

REQUEST FOR QUALIFICATIONS

BROWNFIELDS ASSESSMENT CONSULTING SERVICES TWO RIVERS-OTTAUQUECHEE REGIONAL BROWNFIELDS REUSE PROGRAM

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Date of Issue: October 15, 2015

Deadline: November 16, 2015 at 4:00 PM EST at the TRORC offices.
No facsimiles will be accepted. Adobe PDFs are the preferred method of delivery.

Background

The Two Rivers-Ottauquechee Regional Commission (TRORC) has just received US Environmental Protection Agency (EPA) assessment funds for use at petroleum and hazardous substances brownfield sites. The overall goals of the Two Rivers-Ottauquechee Regional Brownfields Reuse Program (the Brownfields Program) are:

- To return sites with real or perceived contamination to the market or to reuse them for the public good;
- To redevelop abandoned or underused properties in or around downtowns and village centers, focusing on the larger communities of Bradford, Bethel, Randolph and Hartford;
- To serve our communities by promoting reuse, enhancing environmental health; and
- To limit development of green pastures and fields on the outskirts of our member towns.

TRORC aims to achieve these goals by bringing reuse planning and assessment resources to bear on sites in our 30-town region so that they can reenter the local economy as useful and valued properties. Secondary objectives include: helping our region's economic well-being; promoting community vitality; creating sites for new businesses; supporting job creation; facilitating public health and environmental protection; supporting compact settlement patterns; and creating essential housing and/or public space in member communities.

TRORC is issuing this Request for Qualifications on behalf of the Brownfields Program and **seeks to select up to three qualified consultants/consultant teams** to provide technical work in performing Phase I and Phase II Environmental Assessments, ABCAs, and Corrective Action Plans services on an "on-call" basis for the term of the grant (through August 1, 2018). Additional work may include addressing local audiences, working with site owners or redevelopers, communicating risk, assisting in site selection, and reuse planning. Selection does not guarantee work.

Qualified disadvantaged (DBE), minority and women-owned (MBE/WBE) businesses are encouraged to submit proposals. TRORC notifies all bidders that it will affirmatively ensure that for any contract entered into pursuant to this RFQ, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

TRORC will make its consultant selection(s) and notify all firms on or before December 1, 2015.

1. General Information

1.0 Qualifications

The consultants or consultant teams replying to this RFQ must possess experience and technical expertise in community reuse planning, environmental assessment (including environmental sciences, geology, and environmental engineering), and corrective action planning relating to petroleum and hazardous substances contamination, quality assurance project plans, groundwater and soil sampling, and community outreach and education programs. The successful teams must be familiar with Vermont and federal environmental laws, regulations, standards and guidance, and should have experience in dealing with EPA Brownfields program as well as the Vermont Department of Environmental Conservation (VTDEC) Brownfields Redevelopment and Environmental Liability Limitation Program (BRELLA). Familiarity with Vermont cleanup standards, the state Corrective Action Program (CAP), and Corrective Action/Feasibility Investigation (CA/FI) guidelines **is essential**. The consultants or consultant teams must also possess a demonstrated ability to conduct effective public meetings and public outreach.

1.1 Project Coordinator

Kevin Geiger, Senior Planner, hereinafter referred to as the Project Coordinator, shall act as liaison between the consultant, TRORC Brownfields Advisory Committee, and TRORC member towns.

1.2 Compliance with Federal, State, and Local Laws

Prospective consultants or consultant teams should be aware that a contract between the TRORC and the consultant will be subject to, and be in accordance with, all Federal, State, and local laws, as may be applicable. Funding for this contract is provided through a U.S. Environmental Protection Agency Brownfield Assessment Grant. The consultant, in designing any work plan, must take into account compliance with all applicable regulations. Prospective consultants are advised to review all relevant federal regulations before submitting a response to this RFQ.

The consultants or members of consultant teams must be registered with the Vermont Secretary of State or as a foreign firm. **You must have a Vermont Registered Engineer on your team, as well as a Qualified Environmental Professional (as defined at 40 CFR part 312.10) who can certify that the investigation was conducted in accordance with generally accepted practices.** These may be the same person.

1.3 Revisions to the Request for Qualifications

In the event it becomes necessary to revise any part of this RFQ, revisions will be provided to all who received or requested this RFQ. TRORC shall bear no responsibility or liability due to copies of revisions lost in mailing or not delivered to prospective consultants or consultant teams due to unforeseen circumstances.

1.4 Response Deadline and Questions

In order to be considered for selection, a signed Statement of Qualifications (SOQ), including separate technical and cost proposals, must arrive at the TRORC office via mail/delivery or email by the deadline noted above. No facsimiles will be accepted.

TRORC shall bear no responsibility for any SOQs that arrive, by any means, beyond the Response Deadline indicated above in this RFQ. TRORC will notify all consultants whose SOQs were received by the deadline.

Questions regarding this RFQ shall be submitted in writing to the Project Coordinator at the above address or by email to kgeiger@trorc.org.

TRORC will maintain a list of questions and answers linked to the TRORC website for consultant information (<http://www.trorc.org>). Questions will be accepted until October 21, 2015 to ensure all parties have adequate time to review the answers.

1.5 Time of Performance

Performance under the scope of work may run until August 1, 2018.

2. SOQ Information

The prospective consultants or consultant teams are to follow the instructions contained herein in preparing and submitting their response to this RFQ. **Failure to follow instructions may automatically lead to the SOQ not being reviewed.**

2.0 SOQ Format

SOQs shall be prepared simply, providing a straightforward and concise description of the prospective consultant's or consultant team's ability to satisfy the requirements of this RFQ. If submitting hard copy, SOQ format shall be double-sided on white 8 1/2" X 11" paper, and should use recycled paper, if possible. SOQs shall be binder-clip bound only to ease recycling. Plastic binders, glossy and extraneous materials will not be accepted. **Adobe PDFs are the preferred method of delivery.**

The name of the consultant or consultant team and the title of this RFQ must appear on the outside front cover of each SOQ. Each page of the SOQ must be numbered consecutively from the beginning of the SOQ, excluding all appended material.

2.1 SOQ Contents

The SOQ must contain the following elements:

1. Cover letter signed by a principal or CEO of the firm, expressing the firm or team's interest in working with the TRORC. The cover letter shall include the primary contact regarding the SOQ; physical addresses, email addresses, and telephone numbers of all firms involved on this project; structure of firm or team, i.e. sole proprietorship, partnership, or corporation; size of firm(s) and number of years firm(s) have been in business; and a statement regarding the firm's or firms' financial stability and ability to complete all services.
2. A list of any actions taken by any regulatory agency or litigation involving the firm(s) or its agents or employees with respect to any work performed. Consultants should explain why they are not at fault in these cases or how they have taken steps to avoid their repetition.
3. Evidence of insurance applicable to the work. Applicants shall indicate their ability to provide proof of coverage for the following minimum insurance requirements: General Liability coverage of \$1 million per occurrence and \$2 million in the aggregate, motor vehicle liability coverage of \$1 million combined single limit, proof of Workers Compensation coverage per State of Vermont, and professional errors and omissions coverage of \$1 million.
4. Signed Certificates of Non-Collusion and Tax Compliance and declaration of Minority Business Enterprise/Women's Business Enterprise (MBE/WBE), for which forms are appended to this RFQ (Attachments A, B and C).
5. A statement of technical qualifications as outlined in 2.2 and a separate cost proposal as outline in 2.3.

2.2 Statement of Technical Qualifications

The statement of technical qualifications must contain the following (if any element of the program will be subcontracted, please provide the same information for the subcontracting firm as well):

1. List of those people in the firm(s) who will be working on the project, including names, education, professional licenses, registrations or certifications and relevant experiential background. Please designate the Principal in Charge, the Project Manager, Qualified Environmental Professional, and the roles of other key personnel.
2. List of at least three similar projects relevant to the Scope of Work that the consultant(s) has/have worked on, ideally in northern New England, including client contact information. Provide one Phase I report, minus appendices, from one of these projects. Please indicate whether the specific staff that worked on the reference projects are the same as staff listed in the proposal. If not, please provide additional project references that these staff worked on.
3. A detailed description of your approach for completing the scope of work, including a description of the

tasks to be performed by the consultant, consultant teams, and any subconsultants, as necessary to demonstrate the consultant's thorough understanding and ability to complete the project on time and in an efficient manner. If the consultant or consultant team desires to propose alternatives to the Scope of Work, they must do this in addition to responding to the SOQ, with an explanation for their proposed variance.

4. If applicable, a list of resources, personnel, data, or other assistance which the consultant or consultant team expects and requires from TRORC in order to complete each task during the planned time period.

2.3 Cost Proposal

The cost proposal must be separate from the technical qualifications statement, listing the prime consultant and each subcontractor separately, and must include:

1. An estimated cost breakdown for each task identified in the proposed scope of work (see Part 5), including an hourly rate schedule for all job categories, and the indirect/overhead rate and fee.
2. General estimated costs for such activities as community outreach meetings, Phase I assessments, preparation of the generic QAPP, and preparation of the site-specific QAPP addendums.
3. Due to the uncertain nature of what any Phase II assessments will entail, consultants shall propose their general assessment procedure and shall provide details on work assumptions made, with the most common costs shown as unit costs. A listing of daily rates for field equipment and standard lab tests available under this contract shall be included.
4. An itemized breakdown of any subcontractor costs and direct expenses proposed, along with markup (not to exceed 10%).

2.4 Subcontracting

Subcontracting will be allowed for tasks required by this RFQ. Any intent to subcontract on the part of the prospective consultant or consultant team must be specifically described in the technical qualifications statement and cost proposal and information on the subcontracted firms must be submitted as specified under sections 2.1 and 2.2 above.

2.5 EPA Minority Business Enterprise/Women's Business Enterprise (MBE/WBE) fair share goals

The following are the MBE/WBE "fair share" goals/objectives for the project:

Construction:	1% MBE; 3.5% WBE
Supplies:	1% MBE; 3.5% WBE
Services:	1% MBE; 3.5% WBE
Equipment:	1% MBE; 3.5% WBE

Contractors are encouraged to employ MBEs and WBEs whenever possible, and also to report their participation to the contract source (see Attachment C). All applicable "fair share" objectives must be included in all bid documents for subcontracts as the negotiated "fair share" percentages.

2.6 Copies of SOQs

In order to be considered for selection, prospective consultants or consultant teams must submit a complete response to this RFQ. **IF SUBMITTING PAPER COPIES, ONE ORIGINAL AND THREE (3) COPIES** of each SOQ must be submitted to TRORC.

2.7 Cost Liability

The TRORC assumes no responsibility and no liability for costs incurred relevant to the preparation and submission of the SOQ by prospective consultants, or any other costs prior to issuance of a contract.

3. **Short listing of "On-Call" Consultants**

TRORC reserves the right to reject any or all SOQs received, to negotiate with any qualified source, or to cancel in part or in its entirety this RFQ as in its best interest. This solicitation in no way obligates TRORC to award a contract.

A selection committee shall select a short list of qualified firms or teams whose SOQs will be most advantageous to the

TRORC, cost and other factors considered. The successful consultants or consultant teams will be required to sign a contract with the TRORC in which they accept responsibility for the performance of services as stated in their SOQ and be prepared to commence work (within 10 days) upon a Notice to Proceed.

The SOQ/Technical Proposals will be evaluated considering the criteria listed below by a selection committee. A short list of qualified firms will be developed based on the following criteria:

- Completeness and responsiveness of submission – This is a threshold criterion. Incomplete or non-responsive proposals will not be evaluated further.
- SOQ Format and Contents (10%):
 - Is the proposal written clearly?
- Statement of Technical Qualifications (60%):
 - Does the proposal thoroughly address the scope of work and show an understanding and familiarity with assessing sites, especially in Vermont?
 - Do the personnel to be assigned to this project have the necessary qualifications to conduct this work, including technical expertise in Phase I and II assessments, brownfields redevelopment, corrective action planning and alternatives analysis, green and sustainable assessment and remediation techniques, and Vermont’s cleanup standards for residential and industrial properties?
 - Who is the Qualified Environmental Professional that would be assigned to the project?
 - Does the consultant possess the ability to conduct field testing/screening to minimize additional testing and timeframes?
 - Do the personnel to be assigned to this project have experience with EPA Brownfields projects, Vermont Brownfields and/or UST programs, community involvement, and experience preparing Quality Assurance Project Plans (QAPPs) for EPA approval?
 - Does the consultant have an approved generic QAPP on file with EPA (this is not required, but is a plus)
 - Does the consultant or consultant team have a proven record of successful completion of similar projects, within time and budget constraints?
 - Does the consultant team utilize WBE/DBE firms?
- Cost Proposal (30%):
 - Is the cost proposal thorough and clearly linked to the proposed scope of work?
 - Are all the required cost elements (direct labor, fringe, indirect/overhead, fees, standard unit costs) included?
 - Are hours, time and rates reasonable?

The selection committee may elect to interview consultants or consultant teams prior to final selection.

4. Work Assignment

As specific sites are selected by the TRORC Brownfields Advisory Committee for assessment, TRORC will select one of the on-call consultants or consultant teams based on the consultant’s qualifications in relation to the specific site, current workload, availability, and/or past performance. It is the intention of TRORC to provide equal workloads to each of the selected firms; however, TRORC reserves the right to make selection decisions on the basis of past performance and current workload. The selected firm for that site, in consultation with TRORC, will develop the project specific scope of work and cost proposal, which will include the following items:

- A. Letter of interest
- B. Abbreviated Scope of Work
- C. Project organization (listing of staff proposed and availability)
- D. Project schedule
- E. Project costs

In the event that TRORC is unable to reach agreement with the selected consultant firm regarding scope of work, schedule and/or cost, one of the other “on-call” firms may be asked to prepare a scope of work and cost proposal.

It is anticipated that the consultant chosen for a Phase I site assessment at a specific site will be retained for Phase II and Corrective Action tasks as long as the site is not withdrawn from the program. However, TRORC reserves the right to reassign sites to another consultant based on consultant performance, technical qualifications, or inability to reach agreement regarding scope or work, schedule and/or cost.

Firms under contract to work on a specific site will work under the direction of the TRORC Project Coordinator and Executive Director. In addition, the consulting firms will work in collaboration with the TRORC Brownfields Advisory Committee, local town officials, VTDEC, property owners and/or prospective purchasers to complete the work, but all communication will be through or approved by TRORC.

4.1 Assignment

The successful consultant or consultant team will be prohibited from assigning, transferring, conveying, subletting, or otherwise disposing of the contract or its rights, title, or interest therein or its power to execute such contract to any other person, company, or corporation without prior written consent and approval by the TRORC and EPA.

4.2 Ownership of Material

All rights, titles to and ownership of the data, material, and documentation resulting from this project and/or prepared for TRORC pursuant to this contract shall remain with TRORC, and/or its member towns, VTDEC, and EPA, except that consultants may reserve the right to preserve the integrity of deliverables so that they are not misrepresented or misused.

4.3 Access to and Retention of Records

In addition to terms stated elsewhere in this RFQ, TRORC shall have access, upon demand, to any books, documents, papers, and records of the successful consultant or consultant teams, which are directly pertinent to this contract, for the purposes of making audit examinations, excerpts, and transcriptions. The successful consultant or consultant team shall insert identical rights of access for these parties into any subcontractor agreement under this contract. This right shall be reserved by the TRORC for the term of the contract. All records must be maintained for at least three years from the date of the final payment.

4.4 Project Coordination

The Project Coordinator shall act as liaison between the successful consultant or consultant team and the Steering Committee. After award of contract, all inquiries and correspondence shall be directed to the Project Coordinator. The consultant will provide conference calling capabilities when necessary.

The consultant or consultant team will participate in periodic project status meetings with the Project Coordinator to discuss project issues and priorities.

4.5 Maintaining Expenditure Record

The successful consultant or consultant team will establish and maintain an accounting system to provide for accurate identification of receipts and expenditure of funds under this project and will utilize generally accepted accounting principles. Consultants shall track all costs, expenses and billing and provide this information with their invoice to the Project Coordinator on a monthly basis. Consultants shall be prepared for audit and compliance visits at their offices by TRORC staff.

In the event that Davis Bacon Act (DBA) wages are required at a site, the consultant will be subject to DBA wage determinations and certification, and will be responsible for any and all subconsultants, including submitting timesheets and being subject to all the reporting and monitoring requirements in DBA.

4.6 Payment

The EPA Brownfields Grant is a reimbursement program. The TRORC shall endeavor to pay consultants within 30 days after review and approval of invoices. Payments will only be for allowable items approved by the Project

Coordinator.

All invoices shall reference the task, project site (if applicable), contracted amounts, amounts paid previously, amounts of current invoice, and remaining balances. All work and invoices must be attributed to either petroleum or hazardous substances.

Work submitted that fails to comply with EPA or state standards will not be reimbursed and may lead to termination.

4.7 Reports

All documents related to the project shall be provided in Acrobat portable document format (pdf). It is TRORC's intent to avoid paper copies but in the event any are needed, any paper copies of reports or other deliverables shall be double-sided. Drafts and final reports must be submitted a minimum of one full week prior to meetings at which they will be discussed.

4.8 Pass Through Provisions

The consultant or consultant team shall agree to abide by the pass through provisions of EPA Brownfields Grant to the TRORC.

5. **Scope of Work**

5.1 Community Outreach

The consultant or consultant team will assist the Project Coordinator with conducting public outreach workshops for targeted communities and business groups, as determined by TRORC, and preparing outreach materials if requested. The consultant or consultant team will be available to site owners, municipal officials and others to discuss the advantages of participating in the Brownfields Program, as well as clearly describing the possible outcomes.

5.2 Site Identification

The consultant or consultant team will assist the Project Coordinator, if requested, with site identification and selection through such activities as attending private meetings with owners, providing best professional judgment about properties to TRORC with an idea of the potential scope of assessment, reviewing lists of sites, and/or coordinating with EPA and VTDEC on site eligibility.

5.3 Reuse Planning

Reuse planning can ensure beneficial redevelopment of sites by ensuring a high level of community and stakeholder participation in planning for site reuse. Where needed, participation will be sought through creation of a site-specific brownfields stakeholders group to advise the planning process. Reuse planning may include inventorying and analyzing existing infrastructure serving the site, including potable water, waste water, storm drainage, electricity, telecommunications, roadways, sidewalks, and bikeways in order to report on the types of reuses that can be supported by current infrastructure capabilities. These results will inform community reuse visioning and planning, and these will in turn inform refined reuse scenarios at each reuse area. The consultant may need to provide site-specific analysis and conceptual reuse scenarios for each reuse area.

5.4 Phase I ESA

When sites are selected, consultants shall be able to conduct a Phase I environmental site assessment **promptly** in accordance with current ASTM procedures. This task covers initial site visits, conducting Phase I assessments, and review and approval of draft Phase I reports. Report reviews are done in consultation with EPA, VTDEC, the owner, and the town in which the site is located. Draft Phase I reports will be electronically submitted directly to TRORC, and then VTDEC, EPA, the affected community, and the site owner for review before final reports are prepared. Final reports shall be mailed or emailed using portable document format (pdf). Two hard copies of all final reports are required.

All Phase I's shall be performed in accordance with ASTM standard E1527-13 and EPA's All Appropriate Inquiries Final Rule (EPA Publication 560-F-14-003), comply with 40 CFR part 312, and include required opinions and other items that can be found at <http://www2.epa.gov/sites/production/files/2014-08/documents/aai-reporting-fact-sheet-and-checklist-062111-final.pdf> .

We hope that eight sites might be assessed at this level.

5.5 Phase II ESAs/QAPPs

Consultants will prepare and submit a generic Quality Assurance Project Plan (QAPP) that meets with the approval of the U.S. EPA Region I Brownfields Program. The QAPP will describe the assessment, sampling, and analytical strategies, methods and procedures approved by EPA that will be used in all Phase II assessments. Site specific QAPP addendum will then be required as needed for each site.

If directed by the Project Coordinator, consultants will assist with enrolling appropriate sites in the Vermont BRELLA program.

Assessments and subsequent CAPs may involve gaining historical clearance per the National Historic Preservation Act and consultants shall be prepared to provide professional services for this clearance.

Phase II sampling work is obviously contingent upon Phase I findings, the projected costs, and TRORC's approval. If a Phase II assessment is deemed eligible by EPA, and such an opinion is accepted by VTDEC and TRORC, the consultant or consultant team will undertake the following activities:

- A. Prior to field sampling activities, consultants will prepare a site-specific QAPP addenda for EPA review and approval.
- B. If directed by the Project Coordinator to proceed with the Phase II, conduct all environmental assessment procedures appropriate for each site selected for Phase II assessment including geophysical surveys and soil and groundwater testing. Sampling and analysis activities may include, but are not limited to: sampling floors, trenches, walls, or other building components, sampling soil surrounding buildings to determine if any petroleum or hazardous substances discovered are present in concentrations that pose a risk to human health, sampling groundwater, and sampling debris. Investigations and reports will follow American Society for Testing and Materials (ASTM) guidance. Consultants will be responsible for obtaining all required permits for the required work.
- C. If applicable, and approved by the Project Coordinator, determine the need to undertake additional Phase II site assessment, and identify and recommend remediation strategies necessary before reuse can occur.
- D. Digital copies of draft Phase II reports will be submitted to TRORC, and then to VTDEC, EPA, the affected community, and the site owner for review before final reports are prepared. Final reports shall be emailed in portable document format (pdf) to all of the above, as well as to TRORC. Two hard copies of all final reports are required.
- E. Community education meetings may be necessary during a Phase II assessment to educate concerned residents and officials about such topics as site-specific characteristics, required testing procedures, site history, necessity for testing, possible contaminants, testing results, existing risks the property may pose, and the intended benefits of the environmental site assessment and reuse.

We hope that four sites receive this level of effort.

5.6 Corrective Action Planning

Following a Phase II, a Corrective Action Plan (CAP) will be needed as the lead-in to site remediation. The CAP will

examine alternatives for site remediation, highlight the preferred method, and provide an estimated timetable and budget. Impacts from climate change, especially increased flooding, as well as consideration of green remediation technologies is required. Part of this task may also include assisting prospective purchasers in enrolling sites in the state's voluntary assessment and cleanup program.

Consultants should have experience in planning for reuse and redevelopment. This may require consultants to attend meetings to assist with preparation of site-specific reuse plans including cleanup and redevelopment options evaluation.

Consultants will be required to prepare a site-specific Corrective Action Plan, including a Corrective Action/Feasibility Investigation/Analysis of Brownfields Cleanup Alternatives, according to state and federal guidance. If requested by the Project Coordinator, consultants may be required to conduct post-assessment activities including facilitating placement of land use controls and structuring purchase and sales agreements where necessary.

As many as four sites may require a CAP.

5.7 Agency Coordination

Work done under this project must be done in coordination with and must receive approval from EPA, VTDEC, and the Project Coordinator. The consultant or consultant team should plan on an initial meeting to review agency procedures and should be able to demonstrate a working knowledge of these agencies' protocols.

5.8 ACRES

Consultants will update the ACRES database for sites that they perform work on at all relevant steps in the process.

ATTACHMENT A
CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this bid or SOQ has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word “person” shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

_____ Date: ____ / ____ / ____
(Signature)

(Name of person signing SOQ)

(Name of business)

ATTACHMENT B
CERTIFICATION OF TAX COMPLIANCE

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all tax returns and paid all state taxes required under law.

_____ Date ____ / ____ / ____ By: _____
*Signature of Individual or Corporate Name (Mandatory) Corporate Officer

Federal ID #

*Approval of a contract or other agreement will not be granted unless this certification clause is signed by the applicant.

ATTACHMENT C

MBE/WBE PARTICIPATION

The TRORC is required to report all activity by Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs).

Contractors are encouraged to employ MBEs and WBEs whenever possible, and also report their participation to the contract source.

Company Name: _____

(Print company name here)

By: _____ Date ____ / ____ / ____

Please indicate whether or not you, or a specified subcontractor, are an MBE or WBE by checking one of the following:

_____ Yes, I am a certified MBE or WBE

_____ Yes, the subcontractor _____ is a certified MBE or WBE

_____ No, I am not an MBE or WBE