

REQUEST FOR PROPOSALS
FOR STREAM RESTORATION CONSTRUCTION PROJECTS AND
GENERAL CONSTRUCTION AND EARTHWORK SERVICES
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 PROFESSIONAL PROJECT MANAGEMENT, CONSTRUCTION SERVICES & GENERAL EARTHWORK 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 provide on demand project management, construction services for stream restoration projects and general construction and earthwork services. This work will be funded through a combination of federal and state grants and other Tribal resources.
- B. The selected Contractor will enter into a three (3) year contract, not to exceed a total of \$400,000 for time and materials with mutually established cost schedules, task orders and reporting requirements.
- C. The Tribe will engage the Contractor, as needed, to perform services including construction of stream restoration projects, building fences, welding, designing, and constructing water gap fences across streams, installing Low-Tech Process-Based Restoration (LT-PBR) structures, removing and disposing of non-hazardous historic landfill materials such as wire, tires, sheet metal, and other household materials, and performing other various earthwork tasks as needed to fulfill the objectives of the EPD. Process-based restoration focuses on restoring physical processes that lead to healthy riverscapes using low-cost, simple instream structures including beaver dam analogs which essentially mimic the structure and function of beaver dams.
- D. The selected Contractor will be responsible for ensuring all work performed is consistent with applicable Tribal, local, state and federal environmental regulations, and the Contractor has all the licenses, permits, certifications, and credentials to perform said work.
- E. The Tribe will select the Contractor based on the qualifications and proposals presented in response to this RFP. Principal criterion for selection is as follows:
 - 1. Prior experience providing construction services for stream restoration projects and general construction and earthwork services (25%).
 - 2. Examples of relevant and completed stream restoration, general construction, and earthwork projects within the Four Corners region (30%).
 - 3. Appropriate credentials, training, and/or certifications for project personnel that perform tasks (10%)
 - 4. Competitive fee schedule (25%)
 - 5. 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. Contractors submitting proposals for 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 project management, construction services for stream restoration projects and general earthwork services, particularly for its §319 Nonpoint Source Pollution Program. Work to be performed may include, but is not limited to:

- A. Management of the construction of stream restoration projects.
 - 1. Ensure all work is constructed to project design specifications.
 - 2. Implementation of erosion and sediment control Best Management Practices (BMPs) for protection of stream and riparian areas during and post project construction.
 - 3. Development of Stormwater Pollution Prevention Plan (SWPPP) and filing of appropriate NOI, including any permit fees.
 - 4. Material procurement (e.g. rocks for structures, willow stakes, BMPs, seed mix, etc.)
 - 5. Manage all sub-contractors, including ensuring all sub-contractors possess the required licenses, certifications, insurance and credentials needed to perform the assigned work. Obtain any other necessary Tribal, local, and Federal permits (i.e. SUIT Crossing Permit).
 - 6. Ensure all work is performed within the project area as defined by the design.
 - 7. Completion of all work within the mutually established timelines.
- B. Construction of the stream restoration projects.
 - 1. Pioneer access roads.
 - 2. Grading/structure placement (e.g., construction of bankfull benches and grade control structures within the stream).
 - 3. Revegetation of streambanks and disturbed areas (e.g., stream access routes and staging areas) utilizing Tribal approved seed mixes.
 - 4. Installation of Low-Tech Process Based Structures including Beaver Dam Analogs (BDA).
- C. Design and construction of water gap fences across streams.

- D. Build fences to the Tribe's specifications.
- E. Perform various earthwork and restoration tasks as needed utilizing heavy equipment including track hoes, backhoes, skid steers, mini excavators, etc.
- F. Removal and disposal of light, non-hazardous household wastes that have been improperly disposed of.
- G. Plant trees.
- H. Spray weeds.

II. PROGRAM/PROJECT INFORMATION

- A. The Tribe will use federal and state grants to fund the projects for this RFP.
- B. The goal of the RFP is to find a Contractor to provide project management, construction of stream restoration projects and general earthwork services for the Tribe's EPD.
- C. Project Location: All work requested by the Tribe under this RFP will occur on the Reservation and is subject to TERO requirements.
- D. Tribe's Project Team:
 - 1. Steve Kem – Water Quality Specialist – \$319 Coordinator
 - 2. Mandy Eskelson – Environmental Programs Manager
 - 3. Mark Hutson – Environmental Programs Division Head
- E. Program/Project Team Goals:

It is important for the bidder and the subsequent selected Contractor to know the Project Teams' goals. The goals are listed below.

 - 1. Implement stream restoration designs to specification to reduce/prevent further stream bank erosion and sedimentation;
 - 2. Construct the structures to withstand a significant year flood event;
 - 3. Communication between the Contractor and the Tribe regarding the objectives of each project is clear and documented;
 - 4. The Contractor is experienced, professional, and understands our needs;
 - 5. Projects are completed on time, within budget, and to our standard of quality.

III. CONTRACT REQUIREMENTS

- A. All Contractor 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 extends from the date of contract execution for three years, and the total contracting services provided during that period may not exceed a total of \$400,000.
- C. All work performed by the contractor and their subcontractor(s) 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) employed by the Contractor must be approved by the Tribe before any work begins.
- E. The selected Contractor 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 set up for the solicitation and expected award for 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, fax number, e-mail address and mailing address.
 - b. Provide a brief letter that expresses the firm's interest in the project and describes the firm's capabilities for providing the required services. Include an overview of your anticipated scope of work.
2. Fee Information
 - a. Provided 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 schedules adjustments may be considered annually based on the consumer price index.
3. Project Experience
 - a. This section focuses on the Contractor's experience in the following areas:
 - i. Construction of cross vanes, j-hooks, weirs utilizing large boulders.
 - ii. Grading/structure placement (e.g., construction of bankfull benches, grade control structures and Low-Tech Process Based structures within the stream). Revegetation of streambanks, riparian areas, or wetlands.
 - iii. Development of Stormwater Pollution Prevention Plan (SWPPP) and filing of appropriate NOI, and 404/401 permit adherence.
 - iv. Implementation of erosion and sediment control BMPs for protection of stream and riparian areas pre and post construction.
 - v. General construction management involving managing construction crews to complete construction designs.
 - b. Provide at least five (5) example projects that your company has completed with a similar size, scope, and cost as those identified in section IIA – IIG.
 - c. Include a list of client references.
4. Firm Organization and Key Personnel Assigned to the Project
 - 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.
5. Claims History and Professional Integrity
 - a. Provide an accurate summary of any claims initiated against your firm and subcontractor 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
 - a. Submit a valid copy of a Certificate of Insurance indicating present General Liability coverage. The Contractor and subcontractor must have a one (1) million-dollar liability coverage before work commences and must submit the Certificate of Insurance to the Tribe.
 - 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.
- C. It is not the intent of this RFP to solicit an overly long response, but it is important the firm's experience/expertise be adequately described. It will, for example, be much more useful to address abilities and expertise directly comparable and relevant to this project than to include an exhaustive list of all projects completed by the firm. The Southern Ute Indian Tribe's Environmental Programs Division, Purchasing Department, and the Executive Office will review the submitted proposals and may select firms to meet with in an interview format, to discuss the project and contractor qualifications, in greater detail.
- D. Submit proposals submittal via email to the address below or via a shared drive. In the subject line, please include: "(Company Name): Proposal for Stream Restoration Construction Projects and General Construction and Earthworks Services."
 - a. Email proposal submittals and questions to Steve Kem, Water Quality Specialist, \$319 Coordinator at skem@southernute-nsn.gov or call 970-563-2295.

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 your selection of consultants and/or sub-contractors when putting together your 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, which 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