

## QUESTIONS FROM EIS PROPOSERS AND ANSWERS

3/12/2012

### General.

Questions from proposers are given in bold and answers in regular font. Questions and answers from each prior week during the RFP period will be updated on Mondays.

#### **1. When will the RFP be available?**

The RFP and Scope of Work will be posted Friday, February 10, 2012.

#### **2. I was reviewing the Sources Sought notice for the White Mountain Apache EIS requirement and wanted to confirm that the EIS effort and the Rural Water System Construction effort itself were different requirements and would be procured via different means.**

Yes, the EIS and design efforts are being procured separately.

#### **3. Will the Tribe be using the Department of the Interior and the FBO website to procure the Construction services as well following the completion of the EIS?**

Construction services will be procured following the EIS and final design activities. The Fedbizopps website will likely be used to provide notice of intent to procure construction services. Construction services are not contemplated during the next two years.

#### **4. We are looking into proposing on this and are curious as to who will be the decision makers – BOR or WMAT, or is it a joint effort with BOR oversight.**

WMAT has entered in to a Public Law 93-638 (Indian Self-Determination and Education Act) cooperative agreement with the Bureau of Reclamation acting on behalf of the Secretary of the interior where WMAT steps into the shoes of the federal agency and performs the necessary scope of work in-house and through subcontracts with a qualified firm specialized in the preparation of an environmental impact statement (EIS). Inherent federal functions, such as compliance with the Endangered Species Act, will be retained by the United States through the Bureau of Reclamation.

The Bureau of Reclamation will provide oversight to ensure that the scope of work for the EIS is performed properly within the scope of available funding. Oversight is limited to approximately 4% of the total funding available for the project. Final decision-making will be by WMAT in collaboration with the Bureau of Reclamation. A strong relationship between both parties to the cooperative agreement has developed, and differences of opinion in decision-making are not contemplated.

**5. Appendix S begins with Volume 2. Is volume 1 and a project area map available?**

Other volumes of Appendix S are not considered necessary to the preparation of the proposals in response to the EIS RFP. The selected EIS consultant will be provided with more reference materials. The project map has been posted on the website.

**6. The requirements for the Technical proposals on RFQ p 2 are confusing: Under Project Management you call for :**

*The role of key personnel to form a cohesive unit to provide for management of planning, design, construction inspection, operation, maintenance and replacement activities should be provided.*

**These responsibilities seem more appropriate for the project designers, not the EIS preparers.**

The requirements should be stated as follows:

*The role of key personnel to form a cohesive unit to provide for management and completion of EIS activities should be provided.*

**7. Then, you ask for the qualifications of the “environmental consultant”, as if the environmental consultant was separate from the Project Management Team.**

Please resubmit question if there is a continued misunderstanding.

The RFP requests information on the EIS firm’s project management team which will be directing the EIS work and also on the firm's experience doing an EIS for this type of project or like projects.

**8. We know that this RFP is specifically for the EIS, because the EIS legally must be done by a separate entity from the A-E design/construct folks. But these sections make it read like a procurement for the overall design/construct team, of which one team member will be the EIS preparer.**

Without commenting on the legal interpretation, the intent is to have a separate entity perform the EIS, not the firm selected to do the design. See answer to question 6 for correction of the statement on the role of key personnel to perform "EIS activities" rather than design-related activities.

**9. The RFP calls for the proposals to be submitted by 23 March, but it then says that interviews will be conducted with the best firms on 22 March. We assume one of these dates is incorrect. What are the correct dates?**

The following is the tentative schedule for EIS evaluations and interviews, if any, after evaluation and after March 23, 2012 submissions. The interviews, if any, will be limited to not more than three top ranked firms after written technical and cost proposal evaluations. The 2012 schedule is tentatively proposed as follows:

RFP Evaluation	March 27-28
Notice to Not More Than 3 Firms of Interview Schedule	March 29
Interviews	April 3
Request for Best and Final Offer [Easter weekend]	April 5
Best and Final Offers Due	April 13
Notice of Intent to Contract	April 17

**10. Please provide the list of firms that have been short-listed for the engineering design work.**

The selected design firms will be posted on the website in late March. Short-listed firms will not be provided.

**11. Please clarify the following dates:**

- a. **Date proposals are due (the RFP states March 23, 2011). Should this be 2012?**
- b. **Please clarify the anticipated date interviews will be conducted (the RFP states March 22, 2012 which would appear they may be held prior to the date the proposals are due). Are we correct in assuming the date would be later and what is the date?**

See response to Question 9.

**12. Please provide the amount of the overall project funding that would be expected to be utilized to complete this scope of work.**

Firms are asked to provide cost proposals without the bias of knowledge of the amount of funding available. Short-listed firms will be asked to reduce scope of work and cost

proposals if proposals exceed funding available or, alternatively, more funding may be made available.

**13. Please confirm that expenses for subcontractors are paid with no mark-up for Material and Subcontracts (M&S) overhead and G&A or profit.**

Proposals should include all overhead and profit in labor rates (costs). All non-labor costs should be priced at actual cost, including subcontracts, materials, travel, technology and communications, etc.

**14. Please confirm that in all cases in the scope of work where it is indicated that “the Tribe” will complete a specified task, that the selected consultant should include the task in their proposal.**

Yes, the question correctly interprets the requirement of the consultant to perform all tasks designated by Reclamation for the Tribe to perform.

**15. Should Task 5.9 be included as an Optional Task?**

No, the consultant should be available to answer questions and make presentations at the public hearings.

**16. For the NHPA tasks, it is stated that at a minimum a Class I survey will be conducted and that based upon the report, an intensive Class III survey will be conducted. Please confirm this is correct or if it should stated Class I and Class II instead.**

The task is correctly stated in the scope of work as-is.

**17. Item “j” in the NEPA/Environmental Deliverables list indicates the submission of a revised draft BA to Reclamation. The scope of work discusses an initial draft as well. Please confirm the scope and the deliverables associated with this effort.**

An initial draft BA is required. After WMAT and Reclamation review, a revised draft BA is required from the consultant.

**18. Please provide a sample contract including terms and conditions and invoicing requirements.**

A sample contract will be posted on the website by April 6, 2012. The contract will include flow-down clauses required by BOR.

**19. Please clarify the type of contract that will be awarded. The RFP Section 4 states, “. . . the total cost will become the cost not-to-be-exceeded in an hourly rate contract”; we interpret this to mean Time and Materials not-to exceed. However, the statement of work document Section 5.1 states, “the Tribe shall solicit and award a fixed price contract”. Will the contract be awarded as Fixed Price or T&M Not to Exceed?**

The contract will be awarded as a time and materials contract with a ceiling not to be exceeded.

**20. Does the White Mountain Apache Tribe have a prime contract with the Bureau of Reclamation? If so, please provide a copy of the prime contract, or the flow-down clauses from the prime contract.**

The agreement between WMAT and Reclamation will not be provided. See response to Question 18.

**21. What is the estimated period of performance for the project and estimated start date?**

The estimated period of performance, subject to negotiation with the selected firm, is 24 months; and the estimated start date is May 1, 2012.

**22. Please confirm if the appendices to the primary proposal can include more detailed information related to the primary proposal including more detailed scope of work, more detailed cost spreadsheets, etc. as the full costing spreadsheets could be rather lengthy.**

Yes.

**23. We had a question about the preclusion rule for firms submitting on the EIS if submitting as well on the design work. Does this rule apply to subconsultants, or just to the prime? If a firm is teamed with a design team as a subconsultant, is that firm permitted to team as a subconsultant with a different prime for the EIS?**

No.

**24. With respect to the request for proposals for the EIS for the rural water system, does the Tribe have any preference in contracting and/or subcontracting for Native owned firms?**

No, Indian preference is not given to Native American contractors and/or subcontractors under the Tribe's labor Code. The WMAT Labor Code does require Indian Preference in the hiring of *employees*, but not for hiring contractors or subcontractors. The WMAT Labor Code does not generally apply to a professional services contract, in this instance, preparation of an EIS. Although Indian preference is generally required of all non-Tribal employers operating within the Reservation (which would include non-Tribal contractors and subcontractors) in their hiring, promotion, training,

and in all other aspects of employment, because the EIS RFP involves specialized professional services that are not assignable, Indian preference in hiring employees for the performance of the EIS work on the Reservation will not apply.

**25. Are 11x17 sheets allowed in the Primary Proposal?**

Yes, but number should be limited and confined to maps or tables , which can be placed in an appendix if properly referenced and would not be counted in the 20 page limit

**26. Please confirm 20 pages is 20 numbered pages, i.e., 10 sheets double-sided.**

Confirmed. Ten sheets, double-sided, or 20 sheets, single-sided are acceptable.

**27. We usually provide project schedules in Gantt chart format. The RFP states a calendar schedule is requested. Is a Gantt chart format OK, or do you want it to look more like an actual calendar? We can also make a schedule in Excel which looks closer to a calendar than a Gantt chart does. Let me know your preference.**

Gantt Chart is acceptable.

**28. Does our cost table need to exactly match their example or can it be similar?**

Task lists that cover the scope of work and unique labor classifications of each proposer are expected. The table is an example to guide the proposals, but each proposal should provide task descriptions, hours of labor by category, corresponding labor rates and non-labor costs with sufficient detail to distinguish between travel and other cost types.

**29. Do we need to plan on an interpreter at the proposal interview? Do we need to plan on an interpreter at internal WMAT meetings during the project or just at public scoping meetings?**

No [unless you speak a foreign language].

**30. Can we assume that the Bureau Reclamation or the WMAT will maintain a project website for posting of public information during the EIS, or do we need to include time to set up/manage a website in our scope of work?**

The Tribe will continue to maintain a website for administrative purposes and can post documents of the consultant if requested. The website will have a public information section. The Bureau of Reclamation will not maintain a website.

**31. The RFP states that the Proposed SOW section should include man hours. We would prefer to keep the time estimates separate and in the Cost Proposal section. Do we need it in both places?**

Either section or both are acceptable.

**32. Does the 20 page limit mean 20 double sided pages or 10 double sided pages? Does the WMAT selection committee have a preference on double versus single sided printing?**

See question 26. There is no printing preference. Either option is acceptable.

**33. Can we include 11X17 size sheets (folded to letter size) in the Technical Proposal and how do these count towards the page limit?**

See question 25.

**34. We have a question related to cultural resource surveys: The SOW specifies 60 miles of distribution pipeline and the project area map shows preliminary locations of appurtenant facilities. A Class III cultural resource survey is requested. To provide an accurate cost estimate for this, please indicated the corridor width to be surveyed along the 60 miles of pipeline, to what extent the pipeline would be placed partially or entirely within the highway right-of-ways, and approximately how many acres would be affected by the dam, reservoir, and other facilities (e.g, pump stations, treatment plant, temporary construction easements, staging/stockpiling areas, etc.).**

All proposers should use the following guidance as a basis for cost proposals:

- Pipelines, assume 60 miles, 100 foot easement outside highway ROW for entire distance or 725 acres; use 2 acres each for 6 pumping stations and 2 acres each for 6 reservoirs or total 24 acres
- Water Treatment Plant, use 60 acres for site and access
- Dam, use 400 acres.