

**REQUEST FOR QUOTES
TO PROVIDE EXPERT WITNESS SERVICES FOR THE STATE OF NEW MEXICO,
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT**

The State of New Mexico, Energy, Minerals and Natural Resources Department (EMNRD), on behalf of the Oil Conservation Division (OCD) seeks professional services from individuals or entities who hold chemical engineering, industrial hygienist or related degrees and extensive experience in the evaluation of perfluoroalkyl and polyfluoroalkyl or related substances (PFAS), its exposure concerns and practices and activities of the oil and gas industry to consult and provide expert witness services regarding introduced PFAS related to practices and activities of the oil and gas industry.

This procurement is exempt from the Procurement Code pursuant to NMSA 1978, § 13-1-98(R):

R. contracts and expenditures for legal subscription and research services and litigation expenses in connection with proceedings before administrative agencies or state or federal courts, including experts, mediators, court reporters, process servers and witness fees, but not including attorney contracts[.]

On May 31, 2023, WildEarth Guardians (WEG), a non-governmental environmental organization filed a Petition for Rulemaking before the Oil Conservation Commission (OCC). In summary, WEG seeks to amend 19.15.2, 19.15.16, 19.15.31, and 19.15.32 New Mexico Administrative Code (NMAC) as follows:

- (1) that the Commission adopt a rule prohibiting the use of PFAS in oil and gas drilling, development, and production in order to prevent the generation of PFAS-contaminated produced water and nondomestic waste; and
- (2) that the Commission adopt new chemical disclosure and reporting rules to ensure reasonable transparency around substances used by the oil and gas industry and to ensure industry compliance with the prohibition on the use of PFAS.

The successful Offeror will be assigned work on an “as-needed” basis under task orders (Task Orders) issued by OCD. Although OCD expects to assign multiple task orders, it cannot predict or guarantee their number or frequency. Task Orders define a specific aspect of the project and require the successful Offeror to provide a timetable, budget, and other information such as draft rule revisions or written recommendations as needed. OCD will review the successful Offeror’s response and, after consultation with the successful Offeror if necessary, issue the Task Order.

Typical tasks that the successful Offeror will be asked to perform are listed below. This list is not exhaustive. Project-specific activities shall be detailed in individually approved Task Orders:

- consult in person or virtually with OCD;
- review OCD’s, as well as that of other states’, existing statutes, rules, policies, and practices regarding PFAS and advise regarding options for amending them;
- advise OCD regarding the PFAS pollution and release modeling submitted by all parties;

- advise OCD on procedures, processes, and investigations for PFAS pollution and release events;
- advise OCD on the development and implementation of corrective actions for PFAS pollution and release events;
- advise OCD on use of PFAS in oil and gas development;
- assist OCD in preparing reports and other documents regarding the actions described above;
- prepare testimony and appear as an expert witness in the rulemaking hearing concerning PFAS;
- advise OCD and prepare supporting documentation and participate in meetings with stakeholders regarding introduced PFAS use in the oil and gas industry; and
- advise on any other items not described above which concern PFAS and its relationship with rulemaking and/or environmental impacts.

MINIMUM PROFESSIONAL AND DESIRED QUALIFICATIONS

The successful Offeror shall have these minimum professional qualifications:

- advanced degree(s) in chemical engineering, industrial hygiene or related fields; and
- experience in the use and effects of PFAS-related substances in Oil and Gas exploration, development, and production.

The successful Offeror shall have these desired qualifications:

- at least ten years of experience in the use and effects of PFAS-related substances in Oil and Gas exploration, development, and production; and
- experience drafting, developing, and testifying regarding rules, regulations, or statutes related to PFAS-related substances, especially such experience specific to Oil and Gas exploration, development, and production.

RESPONSE CONTENTS

The successful Offeror's response must include, at a minimum, the following:

- name, address, e-mail address, and telephone number;
- resume (or for firms, biographies for key members of the team);
- summary of expertise and experience, including a list of representative clients;
- proposed hourly rate, including gross receipts taxes, for work identified in this Request for Quotes to be performed on a time and materials basis; and
- any other costs that the Offeror intends to bill and the basis on which such costs shall be billed.

Offers shall be submitted electronically in pdf format. The bid shall be single-spaced, 12-point font type, numbered pages, and not exceed 50 pages. Submissions shall be sent to:

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Note: EMNRD reimburses per diem and mileage at the rates established in the Per Diem and Mileage Act, NMSA 1978, Sections 10-8-1 *et seq.*, as implemented by rule and policy of EMNRD and the Department of Finance and Administration. Offeror is responsible for Gross Receipts Tax.