

REQUEST FOR PROPOSALS

FOR ENVIRONMENTAL CONSULTING SUPPORT SERVICES
FOR THE §128(A) BROWNFIELDS PROGRAM

FOR

THE SOUTHERN UTE INDIAN TRIBE



Requested By:

The Southern Ute Indian Tribe's
Environmental Programs Division

***** ALL INTERESTED PARTIES: *****

Proposals due no later than
5:00 P.M. MST, Friday, March 3, 2023.

ADVERTISEMENT FOR ENVIRONMENTAL CONSULTING SUPPORT SERVICES
FOR THE SOUTHERN UTE INDIAN TRIBE'S ENVIRONMENTAL PROGRAMS DIVISION

- A. The Southern-Ute Indian Tribe's (Tribe) Environmental Programs Division (EPD) requests a written response to the Request for Proposal (RFP) for consideration to enter into a Professional Services Agreement (PSA) to perform on demand environmental services for the EPD, particularly the 128(a) Brownfields Program (Brownfields Program). This work will be funded through a combination of federal and state grants and other Tribal resources.
- B. The selected Consultant will enter into a three (3) year contract, not to exceed \$450,000 time and materials with mutually established cost schedules, task orders and reporting requirements.
- C. The Tribe will engage the Consultant, as needed, to perform services as described under the scope of work below to fulfill the objectives of the Environmental Programs Division, particularly its Brownfields Program.
- D. The selected Consultant will be responsible for ensuring all work performed is consistent with applicable local, state and federal environmental regulations and the Consultant has all the licenses, certifications, and credentials to perform said work.
- E. The Tribe will select the Consultant based on the qualifications and proposals presented in response to this RFP. Principal criteria for selection are as follows:
 - 1. Prior experience providing environmental consulting services including environmental hazard identification, mitigation, and remediation projects (25%).
 - 2. Examples of relevant environmental hazard identification, mitigation, and remediation projects within the Four Corners region (10%).
 - 3. Appropriate credentials, training, and certifications for project personnel that perform environmental identification, mitigation, and remediation tasks (15%)
 - 4. Previous experience of preparing Project Plans, Sampling and Analysis Plans and Quality Assurance Project Plans (20%)
 - 5. Competitive fee schedule (20%)
 - 6. Claims history (10%)
- F. As part of the evaluation process, the Tribe reserves the right to ask additional clarification questions concerning any proposal in response to this RFP.
- G. This RFP does not commit the Tribe to award a contract nor pay any cost incurred in the preparation of proposals.
- H. The Tribe reserves the right to reject any and all proposals because of non-conformance and to re-advertise when it is in the best interest of the Tribe.

- I. Consultants responding to this RFP are explicitly forbidden from giving unsolicited gifts to any Southern Ute Indian Tribe Department or staff member that may be involved in the award of a contract.

I. SCOPE OF WORK

The Tribe's Environmental Programs Division (EPD) is issuing this RFP to request on demand, environmental consulting services, to assist the Tribe's Environmental Programs Division. Environmental consulting work to be performed may include, but is not limited to:

- A. Perform environmental site assessments, hazardous materials site cleanup and/or remediation, structure demolition, and recycling and/or disposal of hazardous materials or regulated wastes.
- B. Prepare Project Plans, Sampling and Analysis Plans, Quality Assurance Project Plans, Health and Safety Plans, Analysis of Brownfields Cleanup Alternatives (ABCA), Final Reports, and Crosswalk preparation for each environmental service task, as needed. All project related plans and reports must have final from the Tribe. In addition, all projects funded by an EPA grant, must have additional approval from the USEPA.
- C. Conduct Phase I and/or Phase II Environmental Site Assessments in accordance with the standards in ASTM E1527-13 & 21 and ASTM E1903-19.
- D. Use accepted/approved sampling methods and certified analytical laboratories, as may be required, to sample for the presence of hazardous or regulated materials, including:
 1. Asbestos – airborne fibers, dust, bulk building materials, and soil and sediment
 2. lead – in paints, soils or drinking water
 3. mercury
 4. methamphetamines and compounds required to manufacture methamphetamines
 5. mold
 6. organic solvents
 7. pesticides/herbicides
 8. petroleum hydrocarbons
 9. polychlorinated biphenyls
 10. Radon
 11. Toxic contaminants as outlined in 40 CFR §261.24, Table 1
 12. Any other liquid or solid media with hazardous waste characteristics including ignitability, corrosivity, reactivity, or toxicity.
- E. Package and deliver samples for laboratory analysis using accepted/approved sample preservation techniques, Chain of Custody documentation, and in compliance with all applicable state and federal transportation regulations.

- F. Conduct data analysis, including a comparison of any sample results to applicable standards for environmental contamination. Prepare reports summarizing the data collected, analysis completed, work performed, and/or recommendations to the Tribe for the disposition/remediation actions necessary to address a contaminated environmental site.
- G. Manage all sub-contractors and ensure all sub-contractors possess the required licenses, certifications, and credentials needed to perform the assigned work.
- H. Prepare waste profiles and waste manifests as required to support waste disposal.
- I. Perform additional environmental duties, as needed, to support other programs within the Environmental Programs Division such as, but not limited to: illegal, non-hazardous dump cleanups, radon testing, spent compressed gas cylinder removal, and laboratory cleanup.

II. PROGRAM/PROJECT INFORMATION

- A. The Tribe's Brownfields Program is funded under an EPA Tribal Brownfields Response Program grant authorized by Section 128(a) of the Comprehensive Environmental Response, Compensation and Liability Act.
- B. The Tribe has completed several reclamation projects on the Reservation, including:
 - 1. Asbestos and lead based paint abatement for residential homes.
 - 2. Asbestos and lead based paint remediation for large (10,000+ sq. ft.) government buildings.
 - 3. Cleanup of non-regulated dump sites containing mixed hazardous materials.
 - 4. Remediation of hazardous waste contaminated soils from a light industrial area.
 - 5. Remediation and surface restoration of an abandoned oil and gas well pad.
- C. The Tribe operates the Brownfields Program on the Southern Ute Indian Reservation. All work requested by the Tribe under this PSA will occur on the Reservation and is subject to TERO requirements.
- D. Brownfields Program Team:
 - 1. Sharon LeBeau– Brownfields Program Coordinator
 - 2. Teana Cavallo – Assistant Environmental Programs Manager
 - 3. Mandy Eskelson – Environmental Programs Manager
 - 4. Mark Hutson – Environmental Programs Division Head
- E. Program Team Goals:

It is important for the bidder and the subsequent selected Consultant to understand the goals of the Program team. The goals are listed below.

1. Ensure compliance with EPA and other federal, state and/or local regulations regarding the sampling, handling, and disposal of hazardous waste.
2. Communication between the Consultant and the Tribe regarding the objectives of each project is clear and documented.
3. The Consultant is experienced, professional, and understands the Division's needs.
4. Projects are completed on time, within budget, and to the Division's standard of quality.

III. CONTRACT REQUIREMENTS

- A. All consulting services will be performed in accordance with the Tribe's Professional Services Agreement (PSA). This PSA includes provisions designating that the contract is governed by the laws of the Southern Ute Indian Tribe. An example of this contract provision is available upon request.
- B. The PSA contract will extend from the date of contract execution for three years and the total consulting services provided during that period may not exceed a total of \$450,000.
- C. All work performed by the consultant and any of the consultant's subcontractors must be authorized by a signed Task Order with an accompanying Authorization to Proceed notification from the Tribe.
- D. All subcontractor agreements (scope of work and rates) must be approved by the Tribe before any work begins.
- E. The Consultant will be responsible for procurement and payment for any subcontracted services, reports, materials, surveys, documents, copies, public notices, public meetings, travel, expenses, and any other item(s) or services required to complete the scope of work.
- F. The proposal shall present the Contractor's credentials, trainings and/or certifications and demonstration of appropriate insurance to perform work of this nature.
- G. The Contractor shall warranty their work for a minimum of one year from the date of completion.
- H. The tentative schedule for the solicitation and award of this PSA is as follows:

Activity	Timeline*
RFP Advertised Date	January 30 – February 17, 2023
Proposal Due Date	March 3, 2023
Vendor Selection and Notification	March 24, 2023
Contract Completion and Signing	April 3, 2023
Agreement End Date	April 3, 2026

*Dates are tentative and may change. All changes will be communicated by the Tribe to RFP applicants.

IV. SUBMITTAL REQUIREMENTS

- A. Interested consultants are required to submit the following information:
1. Letter of Interest
 2. Fee Schedule
 3. Project Experience and Credentials
 4. Firm Organization and Key Staff assigned to the project
 5. Claims History and Professional Integrity
 6. Copy of Certificate of Insurance
- B. Specific information about the Required Submittals is shown below:
1. Letter of Interest
 - a. Provide name and address of your firm, contact person, title, telephone number, e-mail address, and mailing address.
 - b. Provide a brief letter that expresses the firm's interest in the PSA and describes the firm's capabilities for providing the required services. Include discussion as to your company's perception of what this PSA will entail.
 2. Fee Information
 - a. Provide detailed cost schedules for all staff and equipment that may be required to fulfill the scope of work. The fees should incorporate all costs required to perform the requested services including overhead and TERO fees.
 - b. Cost schedule adjustments may be considered annually based on the consumer price index.
 3. Project Experience
 - a. Provide at least five (5) example projects your company has completed, along with the size and scope of the projects, that included environmental consulting services similar to those listed under the scope of work in Section I.
 - b. Include the contact information for at least two (2) client references.
 4. Firm Organization and Key Personnel
 - a. Identify, by name and title, the key staff members who will be assigned to projects under the PSA or who will otherwise play a major role in the PSA. Provide resumes and appropriate credentials, training, or certifications of the key staff.
 - b. Provide an organizational chart indicating the relationship between the firm's staff members proposed to have responsibilities related to the PSA. Indicate on the chart the names of key personnel and their titles.
 - c. Provide credentials and certifications for all employees expected to work under the PSA.
 5. Claims History

- a. Provide an accurate summary of any claims initiated against your company in the past five (5) years and any currently pending claims.
 - b. Provide a certified statement that the firm or any staff member associated with the project is not debarred, suspended or otherwise prohibited from professional practice by any federal or state agency.
 6. Certificate of Insurance and Bonding Capabilities
 - a. Submit a valid copy of a Certificate of Insurance indicating current General Liability coverage, with a minimum of \$1 million in liability coverage.
 - b. Submit proof of worker's compensation coverage and auto insurance coverage (\$300,000 minimum) will be required if the contractor will have employees working on site and/or conducting any type of transporting.
 - c. Provide a signed statement indicating your company is willing to enter into a contract with a tribal government that has sovereign immunity and that is governed by its own Tribal Court/Tribal Law.
 7. Quality Assurance/Quality Control Plan
 - a. Discuss any policies or procedures for ensuring the quality of work products.
- C. It is not the intent of this RFP to solicit an overly long response, but it is important a consultant's experience/expertise be adequately described. For example, it would be much more useful to address abilities and expertise directly comparable to this agreement than to include an exhaustive list of all projects completed by the company. The Southern Ute Indian Tribe's EPD, Purchasing Office, and Executive Office staff will review the submitted proposals and may select companies to meet with, in an interview format, to discuss the PSA and consultant qualifications in greater detail.
- D. Proposal submittal: Submit proposals submittal via email to the address below or via a shared drive. In the subject line, please include: "(Company Name): Proposal for Environmental Consulting Support Services."
- a. Email proposal submittals and questions to Sharon LeBeau, Brownfields Program Coordinator at slebeau@southernute-nsn.gov or call 970-563-2217.

V. TERO REQUIREMENTS & NATIVE AMERICAN PREFERENCE

- A. The Southern Ute Indian Tribe has adopted a Tribal Employment Rights Ordinance (TERO) Code, which is to be observed by all businesses operating on the Southern Ute Indian Reservation. All labor that is performed within the exterior boundaries of the Southern Ute Indian Reservation under the Master Services Agreement is subject to a 4% fee and work compliance requirements of TERO. TERO Fees shall be paid to the Tribe following the completion of each Task identified in Section II.
- B. This RFP is an unrestricted solicitation; however, Indian preference will be given to qualified Indian Owned economic enterprises and Indian Organizations. Firms desiring Native American preference for selection must be certified through the Southern Ute Indian Tribe's TERO Office as an Indian-Owned Business. For those firms seeking Native American preference, this is a mandatory requirement, regardless of any other

registration or certification that may exist with other tribal TERO offices, agencies, or affiliations.

- C. The TERO policy must be applied to the selection of consultants and/or sub-contractors when putting together a bid proposal.
- D. The firm awarded the contract to provide services will be responsible for paying a 4% TERO fee during the duration of this MSA. This should be included in your fee proposal. TERO fees shall be paid to the Tribe following the completion of each task.
- E. The firm awarded the contract, and all subcontractors will be responsible for obtaining and paying for crossing permits for the duration of the project. These fees should be included in your fee proposal. For more information about crossing permits please contact the Southern Ute Lands Division at (970) 563-0126.
- F. For more information about TERO, contact Hilda Burch at:

Southern Ute Indian Tribe TERO Office
P.O. Box 737
Ignacio, CO 81137
(970) 563-0117