringement of copyright, including reimbursement of the cost of reasonable attorneys' fees incurred by the County, its agents, servants, officials, and employees in any action or proceeding arising out of or in connection with any claim asserted for infringement of copyright.
- c. The Designer shall defend the County, its agents, servants, officials, and employees in any proceeding or action, including appeals, arising out of, or in connection with, the Services, and any copyright infringement proceeding or action. Alternatively, at the County's option, the County may defend any such proceeding or action and require the Contractor to pay reasonable attorneys' fees or salary costs of County employees of the Department of Law for the defense of any such suit.

**18. Insurance**

Selected Designer(s) shall have and maintain, at a minimum, insurance in the amounts and types as set forth in Attachment D of this SOQ.

**19. Transferring of Assignments**

The Designer will be prohibited from assigning, transferring, conveying, subcontracting or otherwise disposing of its responsibility to perform the Services (or any portion thereof) without the prior written consent of the Department.

**20. Non-Discrimination**

The Designer agrees to comply with all federal and State laws, rules and regulations involving non-discrimination on the basis of race, color, creed, national origin, religious or political affiliation or opinion, marital status, age, sex, or physical or mental handicap.

**21. Work Products Ownership**

Work products installed and delivered pursuant to the Designer's provision of the Services become the property of the Grant Recipient for the installation of the Approved I/A OWTS.

**22. NYS Freedom of Information Law**

All submissions for the County's consideration will be held in confidence pending final execution of the contract(s) unless disclosure is required by law or judicial order. However, fully executed contracts are subject to the New York State Freedom of Information Law ("FOIL"), codified at Public Officers Law Article 6. Therefore, if a Designer believes that any information in its submission constitutes a trade secret or is otherwise information which, if disclosed would cause substantial injury to the competitive position of the Designer's enterprise, and the Designer wishes such information to be withheld if requested pursuant to FOIL, the Designer shall submit with its Quote a separate letter addressed to the primary contact referenced in this SOQ, specifically identifying the page number(s), line(s) or other appropriate designation(s) of the Quote containing such information, explaining in detail why such information is a trade secret or is other information which if disclosed would cause substantial injury to the competitive position of the Designer's enterprise, and formally requesting that such information be kept confidential. Failure by a Designer to submit such a letter with its submission will constitute a waiver by the Designer of any interest in seeking exemption of this information under Article 6 of the Public Officers' Law relating to protection of trade secrets. The proprietary nature of the information designated confidential by the Designer may be subject to disclosure if it is requested and the County deems it subject to disclosure or if ordered by a court of competent jurisdiction. A request that an entire Quote be kept confidential may not be considered reasonable since a submission cannot reasonably consist of all data exempt from FOIL.

**23. Reservation of Rights**

The County expressly reserves the right to:

- a. Reject or cancel any or all quotes or any part thereof submitted in response to this SOQ;
- b. Withdraw the SOQ at any time, at the County's sole discretion;
- c. Disqualify any Designer whose conduct and/or submission fails to conform to the requirements of the SOQ;
- d. Amend the SOQ prior to response deadline;

- e. Prior to response deadline, direct Designers to submit response modifications addressing subsequent SOQ amendments;
- f. Eliminate any mandatory, not-material specification that cannot be complied with by all of the prospective Designers;
- g. Waive any requirements that are not material;
- h. Require clarification at any time during the SOQ process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a proposal and/or to determine a Designer's compliance with the requirements of the SOQ;
- i. Rescind designation of Department Approved Technology. If an I/A OWTS technology loses Department Approved Technology designation, Designer shall cease using the technology for the provision of Services to Grant Recipients pursuant to this SOQ;
- j. Terminate the List and/or issue a new SOQ at any time as the County may deem to be in its best interest. If the County determines to terminate the List prior to July 1, 2017 the County shall notify the selected Designer(s) that the List has been terminated.

**End of Text for Section I**



**Section II**  
**Detailed Description of Services**

**1. Fixed Unit Prices**

- a. The Department is seeking Designer(s) to place on the List that will be provided to Grant Recipients. The Grant Recipients may choose a selected Designer for the provision of the Services, such Services to be charged to the Grant Recipient will be in accordance with the fixed unit prices offered by the Designer in response to this SOQ.
- b. It is anticipated that the County will make the Grant payments directly to the Designer through an assignment of payment with the Grant Recipient. Grant payments by the County shall only be made upon the installation of an Approved I/A OWTS and granting of final approval by OWM, except as may be provided pursuant to the approval of a Grant Recipient's petition of Extrodinary Hardship as set forthin in 13.b. of Section I of this SOQ.
- c. Grant funding may not cover the entire cost of the Services. The balance of the cost of the design Services will be the responsibility of the Grant Recipient; invoicing the Grant Recipient and receipt of payment will be the Designer's responsibility through a separate contract between the Designer and the Grant Recipient.

**2. Minimum Requirements and Restrictions**

- a. In order to be eligible to respond to this SOQ, Designers are required to meet the following requirements:
  - i. For each professional identified to provide Services, the individual must be licensed to practice engineering or architecture in New York State by the State Education Department in accordance with Article 145 or Article 147 of Title VIII of the New York State Education Law, respectively, and be currently registered with the New York State Education Department.
  - ii. Designers must attest that the Services are within their authorized scope of practive, as defined in New York State Education Law.
  - iii. Designer must be trained in at least two of the technologies from (1) and/or (2) below:

**(1) Approved I/A OWTS**

The following four (4) technologies have received a Department Approved Technology designation:

- A. HydroAction AN Series System
- B. Norweco SIngulair TNT System
- C. Orenco AX20-RT System
- D. Norweco Hydro-Kinetic System

**(2) I/A OWTS technology(ies) under evaluation by the Department pursuant to the I/A Septic Demo Program.**

The following eleven (11) technologies are currently being piloted and are under evaluation as part of the I/A Septic Demo Program and **may only be used by Designer after Provisional Approval has been granted by the Department.**

- A. Amphidrome
- B. BioMicrobics BioBarrier System
- C. BioMicrobics FAST System
- D. BioMicrobics SeptiTech STAAR System
- E. BUSSE MMF MBR System
- F. Ecoflo Coco Filter by PremierTech Aqua
- G. FujiClean System by FujiClean USA
- H. Norweco Hydro-Kinetic System
- I. Orenco AX-20 System
- J. Pugo Systems by Adelante Consulting
- K. Waterloo BioFilter System

- b. Site plans and as-built plans must include one (1) of the following two (2) proposed methods of installation:
  - i. Replacement of the existing septic system or cesspool with an Approved I/A OWTS and new leaching structures.
  - ii. Retrofit of an existing septic system or cesspool with an Approved I/A OWTS provided the structures to be re-used are certified by the Designers in accordance with OWM requirements using OWM forms.
- c. Designer's must be able to provide Services for a minimum of five (5) designs per month.
- d. Designers must contract directly with Grant Recipients and prepare/complete the required design documents for submission to OWM.
- e. **If an I/A OWTS technology loses Department Approved Technology designation, Designer shall cease using the technology for the provision of Services to Grant Recipients pursuant to this SOQ.**

### 3. Technical Services Specifications for Design and Permitting Services for I/A OWTS

All I/A OWTS need Department OWM approval to confirm the proposed system will meet the requirements of Suffolk County's Sanitary Code. Designers must follow the Department process for submitting applications. This process shall include a preliminary site evaluation and recommendation to Grant Recipient of appropriate approved I/A OWTS for their property and site plan preparation services. Design Services shall include three (3) original site plans prepared by a New York State licensed Professional Engineer or Registered Architect in accordance with instructions on the reverse of form WWM-057 (or subsequent forms). Department submittal must be accompanied by and Residential Application checklist (Form WWM-202 or subsequently issued forms), Sanitary Application (Form WWM-057 or subsequent forms). In certain cases additional items may be required such as NYS DEC and/or Town/Village wetland permit, or a Certification of Existing Subsurface Sewage Disposal and Water Supply Facilities for Single Family Residence (form WWM-072) when proposing to re-use portions of the existing sanitary system.

For the purpose of this SOQ, the Designer shall adhere to the following services and timeframe:

**a. Preliminary Evaluation and Consultation Services**

Within five (5) calendar days from contact by a Grant Recipient, schedule an appointment with the Grant Recipient to perform an initial site evaluation for project viability, determination of the appropriate Approved I/A OWTS(s) for the site, and hold a consultation with the homeowner to discuss the project and provide a recommendation of the appropriate Approved I/A OWTS(s) for their property.

**b. Site Plan Preparation Services**

Using best efforts, selected Designers shall attempt to perform site plan preparation services within seven (7) calendar days of entering into contract with a Grant Recipient for the provision of Services. Designers shall collect information, as required to meet OWM standards and instructions, in order to prepare design documents including, but not limited, to survey information, site evaluations, soil data, percolation test data, and information regarding existing installed cesspools or septic systems.

**c. Design Services**

Using best efforts, selected Designers shall attempt to perform design services within fifteen (15) calendar days of entering into contract with a Grant Recipient for the provision of Services. Designers shall prepare construction plans, as-built plans, and certificates in accordance with OWM standards and instructions. When required by the Department, certifications shall be completed on OWM forms.

**d. Permit Application and Design Documentation Submissions**

Using best efforts, selected Designers shall attempt to submit permit application and design documentation within thirty (30) days of entering into contract with a Grant Recipient for the provision of Services. Designers shall submit design documentation for the installation of an Approved I/A OWTS to the OWM for review and approval. Documentation shall include, but not be limited to, the OWM permit application(s), site plans for construction approval, as-built plans depicting as constructed site conditions, and any other design certification documents required in accordance with OWM standards and instructions.

In the event that the OWM determines that the design documentation requires modifications, OWM will return the permit application(s) and design documentation to the Designer with its comments. The Designer shall revise the documentation as appropriate and submit a revised permit application and design documentation to the OWM for review and approval.

**4. Quotes**

Designer must provide detailed quotes for anticipated charges it will impose for items that it shall or may apply to the Services requested under this SOQ. Such quotes must be provided in the format set forth in Attachment C of this SOQ. Failure to include a charge or schedules of charges may preclude the Designer from billing for such non-specified items.

Designers **must** include the following information for I/A OWTS Design Services in their quotes in the format set forth in Attachment C of this SOQ:

**a. Total Costs of I/A OWTS Design Services for a Retrofit of an Existing System**

Quote must be inclusive of the following assuming the quote is for a private residence that does not have more than six (6) bedrooms:

- **Preliminary Evaluation and Consultation Services**

Initial site evaluation, determination of appropriate I/A OWTS(s), homeowner consultation, including recommendation of appropriate I/A OWTS(s) suited for site conditions.

- **Site Plan Preparation Services**

Collect information in order to prepare design documents including survey information, site evaluations, soil data, percolation test data, and information regarding existing installed cesspools or septic systems.

- **Design Services**

Construction plans, as-built plans, and certificates

- **Permit and Design Documentation Submissions**

- Submittal of design documentation including OWM permit application(s), construction plans, as-built plans.

**b. Total Costs of I/A OWTS Design Services for a New Construction Application**

Quote must be inclusive of the following assuming the quote is for a private residence that does not have more than six (6) bedrooms:

- **Preliminary Evaluation and Consultation Services**

Initial site evaluation, determination of appropriate I/A OWTS(s), homeowner consultation, including recommendation of appropriate I/A OWTS(s) suited for site conditions.

- **Site Plan Preparation Services**

Collect information in order to prepare design documents including survey information, site evaluations, soil data, percolation test data, and information regarding existing installed cesspools or septic systems.

- **Design Services**

Construction plans, as-built plans, and certificates

- **Permit and Design Documentation Submissions**

- Submittal of design documentation including OWM permit application(s), construction plans, as-built plans.

**c. Total Cost for a Percolation Test**

Quote must specify the cost of a percolation test performed in accordance with Appendix 75-A. Section 4 Soil and Site Appraisal of the New York State Department of Health Residential Onsite Wastewater Treatment Systems Design Handbook.

**d. Total Cost for a Soil Boring**

Quote must specify the cost of a soil boring conducted in accordance with SCDHS Residential Construction Standards

**e. Total Cost for a Site Survey**

Quote must specify the cost of a site survey for sites that do not have an existing survey that can be used for preparation of the design documents or other documentation (i.e., deed, use of geographic information systems that can be used to prepare the design documents), as deemed appropriate by the Department.

**f. Total Additional Cost to Design a Retaining Wall System**

Quote must specify any additional design costs associated with retaining wall systems.

**g. Miscellaneous Costs**

Additional services and itemized list of costs that are anticipated to be required in order to provide Services.

**End of Text for Section II**

**Section III  
Additional Quote Requirements**

In addition to any other requirement set forth in this SOQ, quotes must address and include the following:

**1. Background of Responder**

Describe the nature and history of organization, and provide qualifications & resumes of personnel.

**2. Experience**

- a. Describe the type and number of sanitary systems designed in Suffolk County.
- b. Describe experience designing I/A OWTS(s) for a retrofit of an existing system.
- c. Describe experience designing I/A OWTS(s) for a new construction application.
- d. List the I/A OWTS technologies that the Designer is currently certified in and any I/A OWTS Training or Manufacturer Certification received.

**3. References**

Submit the names of three (3) references who can attest to the Designer's reliability and quality of services provided.

**4. Quote**

Provide a detailed list of all prices for Services on the Quote Sheet in Attachment B. The Quote price shall be the actual maximum price for each item quoted.

**5. Forms**

Designer must submit the forms and proof listed in Attachment C with their submission.

**End of Text for Section III**

**Attachment A  
Suffolk County's Reclaim Our Water Initiative  
"Septic Improvement Program Overview"**

**(See Attached)**

Attachment B  
Introductory Resolution No. 1262-2017

AMENDED COPY AS OF 4/25/2017

Intro. Res. No. 1262-2017

Laid on Table 3/28/2017

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2017, ADOPTING LOCAL LAW NO. -2017, A  
LOCAL LAW TO ESTABLISH A GRANT ASSISTANCE PROGRAM FOR THE  
INSTALLATION OF INNOVATIVE AND ALTERNATIVE ONSITE  
WASTEWATER TREATMENT SYSTEMS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on March 28, 2017, a proposed local law entitled, "**A LOCAL LAW TO ESTABLISH A GRANT ASSISTANCE PROGRAM FOR THE INSTALLATION OF INNOVATIVE AND ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEMS**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. -2017, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO ESTABLISH A GRANT ASSISTANCE PROGRAM FOR THE  
INSTALLATION OF INNOVATIVE AND ALTERNATIVE ONSITE WASTEWATER  
TREATMENT SYSTEMS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK,**  
as follows:

**Section 1. Legislative Intent.**

This Legislature finds and determines that in 2016, the Suffolk County Sanitary Code was amended to include Article 19, "Management of Innovative and Alternative Onsite Wastewater Treatment Systems", in an effort to address the negative impact that nitrogen has contributed to the degradation of water quality in Suffolk County since the biggest contributor to said degradation has been outdated, non-performing onsite sanitary systems and cesspools, as recommended in the 2015 Suffolk County Comprehensive Water Resources Management Plan prepared by the Suffolk County Department of Health Services ("Department"). Article 19 of the Suffolk County Sanitary Code has authorized the voluntary installation and the Department management of certain approved Innovative and Alternative Onsite Wastewater Treatment Systems ("I/A OWTS") technologies as the first step to reversing water quality degradation where existing systems are replaced at the initiative of a property owner.

This Legislature also finds and determines that the SUFFOLK COUNTY CHARTER was amended by Local Law No. 31-2014, to authorize, in accordance with section 12-2(D)(3) of the SUFFOLK COUNTY CHARTER, the use of the excess Assessment Stabilization Reserve Fund balance, as defined therein, for among other things, the installation of residential and commercial enhanced nitrogen removal septic systems.

This Legislature also finds that in addition, Local Law No. 31-2014, provides that in Fiscal Year 2011 or in any subsequent fiscal year through 2021, no less than \$2 million of the excess Assessment Stabilization Reserve Fund balance will be appropriated via duly approved resolutions in each fiscal year for the installation of residential and commercial enhanced nitrogen removal septic systems.



This Legislature also finds and determines that I/A OWTS technologies that have been approved and certified by the Suffolk County Department of Health Services in accordance with Article 19 of the Suffolk County Sanitary Code, and such other technologies to be approved in the future by the Department also in accordance with the Suffolk County Sanitary Code are a type of such enhanced nitrogen removal systems consistent with the intent and use of that term pursuant to Article XII of the SUFFOLK COUNTY CHARTER.

This Legislature further finds and determines that the Suffolk County Sewer Infrastructure Committee, which was established in accordance with Local Law No. 31-2014, has recommended, at a meeting held on March 24, 2017, that a voluntary grant program, to be administered by the Department, be established to utilize the funding authorized in accordance with section 12-2(D)(3) of the SUFFOLK COUNTY CHARTER by assisting property owners who wish to voluntarily install I/A OWTS on residential property to defray the costs of such enhanced systems. The Suffolk County Sewer Infrastructure Committee has also recommended that the grant program be supplemented by allowing Suffolk County to refer residential owners to the CDCLI Funding Corporation, a non-profit organization, which has the ability to offer certain Suffolk County residents who would qualify under the County's grant program, loans at competitively priced interest rates, should residents need or wish to supplement the cost of an I/A OWTS through loan assistance.

This Legislature further finds and determines that as these new technologies become more and more available and utilized throughout Suffolk County and as additional changes and revisions to the Suffolk County Sanitary Code are made, it is the intent that additional programs will be included under this proposed article to the SUFFOLK COUNTY CODE, including commercial assistance programs, as anticipated under the Charter.

Therefore, the purpose of this law is to provide a financial incentive to Suffolk County residents to install enhanced nitrogen removal systems by making such systems more affordable with the goal of improving water quality in Suffolk County.

**Section 2. Amendment.**

The SUFFOLK COUNTY CODE is hereby amended to add a new Chapter 839 to the ADMINISTRATIVE LOCAL LAWS entitled "WASTEWATER TREATMENT SYSTEMS" to read as follows:

**Chapter 839**  
**Wastewater Treatment Systems**

**ARTICLE I**

**RESIDENTIAL INNOVATIVE AND ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM GRANT ASSISTANCE PROGRAM**

**§ 839-1. Definitions.**

As used in this Article, the following terms shall have the meanings indicated and words of the masculine gender shall mean and include correlative words of the feminine and neutral genders and words importing the singular number shall mean and include the plural number and vice versa:

Commissioner – The Commissioner of the Suffolk County Department of Health Services.

Department – The Suffolk County Department of Health Services.

Design Professional – A professional engineer or registered architect licensed by the New York State Education Department.

Grant Awardee – A Property Owner that has been approved for a Grant by the Sewer Infrastructure Committee.

Innovative and Alternative Onsite Wastewater Treatment System (or “I/A OWTS” or the “System”) – An onsite decentralized wastewater treatment system that meets the requirements and standards for nitrogen removal as set forth in the Sanitary Code.

Manufacturer/Installer – A manufacturer, dealer or seller of innovative and alternative onsite wastewater treatment systems that has been approved for use by the Department in accordance with the Sanitary Code who, in addition, whether directly or through contracted services, provides comprehensive installation of such systems in accordance with all state and local laws and regulations.

Property Owner – A natural person that is the current owner in fee and occupant of the Residence for which a grant application is made.

Residence – An existing dwelling unit that is constructed on a Residential Parcel and designed for single family occupancy that is owner-occupied as a primary residence.

Residential Parcel - Any parcel located wholly or partially in the County of Suffolk, and may legally be used for permanent residential purposes under the local town or village code, as the case may be, or the Sanitary Code.

Sanitary Code – The Suffolk County Sanitary Code, and any duly enacted amendments thereto.

Sewer Infrastructure Committee – The Suffolk County Sewer Infrastructure Committee established in accordance with Local Law No. 44-2011, section 12-2(D)(4) of the Suffolk County Charter.

§ 839-2. Residential Program established.

A.) The Department is hereby authorized, empowered and directed to establish a grant assistance program to be known as the “RESIDENTIAL INNOVATIVE AND ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM GRANT ASSISTANCE PROGRAM” (the “Residential Septic Incentive Program” or “the Program”) to provide funding assistance (the “Grant”) to eligible residential Property Owners for the design, purchase and installation of an I/A OWTS.

B.) Funds for the Program may be appropriated in Fiscal Year 2017 through Fiscal Year 2021 pursuant to Charter § 12-2(D)(3). Such funds when appropriated shall be dedicated to the Program exclusively for Grants and deemed to be used even if not expended in the fiscal year appropriated. Such funds shall be deposited by the Suffolk County Comptroller in a nonlapsing account for the Program consistent with this Article. No Grant approved shall exceed \$11,000 per Residence.

§ 839-3. Powers and duties.

A.) The Program shall be administered by the Department. The Commissioner is authorized, empowered and directed to promulgate such rules and/or regulations as may be necessary to carry out the intent of this Article and to govern the administration and functions of the Program.

B.) The County Executive and the County Executive’s designee(s) are hereby further authorized, empowered and directed to execute and deliver, on behalf of the County, such other agreements, instruments or authorizations, and to perform all acts as may be contemplated, necessary or advisable to consummate, or otherwise give full effect to this Article, any Grant agreement executed pursuant to § 839-7, and any

agreement, instrument or authorization approved, contemplated or authorized by any rule or regulation promulgated pursuant to this Article.

C.) The County Comptroller and the Comptroller's designees are hereby further authorized, empowered, and directed to take all actions to create such funds or open such accounts, make deposits and transfers, approve and make payments, execute and deliver other agreements, instruments or authorizations and perform all acts as may be contemplated, necessary or advisable to consummate, or otherwise give full effect to this Article, any Grant agreement executed pursuant to § 839-7, and any agreement, instrument or authorization approved, contemplated or authorized by any rule or regulation promulgated pursuant to this Article.

D.) Pursuant to Charter § C12-2(D)(4)(B), the Sewer Infrastructure Committee is authorized, empowered and directed to promulgate such rules and/or regulations as may be necessary to carry out the administration and functions of the Program pursuant to § 839-5.

§ 839-4. Grant eligibility.

A.) Income. Subject to the provisions of subdivision (A) of section 839-3, and all other provisions of this Article, an applicant is eligible to receive a Grant in the amount of up to \$11,000 where:

(a) the federal adjusted gross income of a Property Owner who is married and filing a joint tax return, is less than \$300,000, or

(b) the combined federal adjusted gross income of a Property Owner who is married and filing individually, is less than \$300,000, or

(c) the federal adjusted gross income of a Property Owner who is not married and filing single is less than \$300,000; or

in an amount up to \$5,500 where:

(a) the federal adjusted gross income of a Property Owner who is married and filing a joint tax return, is \$300,000 or greater but less than \$500,000, or

(b) the combined federal adjusted gross income of a Property Owner who is married and filing individually, is \$300,000 or greater, but less than \$500,000 or

(c) the federal adjusted gross income of a Property Owner who is not married and filing single is greater than \$300,000 but less than \$500,000.

B.) Geography. Subject to the provisions of subdivisions (A), (B), and (C) of section 839-5, a Property Owner residing in any area of the County may submit an application for a Grant to install a System, provided, however, the Commissioner may authorize, in his sole discretion, preferential review of an application for a Grant before all other submitted applications if the Grant application is for a Residence in an area specified by the Department as set forth in § 839-3 (A) as environmentally sensitive.

§ 839-5. Application process.

A.) An application for a Grant to install a System may be made by any resident of the County of Suffolk, except as set forth in subdivisions (B) and (C) of this section, in a form determined by the Department, for a Residence that:

- (1) has a valid certificate of occupancy issued by the pertinent town or village;
- (2) is served by an existing septic system or cesspool and is not connected to a public or private sewer or located within an existing sewer district; and
- (3) is not used as a place of business, other than a home office which does not allow access to clients, customers or members of the public.

B.) No application shall be considered by the Department from any resident who is a current employee of Suffolk County, is an elected official of the State of New York or any political subdivision therein, or a party officer. For purposes of this Article, a party officer shall mean one who holds any party position or any party office, whether by election, appointment or otherwise, including committee members. For purposes of this Article, party shall mean any political organization which, at the last preceding election for Governor, polled at least 50,000 votes for candidate for Governor.

C.) The Program shall not be available for any Residential Parcel that has outstanding or open real property tax liens.

D.) Applications shall be reviewed in the order in which they are received by the Department in final form, subject to any preferential review of an application directed by the Commissioner pursuant to § 839-4(B). The final form of an application shall be determined in the sole discretion of the Commissioner.

E.) The Sewer Infrastructure Committee shall approve all applications for Grant funding prior to the disbursement of any funds, based upon the written recommendation from the Department in accordance with this Article.

F.) The Sewer Infrastructure Committee shall issue a certificate evidencing its approval of a Grant award to each Grant Awardee.

G.) All Grant awards shall be subject to the execution of a Grant agreement in accordance with section 839-7 below and subject to availability of funds for the Program in the fiscal year in which an application is made.

H.) Any Property Owner who is not approved for a Grant award because of the unavailability of funds under the Program in any fiscal year, may, upon request, have his application carried over and reconsidered by the Department and the Sewer Infrastructure Committee when funds become available in the next fiscal year.

#### § 839-6. Scope of Grant.

A.) The Grant award authorized to be given to a Property Owner shall be limited to the costs actually incurred by a Property Owner in connection with the design, purchase and installation of an I/A OWTS. Specific items that will be reimbursed shall include:

- (1) the total cost of the purchase of I/A OWTS materials and necessary components;
- (2) the purchase of electrical components;
- (3) labor costs incurred in connection with installation of the I/A OWTS and any necessary leaching fields and structures,
- (4) a three-year warranty for the I/A OWTS;

(5) three-years of operation and maintenance of the I/A OWTS purchased through the Manufacturer/Installer;

(6) excavation and backfilling;

(7) design services including the preparation of a site plan, installation inspection, as-built surveys, and applicable permitting;

(8) pumping and decommissioning of an existing on-site system.

B.) Grant funds shall not be used for irrigation repairs, electrical improvements unrelated to I/A OWTS installation, and post installation design and landscaping.

§ 839-7. Execution of Grant Agreement; Condition of Grant; Claw Back Provisions.

A.) Disbursement of Grant funds shall be contingent upon the execution of an agreement between the County of Suffolk with each Grant Awardee, the terms of which shall be set by the Commissioner with the approval of the Department of Law. Each agreement shall be recorded in the Office of the Clerk of the County. The agreement shall be a continuing covenant running with the land that binds the owner of the subject property and his heirs, successors and/or assigns.

B.) Any Property Owner that has, in the determination of the Sewer Infrastructure Committee based upon the recommendation of the Commissioner, negligently or intentionally failed to operate and maintain the System to the point that it is damaged beyond repair, or has removed the System without the prior written approval of the Department, shall repay to the County the full amount of the Grant.

§ 839-8. Authorization of Payment to Design Professional and Manufacturer/Installer.

The Department is authorized, with the consent of the Property Owner who is approved for a Grant award, to make direct payment of the Grant proceeds to the Design Professional contracted by the Property Owner, the Manufacturer/Installer of the System contracted by the Property Owner, or a combination of the two, to the extent that the Grant award allows, and allocated in such a manner as determined by the Department.

§ 839-9. Authorization for Loan Referral.

The Commissioner is hereby authorized to enter into an agreement with the CDCLI Funding Corporation, upon such terms and conditions as are acceptable to the Department of Law, for the non-exclusive referral of Grant Awardees for loan assistance in connection with the design and installation of an I/A OWTS.

§ 839-10. No Liability to County.

Other than the Grant funds awarded to an applicant in accordance with this Article, the County shall not enter into any agreement or otherwise obligate the County of Suffolk to bear any additional expense, unless approved in advance by the Suffolk County Legislature.

**Section 3. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 5. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 6. Effective Date.**

This law shall take effect immediately upon filing in the Office of the Secretary of State.

\_\_\_ Underlining denotes addition of new language.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date:

**End of Text for Attachment B**

Attachment C  
 Quote Sheet

Designers must provide a detailed list for anticipated charges it will impose for items that shall or may apply to the Services requested under this SOQ in the below format. Failure to include a charge or schedules of charges may preclude the Designer from billing for such non-specified items.

<b>Suffolk County Department of Health Services Quote Sheet for Design and Permitting Services for Approved I/A OWTS</b>		
<b>Total Costs of I/A OWTS Design Services for a Retrofit of an Existing System for up to a Six Bedroom Residence</b>		
<b>Line 1</b>	<b>Preliminary Evaluation and Consultation Services</b> Initial site evaluation, determination of appropriate I/A OWTS(s), homeowner consultation, including recommendation of appropriate I/A OWTS(s) suited for site conditions.	\$
<b>Line 2</b>	<b>Site Plan Preparation Services</b> Collect information in order to prepare design documents including survey information, site evaluations, soil data, percolation test data, and information regarding existing installed cesspools or septic systems.	\$
<b>Line 3</b>	<b>Design Services</b> Construction plans, as-built plans, and certificates	\$
<b>Line 4</b>	<b>Permit and Design Documentation Submissions</b> Submittal of design documentation including OWM permit application(s), construction plans, as-built plans.	\$
<b>Total Costs of I/A OWTS Design Services for a New Construction Application for up to a Six Bedroom Residence</b>		
<b>Line 5</b>	<b>Preliminary Evaluation and Consultation Services</b> Initial site evaluation, determination of appropriate I/A OWTS(s), homeowner consultation, including recommendation of appropriate I/A OWTS(s) suited for site conditions.	\$
<b>Line 6</b>	<b>Site Plan Preparation Services</b> Collect information in order to prepare design documents including survey information, site evaluations, soil data, percolation test data, and information regarding existing installed cesspools or septic systems.	\$
<b>Line 7</b>	<b>Design Services</b> Construction plans, as-built plans, and certificates	\$
<b>Line 8</b>	<b>Permit and Design Documentation Submissions</b> Submittal of design documentation including OWM permit application(s), construction plans, as-built plans.	\$
<b>Total Cost for a Percolation Test</b> Quote must specify the cost of a percolation test performed in accordance with Appendix 75-A. Section 4 Soil and Site Appraisal of the New York State Department of Health Residential Onsite Wastewater Treatment Systems Design Handbook.		
<b>Line 9</b>	Percolation Test Costs	\$

<b>Total Cost for a Soil Boring</b>		
Quote must specify the cost of a soil boring conducted in accordance to SCHDS Residential Construction Standards		
<b>Line 10</b>	Soil Boring Costs	\$
<b>Total Cost for a Site Survey</b>		
Quote must specify the cost of a site survey for sites that do not have an acceptable survey.		
<b>Line 11</b>	Survey Costs	\$
<b>Total Additional Cost to Design a Retaining Wall System</b>		
Quote must specify any additional design costs associated with retaining wall systems.		
<b>Line 12</b>	Retaining Wall Design Costs	\$
<b>Miscellaneous Costs</b>		
<b>Line 13</b>	State any additional services and list the itemized costs that are anticipated to be required in order to provide Services.	\$

The Designer agrees to honor the unit prices quoted above for a period of two (2) years from the date of July 1, 2017. Failure to fulfill the obligations under the terms and conditions of this SOQ may lead to debarment from future procurement.

Name of Person Completing Quote: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Company Name: \_\_\_\_\_

Company Address: \_\_\_\_\_

Federal Tax ID Number: \_\_\_\_\_

End of Text for Attachment C



**Attachment D  
Forms**

**Designer must submit the following forms with its quote:**

- **Form W-9, Request for Taxpayer Identification Number and Certification**
  
- **Contractor's/Designer's Public Disclosure Statement**  
Pursuant to Section A5-8 of the Suffolk County Administrative Code, the Public Disclosure Statement must be completed by all contractors/Designers that have a contract with Suffolk County, with the exception of hospitals; educational or governmental entities; not-for-profit corporations; and contracts providing foster care, family day care providers, or child protective consulting services.
  
- **Declaration Pages of Liability Insurance**
  - Proof of Commercial General Liability Insurance - \$2,000,000.00 per occurrence for bodily injury and \$2,000,000.00 per occurrence for property damage. The County shall be named as an additional insured on the declaration page or insuring agreement and endorsement page.
  - Proof of Automobile Liability Insurance – *(if any vehicles are used by the Contractor in the performance of the contract)* \$500,000.00 per person, per accident, for bodily injury and not less than \$100,000.00 for property damage per occurrence. The County shall be named as an additional insured on the declaration page or insuring agreement and endorsement page.
  - Proof of Professional Liability Insurance - \$2,000,000.00 on either a per occurrence or claims made coverage basis.
  - Proof of Workmen's Compensation Insurance
  
- **Certificate of Incorporation**

**End of Text for Attachment D**