

Request for Information

Development of a Climate Superfund Cost Recovery Program

Release Date: July 22, 20224

Responses Due: September 30, 2024

Contact: Jane Lazorchak at the Vermont Agency of Natural Resources
(jane.lazorchak@vermont.gov)

Purpose

This Request for Information (RFI) is issued for the State of Vermont, Agency of Natural Resources ('the Agency') to gather input and obtain information for the Agency and the Treasurer's Office to use in the development and issuance of a Request for Proposals (RFP) to retain a contractor or team of contractors to provide consulting services related to the implementation of the Climate Superfund Act, [Act 122 \(2024\)](#), an act relating to climate change cost recovery.

Through this RFI, the State seeks input on the process and contractual services available to advise and assist the Agency with Act 122 in establishing the Climate Superfund Cost Recovery Program. The purposes of the Program are the following:

- (1) to secure compensatory payments from responsible parties based on a standard of strict liability to provide a source of revenue for climate change adaptation projects within the State;
- (2) to determine proportional liability of responsible parties;
- (3) to impose cost recovery demands on responsible parties and issue notices of cost recovery demands;
- (4) to accept and collect payment from responsible parties;
- (5) to develop, adopt, implement, and update the Resilience Implementation Strategy that will identify and prioritize climate change adaptation projects; and
- (6) to disperse funds to implement climate change adaptation projects identified in the Strategy.

The State therefore seeks information from consultants with the expertise and ability to support the State in completing the work required by Act 122. This RFI is also an opportunity for organizations that might have general or specific knowledge of the items discussed within to share their knowledge, expertise and/or thoughts with the State. It is not directed solely at potential bidders for a subsequent RFP.

The State intends to evaluate the submissions by Respondents to explore how they would support the Agency and Treasurer's Office in establishing the Climate Superfund Cost Recovery Program and understand the cost associated with this support. The State shall not be held liable for any costs incurred by the vendors in the preparation of their submissions, or for any work performed prior to contract issuance.

Disclaimer

THIS IS A REQUEST FOR INFORMATION (RFI) ONLY. This RFI is issued solely for information and planning purposes – it does not constitute a Request for Proposal (RFP) or a promise to issue an RFP in the future. This request for information does not commit the State to contract for any materials or service whatsoever. Further, the State is not at this time seeking proposals and will not accept unsolicited proposals. Respondents are advised that the State will not pay for any information or administrative

costs incurred in response to this RFI; all costs associated with responding to this RFI will be solely at the interested party's expense. Not responding to this RFI does not preclude participation in any future RFP, if any is issued. If an RFP is released, it will be posted on the State of Vermont bid opportunities website: <http://www.bgs.state.vt.us/pca/bids/bids.php>. It is the responsibility of the potential offerors to monitor this site for additional information.

Confidentiality

The State retains the right to promote transparency and to place this RFI into the public domain, and to make a copy of the RFI available as a provision of the Vermont access to public records laws. Please do not include any information in your RFI response that is confidential or proprietary, as the State assumes no responsibility for excluding information in response to records requests. Any request for information made by a third party will be examined in light of the exemptions provided in the Vermont access to public records laws. The solicitation of this RFI does not commit the State, Treasurer's Office, or the State of Vermont to award a contract. This RFI is for information gathering purposes only and no vendor will be selected, pre-qualified, or exempted based upon their RFI participation.

Background Information

The Climate Superfund Act, Act 122 (2024), requires the Agency's Climate Action Office to establish and administer a Climate Superfund Cost Recovery Program. This Program includes several components, not all of which are part of this RFI. A copy of the Act which includes a detailed explanation of the components of the Program is included in Attachment A and [available online here](#). All Respondents are expected to review and consider the statutory language in the Act when preparing their responses.

- **Resilience Implementation Strategy (not part of this RFI):** The Act requires the Agency to adopt a Strategy to outline the practices and projects needed to make Vermont resilient to climate change, as well as the criteria and procedures for prioritizing and implementing these practices and projects.
- **State Treasurer's Report:** The Act requires the Treasurer's Office to develop an assessment of the cost to the State of Vermont and its residents of the emission of covered greenhouse gases for the period that began on January 1, 1995 and ended on December 31, 2024 ("the covered period").
- **Liability of Responsible Parties:** The Act requires the Agency to adopt methodologies using available science and publicly available data to identify "responsible parties" engaged in the trade or business of extracting fossil fuel or refining crude oil and determine their applicable share of covered greenhouse gas emissions during the covered period. These responsible parties are strictly liable for a share of the costs calculated by the Treasurer's Report.
- **Issue Cost Recovery Demands (not part of this RFI):** Once the Agency has determined the liability of responsible parties and calculated the cost recovery demand, the Agency must issue cost recovery demands.
- **Administer the Climate Superfund Cost Recovery Fund (not part of this RFI):** The Act created a Fund to receive the cost recovery demand payments and provide funding for climate change adaptation projects in the State.

Requested Information

Each submission prepared in response to this RFI should include the elements listed below.

- Cover Page
- Responses to Questionnaire Below
- Optional Additional Materials

COVER PAGE

The first page of the RFI response must be a cover page displaying at least the following:

- Response of RFI Title
- Respondent's Name
- Contact Person
- Telephone Number
- Mailing Address
- Email Address

All subsequent pages of the RFI response must be numbered.

QUESTIONNAIRE

The State is seeking to gather input and obtain information about the development of (i) a liability and cost recovery demand approach for "responsible parties" as defined in Act 122 and (ii) the Treasurer's report on the cost to Vermont of covered greenhouse gas emissions. We expect the Respondents to consider and estimate the effort and cost in engaging contractor support in meeting the specific requirements of Act 122 included here. Respondents to this RFI may choose to respond to one or both of the questions below.

1. Describe a stepwise process to identify responsible parties, determine their applicable share of covered greenhouse gas emissions, and determine the cost recovery demand amount as described in Act 122. In doing so, please identify the datasets (publicly available) and describe the methodology and research the approach is based on. Provide an evaluation of the comprehensiveness and accuracy of those data sets. If appropriate, evaluate the utility of using additional information not publicly available to determine cost recovery demands.
2. Describe a stepwise process to develop the cost to Vermont of the covered greenhouse gas emissions. In doing so, identify the data sets available and describe the methodology and research approach to develop:
 - (1) a summary of the various cost-driving effects of covered greenhouse gas emissions on the State of Vermont including effects on public health, natural resources, biodiversity, agriculture, economic development, flood preparedness and safety, housing, and any other effects that may be relevant;
 - (2) a categorized calculation of the costs that have been incurred and are projected to be incurred in the future within the State of Vermont of each of the effects identified under subdivision (1) of this section; and
 - (3) a categorized calculation of the costs that have been incurred and are projected to be incurred in the future within the State of Vermont to abate the effects of covered greenhouse gas emissions from between January 1, 1995 and December 31, 2024 on the State of Vermont and its residents.

Provide an evaluation of the comprehensiveness and accuracy of available data sets,

methodology, and research to develop the cost to Vermont of the covered greenhouse gas emissions.

3. Please provide any other materials, suggestions, cost, and discussion you deem appropriate.

Timeline and Communications

This RFI is being issued by the State of Vermont, Agency of Natural Resources. Additional copies of the RFI can be obtained from the Vermont Climate Action Office website:

www.climatechange.vermont.gov

All communications concerning this RFI are to be submitted in writing, via e-mail, to Jane Lazorchak at the Vermont Agency of Natural Resources (jane.lazorchak@vermont.gov).

DEADLINE FOR QUESTIONS

Potential Respondents may submit questions regarding this RFI. Questions must be submitted in writing, via e-mail, to Jane Lazorchak (jane.lazorchak@vermont.gov) and must be received by 4:00PM Eastern Time on August 30, 2024. Responses to any questions received will be published on the Vermont Climate Action Office website on a rolling basis, with all responses posted by 12:00 PM on September 9, 2024.

RFI RESPONSE SUBMISSION

The closing date for the receipt of RFI responses is 4:00PM Eastern Time on September 30, 2024.

Responses must be delivered via e-mail to jane.lazorchak@vermont.gov prior to that time. Responses should be labeled, "Response to RFI –Development of a Climate Superfund Cost Recovery Program." The responses received will be reviewed by ANR staff and the Treasurer's Office.