

REQUEST FOR PROPOSALS

PROFESSIONAL SERVICES FOR SURFACE DEBRIS REMOVAL AND DISPOSAL OF REGULATED AND NON-REGULATED WASTES; DEVELOPMENT OF AN ENGINEERED DESIGN PLAN FOR WASTE ENCAPSULATION; SURFACE AND SITE RESTORATION WORK; AND THE INSTALLATION OF THE ENGINEERING PLAN ELEMENTS

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 on August 11, 2023

ADVERTISEMENT FOR PROFESSIONAL SERVICES FOR SURFACE DEBRIS REMOVAL AND DISPOSAL OF REGULATED AND NON-REGULATED WASTES; DEVELOPMENT OF AN ENGINEERED DESIGN PLAN FOR WASTE ENCAPSULATION; SURFACE AND SITE RESTORATION WORK; AND THE INSTALLATION OF THE ENGINEERING PLAN ELEMENTS.

- A) The Southern Ute Indian Tribe (Tribe) Environmental Programs Division (EPD) requests a written response to this Request for Proposal (RFP) from qualified firms to provide services within the Ute Road Area of Concern (AOC) located within the Bear Dance Fire area along Ute Road in Ignacio, Colorado. RFP submissions must include development of a remediation plan; removal and proper disposal of surface debris, including Asbestos Containing Materials (ACM), and removal and proper disposal of regulated and non-regulated wastes; the preparation and approval of an engineering design plan for remediation and waste encapsulation; surface and site restoration work; and performing the services as outlined within the approved engineering design plan.
- B) The selected Contractor will enter into a contract that includes a mutually established cost schedule, work tasks, and reporting requirements.
- C) The selected Contractor will be responsible for ensuring all work performed is consistent with applicable tribal, local, state and federal regulations, and the Contractor has all the licenses, permits, certifications, and credentials to perform said work.
- D) The Tribe will select the Contractor based on the qualifications and proposals presented in response to this RFP. Principal criterion for selection is:
- 1) Experience in preparing remediation plans, engineering design plans, and stormwater plans for remediation and waste encapsulation projects (25%);
 - 2) Experience and credentials providing earthwork services including the removal, remediation and encapsulation of asbestos containing materials (ACM), regulated wastes, and non-hazardous wastes (25%);
 - 3) Competitive Fee Schedule (15%);
 - 4) Demonstrated understanding of the project (10%);
 - 5) Appropriate credentials, training, and/or certifications for project personnel that perform tasks (15%);
 - 6) Proposed schedule (5%); and
 - 7) Claims history (5%).
- E) As part of the evaluation process, the Tribe reserves the right to ask additional clarification questions concerning any proposal in response to this RFP.
- F) This RFP does not commit the Tribe to award a contract nor pay any cost incurred in the preparation of proposals.
- G) 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.

- H) Contractors 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.

PROJECT LOCATION & BACKGROUND

- A) The project site is known as the Ute Road AOC and is located along the east side of Ute Road adjacent to the Tribe's main campus in Ignacio, Colorado. The Ute Road AOC starts at the Los Pinos River trailhead east of and across the street from the Tribe's recreational baseball and skatepark facilities and extends northeast for approximately 1,300 feet along Ute Road to the unpaved road leading to Scott's Pond. From the existing exclusion fencing along the roadway, the Ute Road AOC extends eastward varying from 25 to 75 feet toward the Los Pinos River. The approximate coordinates for the location are 37.1324°, -107.6282°. See attached Figure 1 for details.

On June 3, 2022, the Bear Dance Fire ignited on tribal trust land and burned 89 acres north of the Tribe's Bear Dance grounds and along the Los Pinos River. Following the fire, surface debris, including ACM regulated and non-regulated wastes, were observed on the ground surface in areas paralleling Ute Road. Following the identification of the debris, public access to the area was closed by the Tribe, an exclusion fence was erected and restricted access and warning signage was placed along Ute Road.

Environmental sampling and assessments have been performed within the Ute Road AOC, the adjacent recreational activity areas, and the Bear Dance grounds.

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.

*NOTE TO POTENTIAL BIDDERS – **DO NOT ENTER** THE RESTRICTED AREA BEHIND THE EXCLUSION FENCING WITHOUT APPROVAL AND ESCORT FROM EPD!*

SCOPE OF WORK

The work to be performed will include, but is not limited to:

- A) Development and implementation of a Remediation Plan outlining, at a minimum:
- 1) Measures to identify and delineate regulated, non-regulated and ACM debris for removal.
 - 2) Measures to protect human health and the environment during remedial work.
 - 3) Transportation and disposal of regulated wastes, including ACM.
 - 4) Transportation and recycling or disposal of non-regulated wastes.
 - 5) The plan must be approved by EPD and acting agent, Cottonwood Consulting LLC (Cottonwood), prior to project commencement.

- B) Development and implementation of an Engineering Design Plan for encapsulation of remaining regulated and non-regulated waste debris, including potential ACM.
 - 1) The design will be sufficiently adequate to protect public health and the environment for long-term.
 - 2) The design may include elements such as a geotextile material, top soil cap, and rip-rap erosion controls along the interface with the adjacent riparian area(s), grading/contouring, seeding/mulching, site maintenance recommendations, etc.
 - 3) The engineering design must be approved by EPD and Cottonwood prior to project commencement.
- C) ACM, regulated waste, and non-hazardous debris removal.
 - 1) Dispose of ACM at a qualified landfill, retaining all documentation of disposal.
 - 2) Separate and properly dispose of other non-ACM debris.
- D) Material procurement (e.g., fill material, Best Management Practices [BMPs], seed mix, etc.)
- E) Ensure all work is constructed to project design specifications.
- F) Manage all sub-contractors, including ensuring all sub-contractors possess the required licenses, certifications, insurance, and credentials needed to perform the assigned work.
- G) Obtain any other necessary Tribal, local, and Federal permits (i.e., SUIT Crossing Permit, Tribal Employment Rights Ordinance [TERO] Compliance Letter).
- H) Stormwater management.
 - 1) Development and implementation of a stormwater plan to prevent impacts to adjacent wetlands during and after remediation. The plan would be submitted to the EPD prior to project commencement. A stormwater permit from the state would not be necessary.
 - 2) Implementation of erosion and sediment control BMPs for protection of wetland and riparian areas during and post-project construction.
- I) Ensure all work is performed within the project area as defined by the design.

The deliverables for this project are:

- 1) Development and implementation of a Remediation Plan;
- 2) Development and implementation of an Engineering Design Plan;
- 3) Development and implementation of a Stormwater Plan;
- 4) ACM, regulated waste, and non-hazardous debris removal and disposal;
- 5) Disposal of all waste consistent with applicable tribal, local, state and federal regulations;
- 6) Weekly reporting updates to EPD and Cottonwood;
- 7) Final report summarizing the work completed and future needs or recommendations.

PROGRAM/PROJECT INFORMATION

- A) It is important for the bidder and the subsequent selected Contractor to understand the goals of the Program team. The goals are listed below.
- 1) The goal of the RFP is to find a contractor to develop a remediation plan for removal and proper disposal of surface debris, including ACM, and removal of regulated and non-regulated wastes; the preparation and approval of an engineering design plan for remediation and waste encapsulation projects; surface and site restoration work; stormwater plan development; and performing the services as outlined within the approved engineering design plan.
 - 2) Ensure compliance with applicable Environmental Protection Agency (EPA) and other federal, state and/or local regulations regarding the sampling, handling, and disposal of hazardous waste.
 - 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 the EPD's needs.
 - 5) Projects are completed on time, within budget, and to the EPD's standard of quality.
- B) Tribe's Project Team:
- Emma Millar – Cottonwood Consulting Project Team Leader
 - Kyle Siesser – Cottonwood Consulting Project Team Member
 - Mandy Eskelson – Environmental Programs Manager
 - Mark Hutson – Environmental Programs Division Head

Cottonwood and EPD will host a pre-bid walk through at the site from 9-11am on July 25 and July 26, 2023. Please RSVP to attend the pre-bid walk through to Kyle Siesser at ksiesser@cottonwoodconsulting.com

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 Tribe. An example of this contract provision is available upon request.
- B) The PSA contract will extend from the date of contract execution, will be terminated following project completion, and is to not exceed a three-year period.
- C) All work performed by the Contractor and any of the Contractor'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 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 for the solicitation and award of this PSA is as follows:

Activity	Timeline*
RFP Advertised Date	July 14 – August 11, 2023
Pre-bid Walk Through	July 25-26, 2023
Proposal Due Date	August 11, 2023
Vendor Selection and Notification	August 23, 2023
Contract Completion and Signing	September 8, 2023
*Dates are tentative and may change. All changes will be communicated by the Tribe to RFP applicants.	

SUBMITTAL REQUIREMENTS

- A) Interested Contractors are required to submit the following information:
 - 1) Letter of Interest
 - 2) Fee Schedule (include example project cost estimate)
 - 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
 - i) Provide name and address of your firm, contact person, title, telephone number, e-mail address, and mailing address.
 - ii) 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 of your company’s perception of what this PSA will entail.
 - 2) Fee Information
 - i) 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.

- ii) Cost schedule adjustments may be considered annually based on the consumer price index.
 - iii) Include example project estimate for the removal of 1,000 cubic yards of waste, including 500 yards of regulated waste containing ACM.
 - (1) Estimate should include costs for mobilization, excavation, transportation, disposal, and import of clean fill material.
 - (2) Estimate is for example/comparison purposes ONLY and will not reflect the actual project scope of work.
- 3) Project Experience
- i) 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.
 - ii) Include the contact information for at least two (2) client references.
- 4) Firm Organization and Key Personnel
- i) 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.
 - ii) 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.
 - iii) Provide credentials and certifications for all employees expected to work under the PSA.
- 5) Claims History
- i) Provide an accurate summary of any claims initiated against your company in the past five (5) years and any currently pending claims.
 - ii) 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
- i) Submit a valid copy of a Certificate of Insurance indicating current General Liability coverage, with a minimum of \$3 million in liability coverage.
 - ii) Submit proof of worker's compensation coverage and auto insurance coverage (\$300,000 minimum) if the contractor will have employees working on site and/or conducting any type of transporting.
 - iii) Provide a signed statement indicating your company is willing to enter into a contract with the following provisions:
 - (1) That the Parties will first attempt to resolve any contract disputes in good faith through non-binding mediation;
 - (2) That the sole venue for litigation of claims under the contract will be in the Southern Ute Indian Tribal Court;
 - (3) That your company consents to the personal jurisdiction of the Tribal Court;
 - (4) That Southern Ute law and applicable federal law will control the contract;

- (5) That the Tribe has sovereign immunity that it will not waive, and nothing in the contract will be construed to waive this immunity;
 - (6) That your company will protect Tribal members and others on the Reservation, including by conducting background checks on employees;
 - (7) That your company will always maintain the Tribe's confidential information, even after the contract expires, and may only disclose this information with Tribal consent;
 - (8) That documents generated pursuant to the contract are the Tribe's work product and property and cannot be revealed to third parties absent Tribal permission; and
 - (9) That your company must allow the Tribe to inspect, audit, examine, and copy all records relating to this contract upon request.
- 7) Quality Assurance/Quality Control Plan
- i) 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 Contractor'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 Contractor 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 Ute Road AOC."
- 1) Email proposal submittals and questions to Kyle Siesser, Cottonwood Consulting LLC, at ksiesser@cottonwoodconsulting.com or call 970-764-7356.

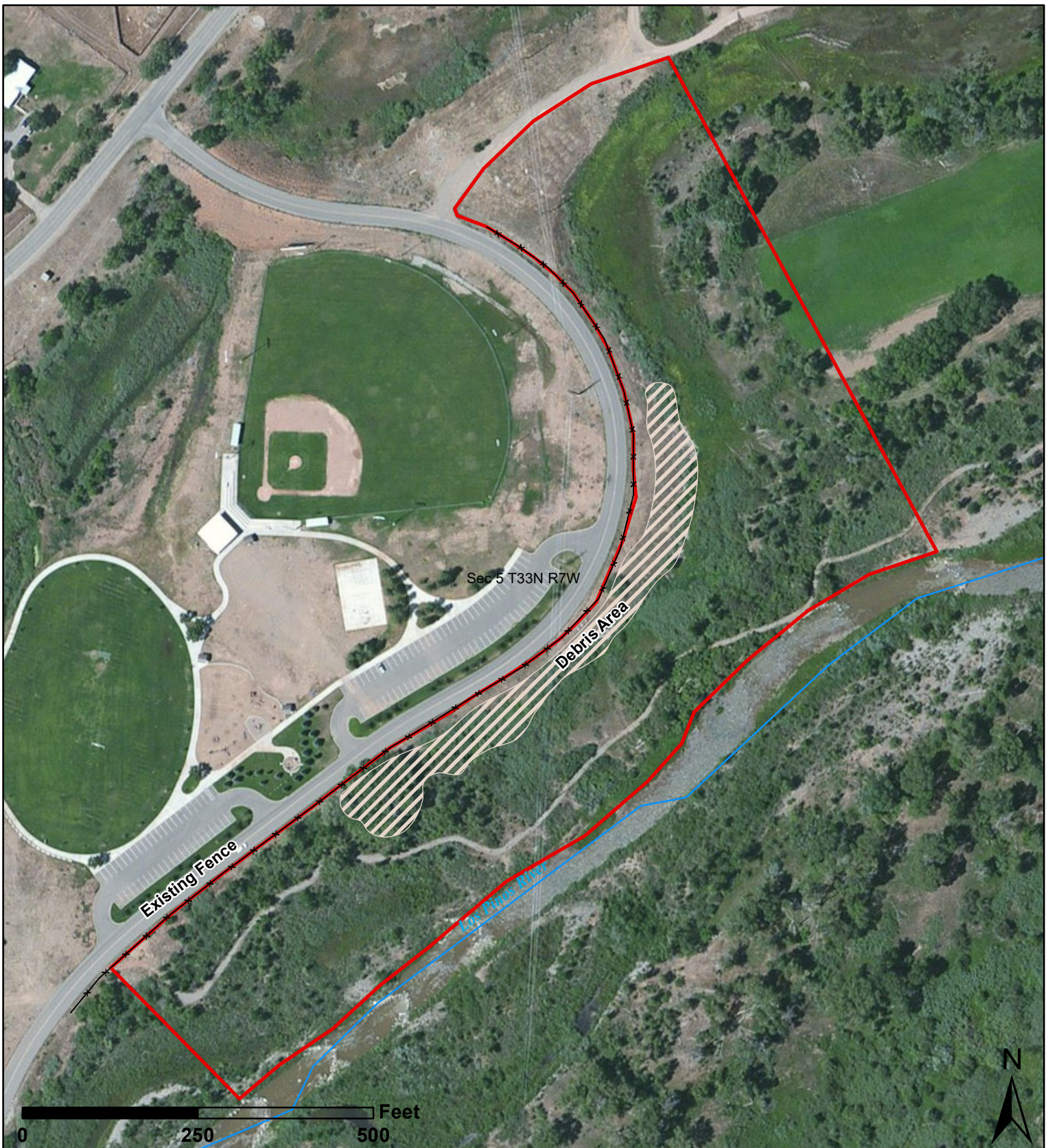
TERO REQUIREMENTS & NATIVE AMERICAN PREFERENCE

- A) The Tribe has adopted a 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.
- 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 Code must be applied to the selection of Contractors and/or sub-contractors when putting together a bid proposal.





D) 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.

E) For more information about TERO compliance, contact Hilda Burch at:

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



Legend

-  Ute Road AOC
-  General Area of Debris
-  Existing Fence
-  Surface Water Feature

Cottonwood
CONSULTING 

Mapping by: E. Millar, 7/3/2023
Coordinate System:
NAD 1983 UTM Zone 13 N

Location: Section 5 T33N R7W, NMPM

Figure 1
Ute Road AOC
Project Area Map
Southern Ute Indian Tribe