



NEPA Third-party Contractor Support RFP Responses to Questions

April 1, 2022

RESPONSES TO QUESTIONS

QUESTION 1

Please clarify which of Forms B-1 through D-4 need to be filled out by the Prime only and which need to be filled out by the Prime and all proposed subconsultants;

- a. For Attachment B-1 does a "Consortium" include a Prime and subconsultants and, therefore, require this form from all parties?
- b. For example, Attachment B-3 makes clear that only the Prime (Impact Sciences) needs to fill out the form - [Note to Proposers: To be completed by Proposer on its behalf and on behalf of all entities on the Proposer team]. This is clearly understood.
- c. As a counter example, Form B-4 relating to Key Personnel states: [Note to Proposers: List to be completed by Proposer]. The Impact Sciences Team will have key personnel from several consultants. I would assume all key personnel should be included?
- d. What is expected in the Proposal for Exhibits A-D?
- e. What is expected in the Proposal for Attachment D pages 1-4?

Response:

A "Consortium" includes a Prime and subconsultants. Following is a description of which forms need to be completed only by the Prime and which need to be completed by the Prime and subconsultants:

- **Attachment B-1 – Proposer Information** only needs to be completed by the Prime. Section D. should include the names of all subconsultants and their roles.
- **Attachment B-2 – Proposer Certification** must be completed by the Prime and any subconsultants.
- **Attachment B-3 – Conflict of Interest Disclosure Statement** must be completed by the Prime firm. In completing the form, the Prime firm is disclosing any conflicts of interest that all entities (including subconsultants) on the Proposer's team have.

Proposers shall comply with LRS's Conflict of Interest Policy, which is attached as Attachment D of the RFP. In completing Attachment B-3 – Conflict of Interest Disclosure Statement, LRS's Conflict of Interest Policy should be fully considered. Determination on whether an actual, potential, or perceived conflict exists and resolution of conflict of interest

issues are ultimately at the sole discretion of LRS. If a Proposer believes their consortium may have an actual, potential, or perceived conflict of interest, they are encouraged to contact LRS to discuss the nature of the actual, potential, or perceived conflict of interest. LRS may request supporting facts and information be provided by the Proposer. Upon review of the information provided, LRS will determine, in its sole discretion, if Proposer has a conflict and what actions may be appropriate to avoid, neutralize, or mitigate any conflict. Proposers shall submit a written request for exemption as soon as possible (optimally by not later than March 31, 2022).

Please note that, as described in Section I.I – Conflicts of Interest and Attachment A – Scope of Work Task 1.1 of the RFP, before beginning work, the Proposer shall complete and execute the Lead Agencies’ disclosure statement (e.g., Statement of Responsibilities and Conflict of Interest Declarations/Confidentiality of Information form) provided by the Lead Agencies. The Lead Agencies may require subconsultants to complete and execute their disclosure statement(s).

- **Attachment B-4 – Key Personnel** must be completed only by the Prime; however, it should identify all key personnel on the Proposer’s team, including key personnel who will be subconsultants.

Exhibits A through G are exhibits to Attachment C – Form of Professional Services Consultant Agreement of the RFP. They will be completed as agreed upon during contract negotiations and become part of the executed Professional Services Consultant Agreement. They do not need to be included with the Proposal. However, please note that per Section V. Proposal Requirements of the RFP, the Proposal shall include Section 4 – Approach, Understanding, and Scope of Work that includes a detailed description of the Proposer team’s approach and methodology for the requested Professional Services that will form the basis of Exhibit A – Scope of Work of the Professional Services Consultant Agreement; and Section 6 – Estimated Budget that includes an indicative fee estimate and supporting assumptions to deliver the proposed Scope of Work including the following that will form the basis of Exhibit B – Schedule of Charges and Payment of the Professional Services Consultant Agreement:

- Hourly billable rates for all personnel to form the Table of Rates and Prices to be included in the Contract
- Estimate/schedule of other direct or reimbursable costs to provide the proposed SOW;
- Estimated budget by task to provide the proposed SOW (including total sum of task budgets);
- Summary of estimated hours by labor category; and
- Total estimated fee for Professional Services to provide NEPA third-party contractor support to the Lead Agencies.

Requests for changes to the terms and conditions of the Professional Services Consultant Agreement, including exhibits, must be included in an Appendix as part of the Proposal submitted. LRS shall have no obligation to consider further requests for changes to the terms and conditions beyond those submitted as part of the Proposal.

QUESTION 2

Page 10 of the RFP states that the Professional Services Consultant(s) will lead completion of the Project’s Clean Water Action Section 404 permitting, NEPA, and other federal and state permitting reviews. Attachment A does not reference permitting as part of the scope of work. Please confirm whether the consultant’s role is anticipated to be related to NEPA services only or if the consultant is also expected to facilitate permitting outside the NEPA process.

Response:

The Professional Services Consultant’s role is to support the Lead Agencies with NEPA-related services; specifically in preparing the EIS for the Utah Lake Restoration Project and, if requested by the Lead Agencies, assisting in review of the Project’s Clean Water Act (CWA) Section 404 permit application or other related federal and state permits. The Consultant is not expected to facilitate permitting outside of supporting the Lead Agencies in the NEPA compliance process.

The first paragraph of Section IV. Qualifications of the RFP shall be revised as follows:

“LRS is committed to selecting the right Professional Services Consultant(s) to provide the Lead Agencies with NEPA third-party contractor support for the Project. The selected Professional Services Consultant(s) will work collaboratively with both LRS and the Lead Agencies, as appropriate, and pursue effective ways of communicating to encourage conflict avoidance and resolution. To this extent, LRS and the Lead Agencies are seeking to engage a Professional Services Consultant(s) with the appropriate mix of leadership, technical, and facilitative skills necessary to lead to efficient and comprehensive completion of the efficiently and comprehensively support the Lead Agencies as a third-party contractor with execution of NEPA compliance for the Utah Lake Restoration Project; specifically in preparing an EIS for the Project and, if requested by the Lead Agencies, assisting in review of the Project’s Clean Water Act (CWA) Section 404 permitting, NEPA, and other federal and state permitting reviews permit application and other related federal and state permits.”

QUESTION 3

Attachment A notes the consultant’s progress reports need to be submitted in an electronic format compatible with LRS’s software, hardware, and security protocols. Could any notable electronic format limitations please be identified?

Response:

LRS and our consultants use Microsoft Office, Adobe, AutoCAD, ESRI, and other standard industry software. LRS is not prepared to receive working or final products in specialized or customized software. If Proposers desire to use specialized or custom software, this should be disclosed in Proposer’s proposal and approved by LRS prior to executing the Professional Services Consultant Agreement and beginning work.

QUESTION 4

Given that the Consultant will be preparing the EIS, LRS and its advisors will provide the detailed project-specific information for most environmental resource topics, and that permitting isn't a part of this scope, is it critical for the Program Manager to have experience with obtaining environmental approvals and permits in Utah?

Response:

The third-party contractor should have knowledge of the geographic area, as well as experience with the type of project being proposed, NEPA, and the Corps’ Regulatory Program requirements, in particular their Public Interest Review and the U.S. Environmental Protect Agency’s Section 404(b)(1) Guidelines. It is most important that the Program Manager have experience with the type of project being proposed, NEPA, and the USACE’s Regulatory Program requirements. This includes specializing in NEPA document preparation and having experience and expertise in the preparation of large, complex EISs with extensive public interest (including tracking a large volume of public comments) for the USACE, CWA Section 404, and with the Section 404(b)(1) Guidelines for

Specification of Disposal Sites for Dredged or Fill Material; and be familiar with the new 2020 NEPA rules and the USACE's Appendix B to Part 325—NEPA Implementation Procedures for the Regulatory Program. The Project Team should have knowledge of the geographic area. It is not as important, or critical, that they have experience with the State of Utah environmental approvals or permits required for the Project.