

REQUEST FOR PROPOSAL
for
SURFACE TRANSPORTATION BOARD
THIRD-PARTY NEPA PROCESS SERVICES

for the

UINTA BASIN RAILWAY PROJECT

SEVEN COUNTY INFRASTRUCTURE COALITION

November 16, 2018

Revised December 3, 2018

Seven County Infrastructure Coalition Uinta Basin Railway Project
Request for Proposal
November 16, 2018
Revised December 3, 2018

Introduction

The Seven County Infrastructure Coalition (the “Coalition”) is an independent political subdivision of the State of Utah. The Coalition applied to the Permanent Community Impact Fund Board (CIB) of the State of Utah for a grant to complete the planning, engineering, environmental, right-of-way planning, and strategic communication services to make the Uinta Basin Railway Project ready to construct. At the completion of this work and procurement of construction financing, the railway would be in possession of its legal and environmental licenses and approvals, and the construction bid package would be prepared and ready for advertisement to contractors. The proposed standard-gauge, common-carrier railway would provide freight (and potentially passenger) transportation services between the central Uinta Basin near Vernal, Duchesne, and Roosevelt, Utah, and a connection with the national railway system at the nearest economically feasible and commercially practical point. The railway would afford shippers and receivers in the Uinta Basin the ability to ship or receive freight by rail to any point served by the contiguous North American railway network, and would provide low-cost, efficient, reliable, and environmentally friendly transportation. The railway would provide economic development to the Uinta Basin, and create jobs in the Uinta Basin both directly and indirectly in the mineral extraction, agricultural, construction, and service industries. The project area is in the Colorado Plateau Province, with diverse environmental, geologic, and geotechnical conditions and may pass through federal, state, tribal, and private lands.

The Coalition will seek authority from the USDOT’s Surface Transportation Board (STB) to construct and operate a new line. Other permits and approvals may be needed from federal, state, and local authorities. Compliance with the National Environmental Policy Act (NEPA) is required, and the Coalition anticipates that the project will require completion of an Environmental Document with the STB serving as lead agency. The environmental documentation for the project will rely on the STB’s independent third-party contracting process. The STB has the ultimate responsibility to select the independent third-party contractor. According to the STB’s regulations and policy on the use of third-party contracting, the railroad applicant (here, the Coalition) may indicate in writing its preference as to a third-party contractor and formally request from the STB’s Office of Environmental Analysis (OEA) in writing the OEA’s approval of that contractor. The OEA then decides whether to grant the request and responds to the railroad applicant in writing.

OEA approval is subject to the independent third-party contractor signing a disclosure statement that it has no financial interest in the outcome of the of applicant’s proposal.

Once the independent third-party contractor has signed and returned the disclosure statement to OEA, and the railroad applicant (here, the Coalition) agrees to engage such independent third-party contractor, OEA prepares a Memorandum of Understanding (MOU), which OEA, the Coalition, and the independent third-party contractor must sign. The MOU will be the primary contract governing the relationship of the signatories and the provision of services for this project. The MOU, once signed by all parties, will supersede any statements or representations in this solicitation that are not

in full agreement therewith.

A Work Plan, describing the work to be performed by the independent third-party contractor, is prepared by the independent third-party contractor, in consultation with OEA and the Coalition. OEA has the authority to amend the scope of work and monitors the independent third-party contractor on a regular basis to ensure that the work is progressing efficiently and cost-effectively.

Issuance of a Notice to Proceed (NTP) as a result of this solicitation is dependent on the availability of funding.

Request for Proposals

The Coalition seeks Proposals from consultants (Consultant) with the expertise, capacity, and qualifications to complete the NEPA Process Services to advance the Uinta Basin Railway Project to obtain all necessary permits and approvals needed to commence rail construction and to issue construction bid packages.

Work on this project will be completed under the sole direction, supervision, and control of the STB's Office of Environmental Analysis (OEA). To be responsive, the offeror must be on the STB's list of qualified third-party contractors at the time of submittal and otherwise comply with the STB qualification procedures. Potential proposers are referred to the STB website at www.stb.dot.gov.

Work associated with this Request for Proposal (RFP) may be funded in part by funds from the State of Utah, the CIB, the Coalition, or other funding partners. ~~Accordingly, any contract resulting from this solicitation shall incorporate the required provisions for state projects.~~

By issuing this RFP, the Coalition reserves the right to reject any or all proposals if such action is in the best interest of the Coalition, regardless of the Coalition's evaluation of the proposals submitted. The Coalition also reserves the right to waive informalities and minor irregularities in proposals received and award a contract based on initial proposals without discussions. Therefore, each initial proposal should contain the offeror's best offer and fully respond to the RFP's terms and requirements. Any contract resulting from this solicitation shall incorporate the terms and conditions are consistent with STB policy and the MOU.

This RFP is not to be construed as a commitment of any kind nor does it commit the Coalition to pay any costs incurred in the submission of a proposal or for any other costs incurred prior to the execution of a formal contract.

Responding firms have the responsibility of understanding what is required by this solicitation. The Coalition shall not be held responsible for a firm's lack of understanding. Should a firm not understand any aspect of this solicitation, or require further explanation, or clarification regarding the intent or requirements of this solicitation, it shall be the responsibility of said firm to seek guidance from the Coalition. Further, by submitting a proposal in response to this solicitation, a firm certifies that it has thoroughly read and understands this solicitation in its entirety.

Attachment A includes instructions for preparing the proposal.

In all work elements, time is of the essence. *The goal is to have the project completed and moving freight as soon as possible, within 5 years (by December 1, 2023).* All environmental services to obtain STB approval and other regulatory permits necessary or desirable to commence construction **will be completed within 2 years, by December 1, 2020**, unless forces outside of the control of the

Consultant alter the schedule.

Separate RFPs will be issued for services such as operating and maintenance planning, strategic communications, financial feasibility evaluations, legal, and other required professional services. The Coalition has already made a selection for the railway engineering, baseline environmental, and right-of-way planning services.

Scope of Work

A. General

The Coalition desires to enter into an agreement for professional services required to complete and comply with the NEPA process as currently defined and administered by the STB. The selected offeror will function as an independent third-party contractor as defined in the regulations of the President's Council on Environmental Quality and STB regulations and policies. A Work Plan describing the work to be performed by the independent third-party contractor will be prepared by the independent third-party contractor, in consultation with OEA and the Coalition. OEA has the authority to amend the scope of work and will monitor the independent third-party contractor on a regular basis to ensure that the work is progressing efficiently and cost-effectively. The Work Plan sets forth a proposed schedule for completing the work, names the individual members of the independent third-party contractor's staff who will be primarily responsible for the project and outlines environmental tasks that will need to be performed for the project.

The selected offeror's activities shall be under the sole supervision, direction, and control of the STB OEA. Work required to complete the NEPA process will be defined by the MOU and the Work Plan. This overall work may include, but not be limited to:

- Developing a description of the proposed action and preparation of an alternative analysis, including the no-action alternative;
- Reviewing existing information and identifying data needs relative to geology and physiology, soils and sediment, water resources, climatology and air quality, terrestrial and aquatic flora and fauna, land use, social and human resources, economics and infrastructure, cultural and archaeological resources, and other elements of the existing environment within the project area;
- Identifying areas of potential impact and developing and implementing field studies necessary to fill data gaps to adequately define the existing environment and analyze the anticipated impacts from the proposed action and alternatives;
- Developing and implementing health, safety, and environmental procedures and guidelines for field work that meet or exceed applicable federal, state, and local requirements;
- Evaluating environmental justice issues;
- Identifying and delineating wetlands;
- Identifying the existence of threatened or endangered species, critical habitats, and environmentally sensitive areas;

- Developing and implementing public and agency outreach programs;
- Developing and implementing document control and tracking procedures that will provide a smooth and efficient flow of data;
- Evaluating anticipated direct, indirect, and cumulative impacts from the proposed action and alternatives;
- Identification and substantiation of the preferred alternative;
- Developing impact control and mitigation measures or plans;
- Preparing a Draft EIS and supporting documents under the direction of STB;
- Supporting the public and agency review process of the Draft EIS and providing proposed responses to substantive comments, as needed;
- Preparing the Final EIS and supporting the NEPA process through to the final Decision for the project; and,
- Providing support to the STB for any litigation regarding the environmental documentation.

Parties interested in the proposed project are likely to include the Coalition, Utah and Colorado counties, participating and commenting federal agencies, the State of Utah, state and local agencies, communities along the proposed extension, Native American groups, and others who may participate in the NEPA process. One or more of the federal or state stakeholders may request cooperating agency status.

Conceptual engineering design includes preliminary environmental baseline work necessary to support the design. This “desktop” baseline environmental information will be completed by the Coalition’s contracted railway engineer. The baseline environmental information will be provided to the Consultant.

OEA will coordinate, with the independent contractor's assistance, the exchange of information among any planning, design, or construction engineers or technical staff. Subject to the MOU, OEA, the Coalition and the third-party contractor will coordinate in a timely fashion to allow the development of reasonable and feasible design modifications, if need be.

Scope Element Categorization:

Proposed fees should be separated into two categories: 1 – Starter Scope, and 2 – Full NEPA Process Scope.

The Starter Scope category should provide all services beginning in December 2018 and continuing through the initial STB public scoping process. The primary purpose of the Starter Scope is to complete initial project scoping, which will help identify the level of effort that will be required throughout the remainder of the NEPA process (the Full NEPA Process Scope) based on agency and public feedback.

The proposed fee for the Starter Scope will be used as the fee in the contract for services.

The Full NEPA Process Scope category should include all work following the Starter Scope that will allow the STB to complete the NEPA process. The Coalition recognizes that the STB public scoping process will identify the level of effort required to obtain STB approval based on the deadlines referenced above. The fee for the Full NEPA Process Scope category is to be considered an estimate and will be negotiated following completion of the initial STB public scoping process. Attachment A includes instructions regarding the scope of work and how it relates to the proposed costs.

B. Personnel

The Consultant will provide a talented and experienced project manager to oversee all aspects of the proposed project and additional key staff with specialized areas of expertise as appropriate to manage and oversee specific aspects of the project. Key project personnel will, at a minimum, have the following experience:

- Developing and delivering a scope of work for preparing a third-party NEPA document for STB;
- Environmental investigation, NEPA compliance, and development of environmental documentation for railroad lines, railroad bridges, and other railroad facilities;
- Wetland delineation and mitigation;
- Threatened and endangered species issues;
- Environmental justice;
- Native lands issues, and Utah Native issues;
- Public information and outreach;
- Coordination and communication with federal agencies;
- Land use and ownership issues;
- Hydraulics and hydrology issues;
- Management of scope, budget, schedule, and quality of project deliverables throughout all phases;
- Evaluation of impacts from a proposed project;
- Comparative evaluation of project alternatives;
- Identification and development of cost effective and efficient mitigation strategies;
- Compliance with all federal, state, and local laws, regulations, rules, codes, and mandates applicable to the NEPA process, including field studies associated with the project;
- Effective decision-making, and project management processes that ensure timely action on critical project issues;
- Logistical support for field studies in remote areas;
- Other project aspects as defined herein.

Key personnel proposed for this project shall not be removed or replaced without the prior written approval of the Coalition and the STB.

C. Project Management

Key elements of project management that will be required include:

- **Quality Assurance and Quality Control (QA/QC):** Develop and implement a QA/QC program that will ensure delivery of the required environmental documentation in a cost-effective and timely manner. The QA/QC program shall be in accordance with the STB MOU and shall address QA/QC procedures such as peer reviews, documentation, inter-discipline coordination, review parameters, QA audits of individual sub-contractors, etc.
- **Financial Management:** Provide and integrate tools for managing the project budgets.
- **Document Control and Information Management:** Develop a project document control system that will meet the needs of the Coalition and the STB and allow for transfer of information to the Coalition and the STB as defined within the MOU at the completion of the project. The document control system shall address 1) correspondence control and distribution; 2) drawing control; 3) record retention and archiving; 4) meeting agenda, minutes, and distribution; 5) procurement and contract administration document control; 6) reports; 7) permit applications and permits; and, 8) other project documentation.

When the project is complete, it is the intent to be able to transfer the appropriate documents to the Coalition and/or the STB in both the native file format and in a format that is compatible with existing filing and archive systems (e.g. Adobe PDF). Both electronic and hard-copy documents will be delivered in an orderly fashion that will allow direct incorporation into existing document control systems. Appropriate information, such as mapping, land use, habitat, environmental monitoring results, field testing results, etc., will be provided in a format that will allow incorporation into the Coalition's existing GIS system. Electronic documentation will be provided in formats that are compatible with systems and software being used by the Coalition and/or the STB at the time of delivery.

- **Information Flow:** Establish definitive and efficient procedures for tracking and documenting the flow of information between various project entities, agencies, and stakeholders. These procedures will incorporate methods to track correspondence, information requests, and other data transfers to ensure that project team members provide and receive information and data in a timely and efficient manner.
- **Health, Safety, and Environment:** Establish occupational health and safety programs for all fieldwork and other activities that meet or exceed requirements established by the Occupational Safety and Health Administration (OSHA), the Federal Railroad Administration (FRA), and other applicable state or federal agencies. Also include procedures to see that applicable local, state, and federal regulations regarding natural resource preservation and protection are identified and followed. Environmental management shall also include ensuring that all required permits and notifications are

complete and in place prior to commencing fieldwork activities.

- **Project Communication and Reporting:** Lines of communications, reporting, documentation, and other aspects of the project will be defined by the STB Memorandum of Understanding.

Qualifications of the Consultant

Preference will be given to consultants meeting the following criteria:

- Contractor and subcontractor experience managing railroad-related projects of similar size and scope
- Strength and stability of firm
- Experience and past performance in the STB independent third-party contractor process
- Prior project experience in Utah
- Technical qualifications in relevant resource categories, with remote site logistics and fieldwork. Experience providing the services described in the scope of services section of this RFP
- Demonstrated ability to meet NEPA requirements as an independent third-party contractor working under the STB, in a cost-effective and timely manner.
- Consultant is pre-qualified by the STB for NEPA services.

Required Personnel Qualifications

The selected firm shall be responsible to ensure that all personnel working in the various areas being proposed under this RFP are qualified through training, experience, and appropriate certification for the tasks assigned.

List the professional and technical qualifications of the proposed project manager, including knowledge of, experience with, and past performance with the STB NEPA process, leadership ability, public involvement and outreach experience, conflict resolution, organizational and team building skills, agency coordination, and knowledge or experience with federally funded projects. Project managers should also have skills in managing interdisciplinary teams of the type required for a Project of this magnitude and knowledge of Utah and Colorado land issues, logistics, climatic conditions, and environmental issues. Also address the proposed Project manager's current workload and guaranteed availability for this project.

List the professional and technical qualifications of the personnel proposed for key project functions, including their experience related to proposed project role including past work on STB projects, experience in Utah and Colorado, education, training, and registrations. Each person's current workload and availability for this Project should also be addressed.

Pre-Proposal Conference Call

A non-mandatory pre-proposal conference call is scheduled for **Tuesday, November 27, 2018, at 10:00am** Mountain Daylight Time. Please join the conference call by dialing 1-669-900- 6833, Meeting ID: 652 881 2687. The purpose of the pre-proposal conference call is to gather questions and

address any technical items before the proposal closing date. Consultants will make any site visits on their own.

Proposal Format / Selection Team / Evaluation Criteria

The proposal shall consist of the six sections listed below. Each section will be reviewed and assigned a point score not to exceed those shown below. The selected firm will be the one with the highest overall point score. A short list of firms may be invited to interview for this project if scores are close, but the Coalition is not required to do so. The Coalition reserves the right to reject any and all proposals. No compensation will be provided to consultants preparing proposals for the project.

Evaluation of the proposals will be made by a Coalition-appointed review team that will evaluate and score the proposals in accordance with the criteria specified below. The Coalition reserves the right to extend the evaluation process by selecting a shortlist of two or more of the highest ranked firms to provide oral presentations. If oral presentations are required, the selected firms will be provided with additional information about the format, length, content, and scoring to be used.

Section	Evaluation Criteria	Maximum Points
1	Project Team	20
2	Capability of the Consultant/Experience	25
3	Approach to the Project	25
4	Local Knowledge and Experience	5
5	Cost	10
6	Schedule Control	15

Proposal Content

The Proposal must contain all the information identified in the **Attachment A**. The Coalition is releasing other Requests for Proposals related to the Uinta Basin Railway Project, such as for legal services related to regulatory approval. A respondent may submit separate proposals for each RFP related to the Project, or proposals for different RFPs may be combined.

Proposal Deadline

The proposals shall be received electronically **before 3:00 pm Mountain Standard Time on Wednesday, December 5, 2018.**

Proposal Delivery

Please address electronic (pdf) proposals to: Mike McKee, Executive Director, Seven County Infrastructure Coalition. Please contact Kelly Carter with Jones & DeMille Engineering to receive a secure upload link to submit the proposal electronically. She can be contacted at kelly.c@jonesanddemille.com or 435.896.8266. Faxed proposals will not be accepted. Each Consultant team should submit only one (1) combined proposal.

Number of Copies

Submit one (1) electronic (pdf) copy of the proposal.

Pages

Number pages sequentially at the bottom right corner of each page. Limit the number of pages to 30 pages (not including the Introductory Letter). Pages exceeding the 30-page limit will not be evaluated. Resumes of key personnel will not be counted toward the page limit.

Proposal pages shall be 8.5" x 11". Maps and technical diagrams may be 11"x17". Graphics may be shown in color.

Notices

To receive notifications regarding addendums and clarifications to this RFP, please contact Kelly Carter at Jones & DeMille Engineering at kelly.c@jonesanddemille.com or at 435.896.8266.

Management Responsibility/Selection Process

Jones & DeMille Engineering is the Program Manager and primary technical contact for the Consultant. All project questions and contract documentation requirements shall be submitted to Michael Hawley at Jones & DeMille Engineering. He can be contacted by email at michael@jonesanddemille.com. Please copy Executive Director Mike McKee (mmckee@7county.utah.gov) on all comments and questions.

The proposals will be evaluated by the Coalition's Executive Director, Program Manager, and selected board members. Proposals received will be evaluated and scored by each selection committee member. Interviews, if any, with shortlisted firms may be held on Monday, December 10, 2018, beginning at 9:00 am at the Law Offices of Blaisdell, Church, & Johnson. The office is located at 5995 South Redwood Road, Salt Lake City, UT, 84123. All submitting and shortlisted firms that will be interviewed, if any, will be notified of the time for an interview. The interview date is subject to change. All submitting firms will be notified in writing after a firm has been selected.

Disclosure and Disposition

Once submitted, the proposals become the property of the Coalition, are treated as public documents, and will be disposed of according to Coalition policies, including the right to reject any and all proposals.

Proposals shall be open to public inspection according to Coalition policies. The Consultant may request in writing the non-disclosure of trade secrets and other proprietary data, if so identified. Upon request from the Consultant, the Coalition's Executive Director will examine the proposal to determine the request's validity prior to award of the contract. If the Coalition's Executive Director disagrees with the Consultant's request, the Coalition Executive Director will inform the Consultant in writing which portion of the proposal will need to be disclosed. At that time, the Consultant will have opportunity to withdraw their proposal. Otherwise, the data will be disclosed.

Insurance Requirements

For all contracts with the Coalition, the Consultant will be required to provide:

General Liability & Automobile: \$1,000,000 per occurrence and \$2,000,000 aggregate with a \$5,000,000 liability umbrella policy.

Valuable Papers & Electronic Media: \$250,000 or value adequate to reproduce media.

Professional Liability: \$5,000,000

ATTACHMENT A

Guidelines for Preparing the Proposal

Introduction

These guidelines were developed to standardize the preparation of proposals by consultants for NEPA services. The purpose for these guidelines is to assure consistency in format and content of proposals that are prepared by consultants and submitted to the Coalition. The Proposal should contain the following information in the order listed:

- Introductory Letter - No Points
- Section #1 - Project Team - 20 Points
- Section #2 - Capability of Consultant / Experience - 25 Points
- Section #3 – Approach to the Project - 25 Points
- Section #4 – Local Knowledge and Experience - 5 Points
- Section #5 – Cost – 10 Points
- Section #6 – Schedule Control – 15 Points

Note: All submittals must be clear, concise, and in the recommended format so that the proposals can be evaluated in an efficient and objective manner by the designated review team. The six (6) sections in all proposals should be identified for easy reference (#1, #2, #3, #4, #5, #6).

Introductory Letter:

The Introductory Letter should be addressed to:

Mike McKee, Executive Director
Seven County Infrastructure Coalition

This one-page letter should contain an expression of the consultant's interest in the work, a statement regarding the qualifications of the consultant to do the work, and any summary information on the project team or the consultant that may be useful or informative to the Coalition.

The introductory letter does not count as one of the 30 pages. Begin page numbering with the first page in Section #1.

Section 1

Project Team:

The proposal should outline how the qualifications, experience, and time allocation of the project team are beneficial to the project.

Identify consultant and subconsultant key individual qualifications and experience as related to the work disciplines.

Identify applicable strengths of key personnel.

Provide a brief description of why the Coalition should select your team.

Identify current obligations and time availability for team members during the duration of the project.

Section 2

Capability of Consultant / Experience

Include detailed experience on similar or related projects.

Describe your capability to perform the work. Explain internal policies and procedures related to quality and cost control.

List project types, locations, and size (total project value) of similar work performed in the last five years that best characterizes the firm's capabilities and experience.

Provide project description, contact name, address, and phone number of references for work experience examples.

Identify resources, including management and organization capabilities, currently available to perform the work.

Section 3

Approach to the Project

Provide a detailed description of the approach to execute the project in the most efficient manner possible.

Identify the risks that should be anticipated and any solutions that may allow the project to proceed most efficiently.

Outline the communication plan to ensure that all project delivery team members, including the Coalition, are synced throughout the pre-construction phases.

Describe how you will interact with and support the engineering and other consultants to minimize cost and shorten the schedule for the NEPA and regulatory permitting processes.

Describe how you will interface with the regulatory affairs legal consultant ensure that all critical steps are taken to efficiently complete the STB authorization process.

Convince the Coalition that your team has the best approach to deliver the project for the Coalition.

Outline the Starter Scope and the Full NEPA Process Scope in detail. Assume a Preferred Alternative, a No Action Alternative, and two additional Alternatives.

Provide a proposed project schedule for completion of the project.

Section 4

Local Knowledge and Experience

Provide a summary of your local knowledge and experience on similar projects in the region.

Provide details of the work your firm completed and any local experience that will benefit the Uinta Basin Railway Project. Local relationships and knowledge should be clearly demonstrated.

Understanding of local issues should be indicated along with possible solutions.

Section 5

Cost

Provide an outline of the total cost of the elements listed in the Scope of Work, including the Starter Scope and the Full NEPA Process Scope.

Itemize the costs between the primary scope elements and include a summary of the assumed number of hours by key personnel category for each of the primary scope elements.

What is the estimated cashflow schedule based on the project timeline (on a quarterly basis)?

Section 6

Schedule Control

Provide examples of when and how your organization has completed similar projects within tight time constraints, especially for projects with the proposed project manager.

Provide a critical path schedule for the delivery of the project. Milestones will become part of the Consultant's agreement with the Coalition.

Provide references for five similar projects that were completed on a timely basis.