



Sites Project Authority

Request for Proposals

Eagle Mitigation Services

No. RFP 23-01

February 28, 2023

Submittal Deadline

March 13, 2023

3:00 PM Pacific Standard Time (PST)

Form of Submittal

Electronic Submittal Only

jtrapasso@sitesproject.org

Contact Person

Joe Trapasso

Program Operations Manager

Sites Reservoir Project

jtrapasso@sitesproject.org

Request For Proposals Eagle Mitigation Services

1.0 GENERAL

The Sites Project Authority (Authority) is currently seeking proposals from highly experienced and qualified contractors (each a Respondent) to provide eagle mitigation services for bald and golden eagles as required by the United States Fish and Wildlife Service (USFWS). The Respondents will be required to be authorized by USFWS to provide the mitigation services.

There is no express or implied obligation for the Authority to reimburse responding contractors for any expenses incurred in preparing the proposal related to this request for proposals (RFP). Materials submitted by Respondents are subject to public inspection under the California Public Records Act (Government Code Sec. 6250), unless specifically exempt.

2.0 DESCRIPTION OF THE SITES PROJECT AUTHORITY

Project Governing Structure and Support Services

The Authority is a joint exercise of powers authority formed on August 26, 2010, pursuant to Government Code Section 6500 *et seq.*

The Authority is governed by a 9-voting member Board of Directors (Authority Board) that includes several local water agencies and both Colusa and Glenn counties. The Authority receives advisory support from the 23 water agencies located statewide (Reservoir Committee) who have entered into Project Agreements to advance the Sites Reservoir and related facilities. A list of the members of the participating entities can be viewed at www.sitesproject.org/participants/

The eagle mitigation services agreement will be between the selected Contractor and the Authority. Contracting the eagle mitigation services is the responsibility of the Sites Authority Program Operations Manager.

Geotechnical Project Description

The Authority is undertaking geotechnical surveys to evaluate the site of the proposed Sites Reservoir for the initial stages of the Project. The Project is located in the Antelope Valley west of the town of Maxwell, California and Interstate-5, in Colusa and Glenn

Counties, California. Project geotechnical evaluations include surface geologic (i.e., pedestrian mapping), surface geophysical (i.e., seismic refraction lines), and subsurface geotechnical investigations (i.e., boring, test pit, and trench surveys) throughout the Project site. Temporary access will be via existing roads and accessible overland routes. Geotechnical surveys will occur over 48 months, from approximately January 2023 through December 2026. For additional Project location and other Project information please visit the Project website at www.sitesproject.org.

The Antelope Valley, in which the Project is located, supports multiple pairs of nesting bald (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*). The presence of one active bald eagle nest and two active golden eagle nests within one mile of proposed geotechnical evaluation survey areas was confirmed during eagle nesting surveys conducted in 2022. The breeding activity of the one bald eagle pair and two golden eagle pairs nesting near geotechnical surveys could be disturbed by the geotechnical survey activities.

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (Eagle Act; 16 U.S.C. §§ 668–668d and 50 Code of Federal Regulations [CFR] § 22.80). The U.S. Fish and Wildlife Service (USFWS) may issue permits for the take, possession, or transportation of bald and golden eagles, as well as their parts, nests, and eggs. The Authority has submitted an application to the USFWS for an incidental eagle take permit for the take of bald eagles and golden eagles associated with conducting geotechnical evaluations. The Authority is requesting incidental take by disturbance of one breeding bald eagle pair and up to three breeding golden eagle pairs during four breeding seasons from geotechnical evaluation activities scheduled between 2023 and 2026. USFWS has prepared and posted on February 10, 2023, an Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI), pursuant to the National Environmental Policy Act, to assess impacts of the proposed action of issuance of the requested eagle take permit to the Authority. These documents are available here: [Pacific Southwest Region - NEPA Documents for Eagle Permits | U.S. Fish & Wildlife Service \(fws.gov\)](https://www.fws.gov/pacific-southwest-region-nepa-documents-for-eagle-permits). The USFWS has not yet issued the Authority's permit.

3.0 EAGLE MITIGATION SERVICES

To adhere to the compensatory mitigation requirements in the EA, FONSI and anticipated permit with USFWS, the Sites Authority is looking to select a Contractor to provide a program to offset eagle take by retrofitting of electric power poles that are an electrocution risk to eagles as described in the EA and FONSI and as anticipated in the permit when issued from USFWS.

4.0 AGREEMENT TERMS

The work will be contracted on an annual basis directed by the Authority's Environmental Planning and Permitting Manager. Based on the EA and FONSI, the anticipated USFWS four-year permit will require mitigation starting in 2023 and continuing through 2026. The Authority anticipates creating a master services agreement with the selected contractor that outlines the contracted terms and conditions and then administering a Task Order for the first year of the permit cycle and a Task Order Amendment for each subsequent year of the permit cycle. The Task Order will include scope and a firm fixed-price fee for the compensatory mitigation anticipated to be required under the first year of the contracted permit cycle. Unit rates and scope for compensatory mitigation after the first year of the permit cycle will be negotiated as part of possible future Task Order Amendments.

The signed Agreement will not be a guarantee of work, and the signed Task Orders will not be a guarantee of future work.

The Authority reserves the right to not execute a Task Order and to terminate the Agreement before its completion pending 30-day written notice.

The decision to renew the Agreement will be at the discretion of the Authority Board. The Authority intends to select a contractor to commence these services as soon as possible.

5.0 GENERAL RFP REQUIREMENTS

Prospective RFP Respondents may submit written questions about this RFP by March 6, 2023, 3:00 PM PST via email to: jtrapasso@sitesproject.org.

The Contact Person (refer to cover page) will officially respond to any questions and clarifications in an addendum which will be provided to all potential Respondents. Questions and responses will also be posted to the Authority's website at: <https://www.sitesproject.org/>.

Once the RFP has been publicly released, any communications related to the preparation of a proposal by a prospective Respondent with any of the Authority Board's members; Reservoir Committee's members; Executive Director, Authority's Agents, advisors or contracted Consultants other than the Contact Person on this

matter, may result in any ensuing proposal that was submitted by the prospective Respondent as being deemed not accepted, which will result in the proposal not being further considered.

5.1 Proposal Submittal

Receipt of the following material is **required by March 13, 2023, 3:00 PM PST**, for a Respondent to be considered:

- An electronic copy of the proposal and all its appendices in a single bookmarked PDF file emailed to:
Joe Trapasso
Sites Project Authority Program Operations Manager
jtrapasso@sitesproject.org
- Proposal is limited to no more than 10 pages, not including transmittal letter, cover page, table of contents, or resumes, unless otherwise specified. Page sizes are limited to 8.5-inches by 11-inches and 11-point font minimum.
- The proposal shall include the following:
 - Transmittal Letter listing RFP No. 23-01
 - Sections:
 1. Statement of Experience and Qualifications
 2. Statement of Authorization
 3. Proposed Fees
 4. Potential Conflict Disclosure
 - Appendices:
 - A. Proposed Agreement

5.2 Other Required Information Specific Requirements:

Transmittal Letter

The transmittal letter must not exceed one page and must be signed by a representative of the Respondent who is authorized to negotiate on behalf of, and to contractually bind, the Respondent during the evaluation. The letter should summarize the key points contained in the proposal, as well as provide the name, title, address, email address, and telephone number of the contractor's key project contact person.

1. Statement of Experience and Qualifications

Provide a brief statement on the company's experience and qualifications related to the services requested.

Provide a list of similar projects conducted in the last two years with a brief description of work performed (especially for California) that qualifies the Respondent to provide the requested services.

Provide assurances that Respondent understands and can meet the compensatory mitigation requirements of the USFWS's Eagle Take Program.

2. Statement of Authorization

Provide documentation that confirms that the Respondent is authorized by the USFWS to provide compensatory eagle mitigation.

3. Proposed Fees

Provide the costs to perform the identified mitigation services on a per unit basis that includes all labor, materials, expenses and other direct costs. The selected Contractor's per unit rates will be required to remain unchanged for the first year of four-year permit cycle. Provide a methodology for proposed rate increases for each of the remaining three years of the 4-year permit cycle.

All labor to perform the identified mitigation services shall be paid no less than the minimum wage rates as established by the U.S. Secretary of Labor or as determined by the Director of the California Department of Industrial Relations. The higher of the two rates will be paid in accordance with the following acts and codes: 1) The Davis Bacon Act, and 2) Section 1770, and following, of the California Labor Code.

4. Disclosure of Legal Actions, Conflicts of Interest, or other Potential Conflicts.

Any pending investigations of the Respondent, and any enforcement, settlements, or disciplinary actions taken within the past five years by any regulatory body and any litigation challenging the manner in which the Respondent has provided services in the past five years.

Disclose any actual **or potential** conflicts of interest between the Authority, its Board members, Reservoir Committee, Sites Project staff, and any other person or entity represented by your company to this RFP.

5. Respondent's Proposed Agreement

The Respondent's proposed agreement to be used for the eagle mitigation services will be attached as part of the Respondent's proposal as Appendix A. The agreement of the selected Respondent will be reviewed by the Authority. The Authority will provide a detailed list of any required alternative language and additions. The negotiation process of the agreement is detailed as part of Section 7.0.

The Respondent shall identify the nature and extent of insurance policies that it has and will keep in place during the term of the agreement, including automobile, general liability, workers compensation and professional liability.

6.0 PROPOSAL SUBMITTAL PROCESS

All questions and requests for clarification or additional information on the RFP must be made in writing by email, prior to March 6, 2023, 3:00 PM PST, and sent to the attention of the contact person listed below. All question and clarification requests and responses to them will be provided as an addendum to all potential Respondents and all companies receiving this RFP, as well as being posted on the Sites website soon after the deadline date.

The Contact Person, who is an Authority's Agent, is solely responsible for providing official responses to any questions and clarifications in a RFP addendum email that will be provided to all potential Respondents receiving this RFP and posted on the Sites website. Should a conflict exist between this information and other information, the information provided by the Contact Person shall take precedence.

Proposals are due on March 13, 2023, 3:00 PM PST, and are to be submitted electronically as a single bookmarked PDF via email to the Contact Person noted below. Proposals received after this time will not be accepted.

RFP Proposal Contact Person

Joe Trapasso

Program Operations Manager

Sites Reservoir Project

Jtrapasso@sitesproject.org

7.0 EVALUATION AND SELECTION PROCESS

An evaluation team comprised of Authority Project staff will evaluate each submitted proposal relative to the completeness of the submitted proposal and the criteria listed in Section 5.0. The information will be provided to an Authority selection panel that may consist of Authority Executive Director, Authority's Agent(s), and potential technical advisor(s).

The selection panel will identify the responsible Respondent that submitted the lowest, responsive bid, and negotiations of an agreement will be initiated. If acceptable terms and conditions with the selected Respondent cannot be reached in a timely manner, the Respondent ranked second will be contacted to begin negotiations. However, the Authority is not bound to accept the recommendation or award the agreement to the recommended or second recommended Respondent. The selection panel will then proceed to make a recommendation to the Reservoir Committee and Authority Board to approve and execute the negotiated agreement.

The Authority reserves the right to select the Respondent which in its sole judgment best meets the needs of the Authority or to reject all submitted proposals.

The Authority will evaluate proposal submittals based on the below four criteria. Criteria 1, 2 and 3 will be evaluated based on either "pass" or "fail" and only Respondents that have received a "pass" for the first three criteria will be evaluated on Criteria 4.

1. Relevant and applicable experience and qualifications of the Respondent.
2. Respondent being currently authorized by the USFWS to provide eagle mitigation services.
3. Demonstrated past performance of the Respondent.
4. Proposed costs to perform the services provided.