



HUERFANO COUNTY

REQUEST FOR PROPOSALS (RFP)

RFP NO.: 19-007

EWP Project Aerial Seeding

Sealed proposals for the **2019 Spring Creek Fire Emergency Watershed Protection Program** will be received by Huerfano County, 401 Main St. Suite 201, Walsenburg CO 81089-2045, **UNTIL 4:00 PM September 13th, 2019**. Faxed or emailed proposals will not be accepted. This project is supported by the Financial Assistance Agreement CO-8142 dated March 29, 2019, with the Natural Resources Conservation Service (NRCS).

All questions regarding this RFP should be directed to Brittney Ciarlo, Huerfano County Recovery Manager, email: bciarlo@huerfano.us. Do not contact any other individuals regarding this solicitation. All interested firms are invited to submit a proposal in accordance with the terms and conditions stated in this Request for Proposal.

Veteran, women, and minority owned businesses, as well as small and economically disadvantaged enterprises are encouraged to participate in this opportunity.

HUERFANO COUNTY WILL NOT BE HELD RESPONSIBLE FOR MISINFORMATION RECEIVED FROM PRIVATE PARTIES.

All RFP's or other solicitation notices, including supplementary amendments and business development resources are available at: www.huerfano.us

INSTRUCTIONS TO PROPOSERS:

One (1) paper proposal and one (1) .pdf proposal (matching the paper proposal exactly), on one (1) flash drive is required. If the paper proposal and the .pdf differ, the .pdf shall be the proposal of record.

Proposals must be clearly identified on the envelope as “**RFP 19-007 EWP Project Aerial Seeding**”. Expenses incurred in the preparation of proposals, presentations, and other incidental activities related to this solicitation are solely the responsibility of the respondent. **Late Proposals Will Not Be Considered.**

Proposers are requested to also provide a “Redacted Copy” of their proposal on the flash drive, which adhering to the information provided below will be used to satisfy open records requests. Proposers that do not provide a redacted copy will have their .pdf copy used to satisfy open records requests. Redacted responses should not include information the proposer believes to be trade secret or other privileged or confidential data. If brochures or other supportive documents are requested, then it is required that they be submitted with the paper and .pdf proposals.

All information submitted in this RFP is public after the Notice of Award has been issued. If the proposer wishes to include sensitive material, then the material should be supplied under separate cover and identified as Confidential. **Statements that the entire proposal is confidential will not be honored.** Therefore, a redacted electronic copy is requested. Huerfano County will endeavor to keep any necessary Confidential information separate and apart from the RFP and Award process, subject to the provisions of the Colorado Open Records Act or order of the court.

GENERAL PROVISIONS

Issuance of this RFP and receipt of proposals does not commit Huerfano County to award a contract. The County reserves the right to postpone opening, to accept or reject any or all proposals received in response to this RFP, or to negotiate with other than the highest ranked proposer should negotiations with the highest ranked proposer be terminated, or to cancel all or any part of this RFP. Award of a contract is contingent upon available and approved funding.

Any contract awarded between Huerfano County and the successful contractor will consist of a standard General Services Contract (see Exhibit A) signed by both parties, this RFP and any addenda, the submitted proposal, all negotiation documents and original certificates of insurance.

If proposer does not agree with any terms or conditions of the General Services Contract, the proposer **must present its exceptions with its proposal**. If no concerns are expressed by proposer, the County shall consider that all terms and conditions of the standard contract are understood and agreed upon. Huerfano County reserves the right to reject proposals based upon exceptions to its standard contract terms and conditions.

A proposal shall be disqualified and rejected if the price in the proposal was not arrived at independently without collusion, consultation, communication, or agreement with any other proposer, County employee, elected official, or project personnel.

A proposer is prohibited from submitting more than one proposal or submitting multiple proposals in different forms (i.e. as a Prime Contractor and as Sub-contractor to another Prime Contractor). Submittal of multiple proposals in different forms may result in the disqualification of all involved contractors.

Should any such disqualifying or prohibited action stated above in this section be detected any time during the term of the Contract (including during RFP preparation, proposal evaluation, contractor award, and price negotiations) such action shall be considered a material breach and grounds for Contract termination.

By submitting a proposal, the proposing contractor certifies that they are not currently debarred or suspended nor otherwise excluded from submitting bids or proposals for Contracts by any agency of the State of Colorado. Further, the same contractor or their organization is not debarred or suspended or otherwise excluded from participating on Federal grant projects and does not appear on the Excluded Parties List System (ELPS) of the General Services Administration (GSA).

SECTION 1: PROJECT BACKGROUND AND SCOPE

1.0 Project Background and Purpose

The Spring Creek Fire of 2018 burned over 108,000 acres including some critical watersheds in the headwaters of the Cucharas and Huerfano Rivers in Huerfano County. The Huerfano County Water Conservancy District, Huerfano County, and the Towns of La Veta, Walsenburg and Cuchara are concerned about potential impacts from increased erosion and flooding. A mitigation work program has been developed with the assistance of the Natural Resources Conservation Services (“NRCS”), United States Department of Agriculture. The NRCS has also allocated and awarded reimbursement funds to Huerfano County to cover the cost of the mitigation efforts as part of emergency recovery measures related to the Spring Creek Fire. Such reimbursements are authorized under the Emergency Watershed Protection Program, which provides funds for hazards created by natural disasters that cause a sudden impairment of a watershed.

Huerfano County is seeking proposals from qualified contractors for the implementation and successful completion, per project standards, of portions of the Huerfano County EWP program.

The primary objective of the work proposed is to protect life and property. This would be accomplished by implementing flood protection, stabilizing channels, and stabilizing upstream hill slopes.

It is noted here that final property owner permissions are yet to be obtained as each permission requires a 3% contribution from the landowners. As such, it is not guaranteed that all work will be implemented under this contract. Contractor should consider this as part of their bid and unit costs.

1.1 Scope of Work

THE SPECIFIC SCOPE OF WORK IS INCLUDED AS “SCOPE OF WORK ATTACHMENT”.

1.2 Proposal Process

The intent of the Proposal Process is to select the lowest responsive and responsible proposer. Due to the overall schedule of the NRCS EWP program **locations for the project are not yet fully completed**. The plans and specifications included herein are preliminary only. Changes, including but not limited to adjustments to quantities, revised plan layouts, project scope, and updated specification revisions may still be made to the construction documents. The contractor is to provide a proposal, specifically unit prices,

based on the preliminary documents provided with the RFP. The proposal price provided in the RFP will not be used as the final price. Instead, it is the intention of this process to bring the contractor on-board as part of a collaborative project partners team consisting of the county, the engineer, and the contractor. In the first 30 days or less, the contractor will coordinate permitting tasks and participate in value engineering and coordination, supporting the design team. This work will be included in the cost of mobilization and no separate payment will be made for time spent collaborating. The contractor and engineer will work together to clarify design details, design intent, discuss materials, and value engineer the project. Once a final plan set and quantities are developed (this may simply be the original plans with clarifications), the contractor, using the **original unit costs** provided in the contractor's initial proposal, will prepare a final construction cost to be used as the final basis of cost for the project. If, during the project partners process, further clarification of the design allows or necessitates that the contractor revise a unit price for the project the finalized unit costs may not exceed 25% above the original proposed unit costs and only if/when approved by the engineer and County. Unit costs will not be changed due to adjustments in quantities. This project partner's process to finalize the design will not exceed 30 days.

1.3 Contractor Responsibilities

The successful contractor shall:

- Submit a Proposal with project unit costs addressing all of the project scopes as described in the design documents.
- Negotiate a project schedule, approach and price that is agreeable to all parties.
- Attend a meeting prior to commencement of work to discuss contract terms, work performance requirements and safety.
- Enter into a General Services Contract with Huerfano County. SEE EXHIBIT B
- Acquire and/or maintain all required types and levels of insurance for the duration of this project.
- Procure minimum project bonding, if required by Huerfano County, as follows: A bid guarantee equivalent to 5% of bid price, a Performance bond and a Payment bond for 100% of contract price.
- Complete any implementation work awarded, and all required paperwork, in a manner that meets or exceeds grant criteria and meets the project deadline of October 31, 2019.
- Understand and comply with all local, state and federal laws relevant to this grant,

especially with regard to Personal Conflicts of Interest, Equal Employment Opportunity and Affirmative Action. SEE EXHIBITS B and C

- Operate as an independent contractor (not as an employee or vendor of Huerfano County).
- Agree to be paid on actual work completed and invoices submitted.
- Provide all material and labor required to complete the work as specified.
- Perform quality work that meets or exceeds all standards relevant to this RFP.
- Submit project questions and/or contractual exceptions by the deadlines presented and/or in the manner identified within this RFP.
- NOT be debarred or suspended from participation in Federal projects.

1.4 Safety and Conduct

The Contractor shall ascertain and ensure that its personnel are equipped with and use all safety devices required to comply with Federal, State, and Local regulations, including but not limited to the Occupational Safety and Health Administration (OSHA).

The Contractor and its employees, as well as any sub-contractors, are expected to maintain a high degree of professionalism and safety while being present on the project. The parcels being treated are private and it is highly likely that the Contractor will encounter owners, neighbors, and citizens during the project. It is the Contractor's responsibility to maintain adequate safety zones with regard to all components of their operation. Aspects of safety and conduct include, but are not limited to:

- All personnel associated with the Contractor will wear OSHA approved P.P.E. appropriate for their method of treatment and/or specific task.
- First aid equipment/supplies will be readily available for all workers, as well as a reliable means of communication in the event of an emergency.
- Equipment operators will be responsible for maintaining an awareness of the safety zone surrounding their particular area of operation.
- One (1) 5# fire extinguisher will be in place on mobile operational equipment, as well as on personnel vehicle.
- One (1) hand tool (shovel, Pulaski, etc.) will be readily available for each employee currently on site for fire suppression, if needed.
- Unlawful, rude, or aggressive behavior is not professional and will not be tolerated. Offenders may be removed from participation in the project.

SECTION 2: REQUEST FOR PROPOSAL REQUIREMENTS

2.0 Submission Requirements

Successful bidders will submit the following information to be considered for this bid. If any items below are not submitted, bid may be disregarded by the County.

- A. **Letter of Submission.** A letter of Submission shall include the name, address, email, and telephone number of the company/individual responding to this RFP. The letter of submission MUST include:
- Principle Contact (signatory authority) of the Company
 - The Contractor's Project Manager for this project
 - Additional key staff who will be involved with project completion
 - List of any subcontractors, if any, who may be utilized for the project.
- B. **Personnel Qualifications.** Provide a complete list of key personnel, and any subcontractors, potentially working on this project, along with their relevant professional experience (project name and dates).
- C. **Similar Project Experience.** Include project type, dates, client, location, type of service, budget and costs at completion of similar projects. (Include at least 3 projects).
- D. **References.** List references (at least 3) identifying each client, contact person, email, and telephone contacts for similar projects completed by personnel/business responding to this RFP.
- E. **Insurance.** Provide information to support the ability to supply minimum insurance coverage for the type(s) of services to be involved with the implementation of this grant. SEE EXHIBIT B-General Services Contract
- F. **Equal Employment Opportunity and Affirmative Action.** IF subcontracting, submit company EEO documentation and describe how required local Affirmative Action goals will be attained. If NOT subcontracting, provide details on how good faith effort is put forward by your company to employ minorities and females. See Huerfano County EEO Policy included at the end of this document.
- G. **Approach.** Describe briefly how the projects will be executed and the type of services offered (hand crews, mastication, specialized tree removal, logging, etc.). Illustrate the suitability of the service type to this project.

- H. **Project Cost.** Provide overall cost and price per acre. Provide this information in a separate sealed envelope within the RFP packet delivered to Huerfano County.
- I. **Schedule.** Outline proposed start date, duration of work per year, and proposed project completion date. Describe contingency scheduling for weather delays.
- J. **Questions.** Submit any and all questions related to this RFP in writing to Brittney Ciarlo, Huerfano County Recovery Manager, at bciarlo@huerfano.us no later than 4:00 pm Monday August 30th, 2019. Responses will be issued in the form of an addendum and posted to the Huerfano County website at www.huerfano.us no later than Wednesday September 4th, 2019 at 4:00.

SECTION 3: SELECTION PROCESS

3.1 Selection Committee

A diversified Selection Committee comprised of agency, government, and/or public persons not directly involved with this project will evaluate and rank all proposals.

Each proposal will be evaluated for completeness, quality, and the assessment of the contractor's ability to meet all specifications as outlined in this RFP. Additional technical information may be requested from any contractor for clarification purposes.

The Selection Committee may compile a 'Short List' of those contractors whose proposals best meet all the required criteria. In addition, Pre-Award interviews and/or negotiations may be held to establish which proposal is most advantageous to the county. Price is not a sole determining factor of award.

The County reserves the right to award the contract at any time within sixty (60) days from the date of the opening of proposals unless otherwise specified in the CONTRACT DOCUMENTS. The County further reserves the right to reject any and all proposals and waive any and all informalities, and the right to disregard all non-conforming or conditional or counter proposals.

3.2 Evaluation Criteria

In evaluating the proposal, The County will consider the following: capability of contractor to perform work, experience and qualifications of proposed construction team, project understanding and value engineering approaches, cost, and proposed work schedule and work capacity. Each of the five listed evaluation criteria will be scored and weighted specifically for the project as follows:

Contractor Experience and Ability of Contractor to Perform Work (0-5 points):

Previous experience by the construction team implementing disaster recovery work including hillslope stabilization, flood protection, channel and bank protection, revegetation, and previous experience working on Colorado watersheds. The County will also consider prior experience with projects funded in whole or in part with federal funding.

Experience and Qualifications of the Proposed Construction Team (0-5 points):

Construction manager, key team members, and the construction company's qualifications; defined responsibilities; key team member's experience working together (continuity).

Project understanding and Value Engineering Approaches (0-5 points):

Demonstrated understanding of the project goals and objectives, potential project risks, and evaluation of value added engineering approaches.

Cost (0-5 points):

Costs will be evaluated based on engineer’s estimate, current industry construction bids/proposals and competitiveness with other received proposals.

Proposed Work Schedule and Workload Capacity (0-5 points):

Demonstrated capacity to complete the work by October 31, 2019 and understanding of project components and scheduling.

Evaluation Criteria will be weighted as follows:

Evaluation Category	Score Range	Weighted Score Multiplier	Total Score Range
Contractor Experience and Capability to Perform Work	0-5	5	0-25
Experience and Qualifications of Team	0-5	5	0-25
Project Understanding/Potential Mitigation of Risks/Value Engineering	0-5	4	0-20
Cost	0-5	3	0-15
Proposed Schedule and Work Capacity	0-5	3	0-15

3.3 Scoring and Selection

Upon receipt of proposals, the County will tabulate each proposal. The selection committee will individually review and score each proposal and meet to make a selection. The scores will be compiled in order to rank the applicants from highest to lowest. While price is one of the primary factors in proposal selection, the selection committee will select the lowest responsive and responsible proposer, comparing price with qualifications. The best value contracting company(s) will be selected to enter into a professional services agreement with the County, subject to the approval of the designated selection committee of the County. Interviews may be held with a short-list of top-scoring contracting companies if necessary and/or desired by the selection committee.

If a contract is to be awarded, it will be awarded to the proposer whose evaluation by the County indicates that it is the lowest responsive and responsible proposer. If the contract

is to be awarded, the County shall enter into a contract for the project design within sixty (30) days after the selection of contractor date.

At the completion of the project value engineering phase, the project team will develop a schedule and finalize plans and specifications for the project. The contractor will work with project team to finalize unit prices based on the field ready PLAN and SPECIFICATIONS. Original unit prices will be used unless specifically discussed and negotiated by the CONTRACTOR, ENGINEER, and COUNTY. Negotiated/verified unit prices may not exceed 25% above the originally proposed cost and only as approved by the engineer and the County. Unit costs modifications will not be allowed for bid quantity changes. If contractor and the County cannot come to an agreement on final unit prices at the end of the value engineering phase, then no award will be given for the construction phase. If the contractor and the County successfully negotiate, a NOTICE OF AWARD will be given.

The proposal that results in the best value to Huerfano County will be recommended to the Board of County Commissioners for contract award.

Huerfano County reserves the right to reject any and all proposals that pose, in the judgment of the County, an unacceptable risk of unsuccessful performance.

3.4 Estimated Timeline (*Dates are approximate, not binding, & subject to change)

August 27 th , 2019	Invitation to Bid Announced
August 30 th , 2019	Deadline for Questions
September 4 th , 2019	Responses to Questions
September 13 th , 2019	Deadline for Bids
September 17 th , 2019	Selection Announced (Unless Interview Required)
TBD	Begin ground operations
October 31 st , 2019	Total Project Completion Date

SECTION 4: COUNTY SPECIAL PROVISIONS

4.1 Equal Employment Opportunity and Affirmative Action:

It is the policy of Huerfano County not to discriminate against any employee, applicant for employment, or contractor because of race, color, religion, sex, sexual orientation, gender identity national origin, age, marital status, genetic information, disability or because he or she is a protected veteran. It is also the policy of Huerfano County to take affirmative action to employ, to advance in employment and/or to provide contracted opportunities to all persons regardless of the above stated characteristics and to base all employment and/or contractor selection decisions on valid job requirements alone. It is the expectation of Huerfano County that any contractors participating in this project shall possess, endorse and promote similar policy in this regard.

PROJECT FORMS AND EXHIBITS

- A. Project Scope of Work, Specifications, and Maps
- B. Sample General Services Contract
- C. Special Provisions

Spring Creek Fire

EWP Seeding Scope of Work

Background

The Spring Creek Fire of 2018 burned over 108,000 acres including some critical watersheds in the headwaters of the Cucharas and Huerfano Rivers in Huerfano County. Several studies and analyses that had been completed before the fire had identified some of the watersheds as having high hazards to water supply in the Cucharas River. The Huerfano County Water Conservancy District, Huerfano County, and the Towns of La Veta, Walsenburg and Cuchara are concerned about potential impacts from increased erosion and flooding. A mitigation work program has been developed with the assistance of JW Associates and the Natural Resources Conservation Services (NRCS), United States Department of Agriculture. The NRCS has also allocated and awarded reimbursement funds to Huerfano County to cover the cost of the mitigation efforts as part of emergency recovery measures related to the Spring Creek Fire. Such reimbursements are authorized under the Emergency Watershed Protection Program, which provides funds for hazards created by natural disasters that cause a sudden impairment of a watershed.

Goals

It is Huerfano County's intent to engage a qualified and experienced professional company to complete the scope of work, described below, in a manner that meets or exceeds the expectations of the inspection team. The inspection team will be comprised of NRCS staff members and other qualified personnel.

General Description

The proposed work will be completed at various locations within the Spring Creek Fire Burn Area within Huerfano County.

Specifications

Need and Purpose

Using the soil burn severity assessment (barc_Cuchara dated 7/17/2018), JW Associates and NRCS identified treatment polygons located in areas that are in "high" burn severity classes with slopes that range from 10 to 45 percent. High burn severity treatment areas have little observable ground cover or less than about 25% of intact ground cover. The

purpose of this post-fire treatment is to provide seed sources for plants that will sprout in the Spring of 2020 and provide ground cover within the Spring Creek Fire to reduce erosion and sedimentation that may affect water quality, infrastructure and lives of the citizenry located within, adjacent, or down slope of the fire perimeter.

Seed Specification

There are two different seed mixes for this project, one applies to areas under 7,500 feet in elevation and the other above 7,500 feet. The specific seed mixes are attached to this scope of work. All seed used shall be certified weed free as per the most current Colorado Seed Act Noxious & Restricted Weed Lists. The NRCS may test for the presence of noxious weed seed. Seed shall not be opened on site until determination of noxious weed content has been assessed and its use approved. All seed tags will be saved to document proper application rates.

Seed shall be applied as soon as possible after delivery. If immediate application is not possible the seed shall be stored and protected from dew and rain. Seed shall be stored under cover near a selected airport or site and protected from theft or vandalism/damage caused by wildlife, livestock, etc.

Seed shall be applied at 18.25 pounds per acre above 7,500 feet and 15.06 pounds per acre below 7,500 feet.

Application Specification

Due to the area to be seeded, aerial application is specified. Geo-referenced polygons will be provided. Pilot will utilize visible markers as necessary. All applications will be conducted in appropriate weather windows to maintain application continuity on the landscape. Equipment will be calibrated prior to application. Application rates and target zones will be monitored by field personnel.

Targeted Areas

The contractor will seed designated target areas covering approximately 1,000 acres. Targeted areas are delineated on the attached maps. (See attached treatment maps – Exhibits 1-3). Treatment units range in size from about 2 to 130 acres per treatment map polygons and shape files. Note that the currently mapped polygons comprise more than 1,000 acres. Some of the polygons have not been field verified and will likely change somewhat after that field verification work has been completed. The field verified polygons should be available before the proposal deadline. A certain amount of pilot discretion is recognized to be necessary while in the air to determine appropriate application within the treatment areas. Field inspectors will be made aware of this pilot discretion.

Application Assessment Protocol

Due to the difficulty of the terrain, the time and effort required to gain access to the areas will be intensive. As a result more time will likely be taken to use sample points than to actually collect extensive data. Therefore, only enough data will be collected to safely infer the variation of seed coverage within a single treatment polygon. The confidence in data results should constitute no more than “a preponderance of evidence” that the seed was applied to specification.

All seeded polygons will be observed, at least initially, and given an ocular estimate of seed density and coverage. At a minimum, a random sample of twenty (20) treatment polygons will be selected for a quantitative assessment. The NRCS reserves the right to inspect every treatment polygon.

Logs of the amount of seed applied by the contractor will be used to determine actual application rates. A contractor representative will attain seed tickets for every polygon to verify that sufficient seed has been applied on a daily basis. NRCS will do a second level review of the inspection form and sign off on the form to insure that the objectives of the seeding have been met per polygon.

The inspectors will consist of trained NRCS, Huerfano County, JW Associates, and other qualified personnel.

Period of Performance

The completion date of providing the required product and services shall be October 31st, 2019. If Huerfano County desires to extend the contract, no later than thirty (30) days prior to expiration, the County’s Purchasing Contact may send a notice in writing to the vendor requesting firm pricing for an additional contract period, or extending the contract period by mutual agreement. After the County evaluates the firm pricing proposal from the vendor, it will determine whether to extend the contract. All awards and extensions are subject to appropriation of funds. All decisions to extend the contract are at the option of Huerfano County.