

NOTICE OF REQUEST FOR QUALIFICATIONS / PROPOSALS

Engineering Design and Construction Management Services

Grant Project Manager: West Michigan Shoreline Regional Development Commission (WMSRDC)

Property Owner: Muskegon Environment Research and Education Society (MERES)

Muskegon Lake Area of Concern - Muskegon Lake Nature Preserve

MERES Fish and Wildlife Habitat Restoration Project

Issue Date: December 5, 2018

Proposal Due Date: January 15, 2019, 1:00 PM at WMSRDC

Mandatory Pre-Bid Mtg. & Site Visit: December 12, 2018, 10:00 AM at WMSRDC

Project: Muskegon Lake Great Lakes Area of Concern (AOC) Habitat Restoration under the NOAA/Great Lakes Regional Partnership and the Great Lakes Restoration Initiative

Address Proposal to: Mrs. Erin Kuhn, Executive Director
West Michigan Shoreline Regional Development Commission
316 Morris Avenue, Suite 340
Muskegon, MI 49440
Phone: 231-722-7878

Attention: Kathy Evans, Program Manager, WMSRDC
Phone: 231-722-7878 x 17
E-Mail: kevans@wmsrdc.org

AWARD OF CONTRACT / REJECTION OF PROPOSALS:

The Contract will be awarded to the most responsive consultant based on the West Michigan Shoreline Regional Development Commission's (WMSRDC) review of the Respondents ability to provide the required products/services.

Competitive negotiation proposals are being solicited from an adequate number of qualified sources to permit a reasonable comparison consistent with the nature of competitive negotiation. The Request for Qualifications / Proposals (RFQ/P) identifies all significant evaluation factors to ensure equal information is given to all vendors involved in the bidding process. The award of the bid will be made based on the recommendation of the procuring party with consideration being given to whose proposal will be the most advantageous rather than the lowest cost.

WMSRDC reserves the right to reject any and/or all proposals and to waive any irregularity in proposals received whenever such rejection or waiver is in WMSRDC's best interest. The Respondent to whom the Award is made will be notified at the earliest possible date.

The Contract shall not be considered executed unless signed by Erin Kuhn, Executive Director, West Michigan Shoreline Regional Development Commission, and funds are available from the National Oceanic and Atmospheric Administration (NOAA) Great Lakes Habitat Restoration Regional Partnership Program with the Great Lakes Commission (GLC).

SIGNATURES:

The Proposal and Award page and any proposal notifications, claims or statements must be signed in ink by an official of the proposing organization authorized to bind the Respondent to the provision of the RFQ/P.

NOT TO EXCEED OR NON-APPROPRIATION:

The Respondent hereby recognizes that funding for **Muskegon Lake AOC MERES Fish and Wildlife Habitat Restoration (Project)** is being provided by funds received by WMSRDC from NOAA and the GLC. If, for any reason, funding is not available, or discontinued for any reason from NOAA and GLC to WMSRDC, WMSRDC may terminate this agreement without incurring any liability. WMSRDC will only be responsible for reimbursing the Respondent for the expenditures that are eligible for reimbursement from NOAA and GLC.

TYPE OF CONTRACT:

It is proposed that a contract entered into as a result of this RFQ/P will have a fee structure with a specified maximum, not to be exceeded, cost. Negotiations may be undertaken with those Respondents whose proposal as to price and other factors show them to be qualified, responsible and capable of performing the work. The contract that may be entered into will be that which is most advantageous to WMSRDC, price and other factors considered. WMSRDC reserves the right to consider proposal modifications received at any time before the award is made, if such action is deemed to be in the best interest of WMSRDC.

CONTRACT EXTENSIONS:

This contract will be for a period from approximately **January 18, 2019 through November 30, 2019**. A contract extension is not expected under this funding source. However, if WMSRDC receives additional funding for project continuation or if the grant agreement contract sunset dates are extended, the contract may be extended mutually by WMSRDC and the Respondent but is limited to the terms and conditions of this request and any resulting contract.

INCURRING COSTS:

WMSRDC shall not be liable for any costs, including any travel, incurred by the Respondent prior to award of the contract(s). Total liability of WMSRDC is limited to the terms and conditions of this request and any resulting contract.

NO THIRD PARTY RIGHTS:

It is agreed and understood that the contract is made solely for the benefit of WMSRDC and the Provider of Services, not made for the benefit of any third party, and that no action or defense may be founded upon this contract except by the parties signatory hereto.

ORAL PRESENTATION:

Respondents who submit a proposal may be required to make an oral presentation of their proposal to WMSRDC. These presentations will provide an opportunity for the respondent to clarify its proposal to ensure mutual understanding of its contents.

ACCEPTANCE OF PROPOSAL CONTENT:

The contents of the proposal of the successful Respondent will become contractual obligations, if a contract is issued. Failure of the successful bidder to accept these obligations will result in cancellation of the award.

REQUEST FOR QUALIFICATIONS / COMPETITIVE NEGOTIATION PROPOSAL

MUSKEGON LAKE AOC GREAT LAKES HABITAT RESTORATION PROJECT

BACKGROUND: The West Michigan Shoreline Regional Development Commission (WMSRDC), under an agreement with the Great Lakes Commission (GLC) and the National Oceanic Atmospheric Administration (NOAA) is requesting proposals for a consultant to assist WMSRDC with ecological engineering design and construction management services for one (1) fish and wildlife habitat restoration site in the Muskegon Lake Area of Concern (AOC). The GLC is the overall project administrator for the cooperative agreement with NOAA. GLC has entered into a contractual agreement with WMSRDC for management of the project. The Muskegon Lake Watershed Partnership (MLWP) habitat committee, the landowner, Muskegon Environmental, Research, and Education Society (MERES) and other critical stakeholders, environmental agencies and adjacent landowners will provide input and guidance for the project.

The MERES property encompasses 17.0 acres, known as the Muskegon Lake Nature Preserve. The habitat restoration project is focused on approximately 7.9 acres. The project site is located along the north side of the North Branch of the Muskegon River at Muskegon Lake, immediately downstream/west of the Causeway and Veterans Memorial Park. The project site lies within the jurisdiction of the City of North Muskegon, within the boundary of the Muskegon Lake AOC.

This 17.0-acre shoreline property was once emergent wetland and shallow aquatic habitat. It was initially filled with sawmill wood debris waste from a historic, lumber-era sawmill that operated on the site. The property was later filled with foundry sand, slag, building demolition materials and broken concrete to dispose of waste and to create potentially buildable land. The property was obtained by MERES to become the Muskegon Lake Nature Preserve. A spur to the City of Muskegon's Lakeshore Trail bike path is located on the upland portion of the property and is connected to the regional West Michigan trail network. The property is used by area schools for nature studies and is open to the public daily from dawn to dusk.

The placement of unnatural fill materials on this property eliminated connectivity between the Muskegon River and the property's former wetlands (emergent marsh, shrub scrub, and wooded floodplain areas). This destroyed nursery and foraging habitats for native fish, herpetofauna and other wildlife while creating prime conditions for non-native invasive plants to further degrade the property over time. The unnatural fill material eliminated, fragmented and degraded native habitat and isolated it from the Muskegon River and Muskegon Lake shorelines and wetlands. The property contains a severe infestation of non-native invasive upland species (e.g., Tartarian Honeysuckle, Black Locust, Oriental Bittersweet). The property also contains a wooden boardwalk, with a section that could potentially fail and erode into the Muskegon River.

There is very strong community support for the restoration of fish and wildlife habitat to increase educational and public uses of the property for scientific studies, K-12 education classes, passive outdoor recreation, wildlife watching, and shoreline fishing. Several partners including the MERES (landowner), Muskegon Conservation District, MAISD Great Lakes Stewardship Initiative, and the Muskegon Lake Watershed Partnership, support the project moving forward. Special care in construction sequencing will be needed to ensure that use of the property is not disrupted, in particular during the heaviest educational programming period between April 15 and June 15. In addition, a phased approach will be designed for the removal of invasive species, to be implemented both over the course of the project and later by volunteers. This is needed to ensure that the new native plantings can become established and take the place of the non-native, invasive plants currently used by those who enjoy the songbirds.

The engineering and design of this restoration project must take into account all due care obligations required for the construction of a fish and wildlife habitat restoration project that properly addresses recognized environmental conditions, potential unknown environmental conditions, restoration of fish and wildlife passage, the existing conservation easement, and the hydrologic surface water connection between Muskegon Lake, Muskegon River and its former, natural floodplain wetlands.

Early communication and coordination with local, state, and federal environmental and regulatory agencies will be critical to the project's success. The WMSRDC has discussed the project with the following agencies and will set up an early project team meeting/s to fully engage them with the project consultant, MERES, Muskegon Conservation District, Muskegon Lake Watershed Partnership and other critical stakeholders. These agencies will be contacted and invited to participate in the design of the restoration project: MDNR Fisheries Division, MDEQ Land and Water Permit staff and USACE Permit staff. NOAA, Great Lakes Commission and the US EPA will also be invited to participate, give input and attend meeting/s.

Engineering and design for this project is to be completed **April 1, 2019**. Construction is to be completed by **November 30, 2019**. *(Monthly status reports, invoices, and WMSRDC professional reimbursement request forms are to be submitted to WMSRDC no later than the fifth day, following each month).*

This RFQ/P is for Engineering & Design **and** Construction Management Services for the MERES Fish and Wildlife Habitat Restoration Project. WMSRDC will enter into a contractual agreement with a consultant for the project.

- Phase I - Engineering and Design (E&D) will be funded under an existing WMSRDC Great Lakes Commission/NOAA E&D Grant.
- Phase II - Construction Management Services (Construction Oversight) is proposed for funding through a pending amendment to the existing WMSRDC/Great Lakes Commission/NOAA Grant.

Phase I Services - Engineering & Design under existing grant funds:

1. Completion of the ecological restoration engineered design plan *(based on the conceptual design layout and related site information)*, in collaboration with the project team *(WMSRDC/Grant Project Manager & MERES/landowner - and other grant partners: Grant funders: Great Lakes Commission/NOAA; Muskegon Conservation District/conservation easement holder; local, state and federal agencies; Muskegon Lake Watershed Partnership and other stakeholders)*.
2. Completion of a Quality Assurance Project Plan for information to be collected during engineering and design. *NOAA and EPA Great Lakes Restoration Initiative QAPP guidelines are included with this RFQ/P (engineering/design of construction/restoration projects). The draft QAPP is to be submitted to WMSRDC and NOAA for review and updates are to be made, if needed, for NOAA's final approval.*
3. Topographical Survey
4. Wetland delineation
5. Pre-Construction Ecological Monitoring - Herpetofauna
6. Soil samples (12 TCLP)
7. Permit applications/acquisitions/and permit fees *(and pre-application meetings as needed for local, state and federal permits (Muskegon County soil erosion, MDEQ, USACE permits).*
8. Provide information needed for NOAA's NEPA review *(preliminary and final input on restoration activities will be needed)*
9. Complete BEA and Due Care documentation to guide development of engineering and design for construction of the restoration project. *(Phase I and Phase II environmental assessments have been completed, see enclosures.)*

10. Worker health and safety plan *(to guide construction activities in compliance with due care obligations.)*
11. Completion of construction bid package with construction specifications and contract documents *(for a competitive bid process to be administered by consultant with WMSRDC assistance.)*
12. Pre and post, non-native invasive plant inventory *(including pre-restoration photographs)*
13. Complete a Draft of the post restoration management plan for future restoration and control of non-native invasive plants *(for use by landowners, students and volunteers). The final management plan will be completed under the construction phase.*
14. Monthly status report in support of invoices
15. Regular communications and any miscellaneous updates or information that WMSRDC may need for grant reporting purposes on a semi-annual basis.
16. Completion of construction bid package with construction specifications and contract documents for a competitive bid process to be administered by WMSRDC with assistance from the consultant
17. Provide WMSRDC with services for the mandatory, pre-bid contractor meeting, with on-site visit, to review proposed restoration design.

Phase II Services – Construction Oversight/Construction Management Services under future grant funds:

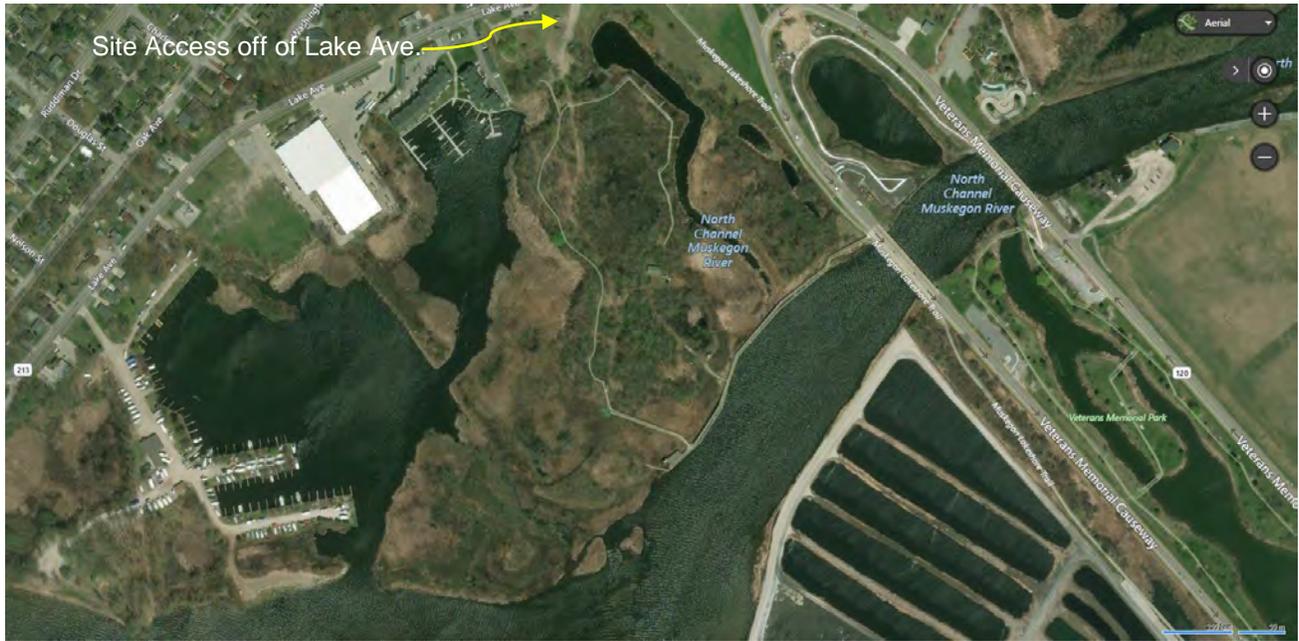
- 1) Review of construction bids and provide written input to WMSRDC and MERES/landowner on the selection of a contractor(s) for construction/restoration activities
- 2) Construction oversight and weekly management of contractor activities
- 3) Review and approval of monthly construction pay applications
- 4) Post-restoration monitoring for non-native invasive plants (including during and after-restoration photographs of restoration construction)
- 5) Post-construction Ecological Monitoring - Herpetofauna
- 6) Electronic “As-Built” construction drawings and GIS shape files with delineation and amount of habitat types restored.
- 7) Finalize the draft post-restoration management plan *(for landowner, student and volunteer utilization into the future)*
- 8) Participate in 2 public, stakeholder meetings and/or educational site tours.
- 9) Monthly status report in support of invoicing and any miscellaneous information that WMSRDC may need for grant reporting purposes on a semi-annual basis.

WMSRDC will make payments for services, according to a contractual agreement to be negotiated upon selection of a consultant/contractor. WMSRDC will act as the primary project contact for media communications, project partners, and grant reporting to the Great Lakes Commission.

SITE PROPOSED FOR RESTORATION:

The proposed site for restoration is on MERES property along the north side of the North Branch of the Muskegon River. The project is west of the south bound Veterans Memorial Causeway crossing of the river. The project site lies within the jurisdiction of the City of North Muskegon. The site is relatively flat. Restoration design and construction will consist of measures to address environmental conditions and establishing fish and wildlife habitat and a restored hydrologic connection to the Muskegon River.

SITE LOCATION MAP



Habitat Restoration Site – Conceptual Layout/Design Map



SITE RESTORATION SUMMARY:

Restoration Needs and Objectives:

Historically, aquatic habitat was degraded with conversion of the site to a municipal/industrial dump resulting in a lack of native vegetation, fish passage and the loss of open water wetland habitat for fish and wildlife.

The site contains excellent opportunities for improved fish and wildlife habitat and the re-establishment of native species diversity, ephemeral wetlands, large woody structure and connectivity among restored and riparian plant communities.

Specific Restoration Implementation, Investigation and Design Needs:

1. Lowering, removal and disposal (or beneficial re-use / on site management) of materials to be excavated to connect an internal / vernal wetland to an open water wetland.
2. Contouring and vegetative establishment of native fish and wildlife wetland habitat through the removal of a total estimated 14,098 CY of soils that contain unnatural fill materials.
3. Construction of fish and wildlife habitat with removal of non-native invasive plants and establishment of native plant habitat and structure in excavated/restored areas
4. Potential removal of approximately 350 linear feet of failing boardwalk along the Muskegon River, with restoration of terminal ends.*

Restoration quantities to be restored / enhanced:

1. Removal of approximately 14,098 CY of debris / rubble and unnatural fill material.
2. Restore and enhance wetland between upland restored area and Muskegon River wetlands.
3. Restore approximately 7.9 acres of wetland and mesic areas, installing a 8” depth seedbed with approximately 8,432 CY of clean sand / compost (50/50) to be used to restore native habitat
4. *Potentially restore/enhance 350 feet riparian native plant buffer along Muskegon River with native wetland vegetation, and native trees and shrubs.

Time period for engineering and construction:

- **Engineering, Permitting and Construction Bid Package** will be completed no later than April 1, 2019.
- **Major Construction and Vegetative Restoration** activities will be completed by November 30, 2019. (*If final vegetative maintenance activities are determined to be needed after November 31, 2019, oversight for this work may continue into the spring of 2020.*)

PRODUCTS and SERVICES:

WMSRDC is requesting an Engineered Ecological Restoration Design, and Construction Management Services for the Muskegon Lake AOC, MERES Fish and Wildlife Habitat Restoration project, described above.

PROPOSAL FORMAT:

The proposal statement shall include, at a minimum:

1. A Project Understanding Statement
2. Itemized Scope of Services, based on your understanding of Project Goals, Tasks and Sub-Tasks
3. Not-to-Exceed Cost Proposal, by Task, Personnel, Subcontractors, Hours, Rates and applicable Fees and Unit Prices
4. Qualification Statement (shall include, at a minimum):
 - a. Project Team and their Relative Experience (on similar projects during the last five years)

- b. Resumes of the Project Team (respondent and any project team subcontractors)
- c. Statement about your Firm (as it relates to this type of project)

Cost Proposal Table

The cost proposal table should show the Tasks and Sub-Tasks under these category headings:

- 1. Task (with brief task description)
- 2. Hours (for each task by project personnel)
- 3. Costs (for project personnel and subcontractors)
- 4. Unit costs (where applicable)
- 5. Total, Not to Exceed Cost
- 6. Any other additional, relevant categories
- 7. A separate table with hourly rates for project personnel

Scope of Work and Cost Proposal Table

Show these Tasks and Sub-Tasks (and include any other necessary tasks, as appropriate):

1. Engineered Design and Construction Bid Package for Habitat Restoration (Phase I, E&D)

- a. Development of engineered ecological restoration design, with project team input
- b. Development of QAPP (*requires NOAA approval before investigation and monitoring information can be collected*)
- c. Topographical Survey
- d. Wetland Delineation
- e. 12 “TCLP” soil samples for landfill disposal, per MDEQ/USACE Permit requirements
- f. Pre-post restoration monitoring assessment (*documentation of existing non-native invasive plants, and pre-restoration photographs of proposed, native plant restoration areas*).
- g. Pre-restoration ecological herpetofauna monitoring (*post restoration monitoring under Phase II*)
- h. BEA and Due Care documents.
- i. Provide information as needed for NOAA to obtain NEPA review and approval.
- j. Other items that may be needed (please describe)

2. Permitting Assistance (Phase I, E&D)

- a. Acquire MDEQ/USACE and SECS permits, including permit application, payment of permit application fees, and responses to subsequent permit application information requests from the agencies, on behalf of WMSRDC and the landowner
- b. Acquire access permission from landowner and others as needed
- c. Other items that may be needed (please describe)

3. Contractor Selection Process (Phase I, E&D)

- a. Develop a competitive bid package, including contract documents and specifications (to be approved by WMSRDC), to seek competitive bids for a contractor(s) to perform construction according to the approved engineered designs
- b. Provide WMSRDC with services for the mandatory, pre-bid contractor meeting, with on-site visit, to review proposed restoration design.
- c. Worker Health and Safety Plan
- d. Other items that may be needed (please describe)

4. Project Administration and Reporting (Phase I, E&D)

- a. Monthly status report in support of invoicing and any additional information that WMSRDC may need for grant reporting purposes on a semi-annual basis.
- b. Other items that may be needed (please describe)

5. Construction Oversight/Management Services (Phase II – Construction Mgt. Services)

- a. Review of construction bids and input to WMSRDC on the selection of a contractor(s) for construction/restoration activities
- b. Construction oversight and management of contractor activities
- c. Review contractor pay applications in support of monthly contractor payment approvals by WMSRDC
- d. Complete post-restoration monitoring for non-native invasive plants (*including during and after-restoration photographs of restoration construction*).
- e. Complete post-restoration ecological monitoring report for herpetofauna.
- f. Electronic “As-Built” construction drawings and GIS shape files with delineation and amount of habitat types restored.
- g. Development of a post-restoration habitat management plan, including phased non-native plant removal/control plan (*for landowner, stakeholder and volunteer utilization*)
- h. Provide WMSRDC with monthly status reports of progress at restoration/construction sites, including acreages, linear feet and any additional information as required by WMSRDC for NOAA reporting requirements. (*WMSRDC will require timely submission of monthly status reports, itemized invoices, and professional reimbursement request forms to meet grant reporting and grant fund drawdown and payment requirements.*)
- i. Other items that may be needed (please describe)

6. Please List and Describe Any Additional, Relevant Tasks that are Necessary for the Project

7. Grand Total

MANDATORY PRE-PROPOSAL MEETING AND TOUR OF RESTORATION SITE:

To further explain the project, a mandatory pre-proposal meeting and site tour is scheduled for **Wednesday, December 12, 2018, 10:00 a.m.** Meet at WMSRDC, 3rd Floor, 316 Morris Ave, Suite 340 (Terrace Plaza Building), Muskegon, Michigan.

TIMELINE: Upon selection of a consultant/contractor, WMSRDC will develop a contract between the consultant/contractor and WMSRDC for final agreement (within in approximately 7 - 10 days).

Sealed Proposals: Five (5) copies of your proposal must be submitted in a sealed envelope marked “MERES Habitat Project,” addressed and delivered to:

Mrs. Erin Kuhn, Executive Director
West Michigan Shoreline Regional Development Commission
316 Morris Avenue, Suite 340
Muskegon, Michigan 49440
- Attention: RFQ/P - Kathy Evans

REQUIRED TIME FOR RECEIPT OF PROPOSALS:

Sealed Proposals must be received in the office of the West Michigan Shoreline Regional Development Commission no later than 1:00 PM, January 15, 2019. Late submittals will not be accepted and will be returned unopened.

A Public Bid Opening will be held at 1:30 PM, January 15, 2019 at WMSRDC, 3rd Floor, 316 Morris Ave, Suite 340 (Terrace Plaza Building), Muskegon, Michigan.

CONSULTANT SELECTION PROCESS: WMSRDC staff, project landowner, critical stakeholders and representatives of the Muskegon Lake Watershed Partnership (stakeholder advisory committee) will review the proposals, compare and evaluate them based on the information provided.

At the discretion of the WMSRDC:

1. Interviews may be held as part of the evaluation process.
2. Negotiations may be a part of the selection process.

If the WMSRDC chooses to negotiate an agreement using the terms of the original proposal as a basis, the negotiations will be held beginning with the top ranked firm and proceeding in order until an acceptable agreement is reached with a firm.

SCHEDULE:

WMSRDC will implement the following schedule for the RFQ/P process:

- A. RFQ/P distributed by WMSRDC to a number of qualified consultants and placed on WMSRDC Web Site on December 5, 2018**
- B. Mandatory Pre-Bid Meeting and Site Visit: 10:00 AM, Wednesday, December 12, 2018. Meet at WMSRDC, 316 Morris Ave, Suite 340, Third Floor, Terrace Plaza Bldg., Muskegon, Michigan**
- C. Pre-Bid Meeting Follow-up Questions may be submitted, in writing, to kevans@wmsrdc.org until 4:30 p.m., January 3, 2019. Responses will be provided to all potential bidders and no later than 4:30 p.m., January 8, 2019.**
- D. Proposals Due at WMSRDC by 1:00 PM, January 15, 2018**
- E. Public Bid Opening: 1:30 PM, January 15, 2018 at WMSRDC, 316 Morris Ave, Suite 340, Third Floor, Terrace Plaza Bldg., Muskegon, Michigan**
- F. Proposal Review and Selection: Within 7-10 business days, following public bid opening**
- G. Notification of Selection: Within approximately 3-5 business days following the selection date**
- H. Contract Award Date: Within approximately seven days following the notification date**

ENCLOSURES:

Attachment includes the following:

- Draft Phase I, Phase II, BEA, Due Care Documents
- MERES Conservation Easement (2003)
- MDEQ Link to Oil & Gas Wells: <http://www.deq.state.mi.us/GeoWebFace/>
- USEPA Link to QAPP Development Guidance: <https://www.epa.gov/sites/production/files/2015-06/documents/g5-final.pdf>