



Solicitation Information
12 Jan 12

RFP # 7449394

TITLE: Technical Services Relating to Conservation Easement Amendments

Submission Deadline: 13 February 2012 @ 11:30 AM (Eastern Time)

Pre-Proposal Meeting: No

Questions concerning this solicitation must be received by the Division of Purchases at questions@purchasing.ri.gov no later than **27 January 2012 @ 12:00 Noon** (Eastern Time). Please reference the RFP / LOI number on all correspondence. Answers to questions received, if any, will be posted on the internet, as an addendum to the solicitation, at www.purchasing.ri.gov.

SURETY REQUIRED: No

BOND REQUIRED: No

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Vendors must register on-line at the State Purchasing Website at www.purchasing.ri.gov.

NOTE TO VENDORS:

Offers received without the entire completed three-page RIVP Generated Bidder Certification Form attached may result in disqualification.

THIS PAGE IS NOT A BIDDER CERTIFICATION FORM

SECTION 1. INTRODUCTION

The Rhode Island Department of Administration/Division of Purchases, on behalf of the Rhode Island Department of Environmental Management, is soliciting proposals from qualified firms to provide technical assistance on techniques and procedures to amend existing conservation easements, as described elsewhere herein, and in accordance with the terms of this Request for Proposals and the State's General Conditions of Purchase, which may be obtained at <http://www.purchasing.ri.gov/>

In Rhode Island there is estimated 8,000 acres of land that have been designated to be protected from development, however in many cases but it's not clear if there are an adequate conservation easements to protect the parcels in perpetuity. 4,350 acres have been set aside for protection by cluster and conservation developments, with an additional 3,650 acres that are intended to be public parks. These conservation parcels were intended to be protected from future development by conservation easements. A conservation easement is a very effective way to protect open space in perpetuity; however the easement must be written carefully, properly recorded, and contain adequate means of enforcement. The Rhode Island Department of Environmental Management (DEM) and the Narragansett Bay National Estuarine Research Reserve (NBNERR) developed the *Rhode Island Conservation Easement Guidance Manual* in 2009 to establish a peer reviewed model conservation easement along with guidance for preparing a management plan and baseline documentation report. A preliminary analysis of parcels with conservation easements indicates that many of the easements are either inadequate to insure long-term protection, contain vague language, or were never recorded in the municipal land evidence records. Therefore there is the strong potential that thousands of acres, that were intended to be protected from future development, could be subject to future growth.

The purpose of this project is to determine the appropriate legal steps that would need to be followed to retroactively amend existing conservation easements that are inadequate, or to adopt a conservation easement where one was never recorded, to protect conservation lands in perpetuity. Moreover, the appropriate guidance and training program will be developed to educate local officials on how to amend conservation easements.

SECTION 2. INSTRUCTIONS AND NOTIFICATIONS TO BIDDERS:

- ❖ All respondents **MUST** register online at the RIVIP's Internet website @ www.purchasing.ri.gov. Proposals must be in accordance with the guidelines outlined in this request and the state's general conditions of purchasing which can be accessed through the website.
- ❖ A fully completed and *signed RIVIP Bidder Certification Cover Sheet – All three pages* should accompany response submitted. Failure to make a complete submission inclusive of this three-page document **may result in disqualification.**
- ❖ Should there be a need for technical assistance in registering, and/or downloading any document, call the RIVIP HELP DESK @ (401) 222-3766. Office Hours: Monday thru Friday, 8:30 AM – 4:00 PM.

- ❖ All costs associated with developing or submitting documents in response to this request and/or in providing oral or written clarification of its content shall be borne by the respondent. The State assumes no responsibility for these costs.
- ❖ All pricing submitted will be considered to be *firm and fixed* unless otherwise indicated herein.
- ❖ Submission in response to this solicitation are considered to be irrevocable for a period of not less than sixty (60) days following the established due date and may not be withdrawn without the express written permission of the State Purchasing Agent.
- ❖ Responses misdirected to the other State locations or which otherwise are not received by the State Division of Purchases by the established due date for any cause will be determined to be late and will not be considered. The office clock, for the purpose of registering the arrival of a document, is in the reception area of the Department of Administration (DOA), Division of Purchases, One Capitol Hill, Providence, Rhode Island.
- ❖ Potential offerors are advised to review all sections of this Request carefully and to follow instructions completely, as failure to make a complete submission as described elsewhere herein may result in rejection of the proposal.
- ❖ Proposals which depart from or materially alter the terms, requirements, or scope of work defined by this Request will be rejected as being non-responsive.
- ❖ Respondents are advised that all materials submitted to the State for consideration will be considered to be public records as defined in Title 38, Chapter 2 of Rhode Island General Laws, without exception, and will be released for inspection immediately upon request once an award is made.
- ❖ During the life of the contract, the State reserves the right to solicit separately for selected initiatives within this scope of work.
- ❖ Also, Submitters should be aware of the State's MBE requirements, which addresses the State's goal of ten per cent (10%) participation by MBE's in all State procurements. For further information, contact the State MBE Administrator at (401) 574-8253 or cnewton@gw.doa.state.ri.us Visit the website <http://www.mbe.ri.gov>

Interested parties are instructed to peruse the Division of Purchases web site on a regular basis, as additional information relating to this solicitation may be released in the form of an addendum to this RFP / LOI

- ❖ Equal Employment Opportunity (RIGL 28-5.1) § 28-5.1-1 Declaration of policy. – (a) Equal opportunity and affirmative action toward its achievement is the policy of all units of Rhode Island state government, including all public and quasi-public agencies, commissions, boards and authorities, and in the classified, unclassified, and non-classified services of state employment. This policy applies in all areas where the state dollar is spent, in employment, public service, grants and financial assistance, and in state licensing and regulation. For further information, contact the Rhode

Island Equal Employment Opportunity Office, at 222-3090 or via email raymondj@gw.doa.state.ri.us

- ❖ Subcontracts are permitted, provided that their use is clearly indicated in the offeror's proposal, and the subcontractor(s) proposed to be used are identified in the proposal.

Note: This is a Request for Proposals (RFP), not an invitation for BID: *responses will be evaluated on the basis of the relative merits of the proposal, in addition to price.* There will be no public opening and reading of responses received by the Office of Purchases pursuant to this request, other than to name those offerors who have submitted proposals. All respondents are advised to review all sections of this Request and to follow instructions carefully as failure to make a complete submission as described elsewhere herein may result in rejection of the proposal.

Compensation and Payment Terms

Compensation will be based upon the deliverables list according to the technical/cost proposal. The successful respondent will submit an invoice based on RIDEM approved deliverables.

Performance Evaluation

Proposals must include a project plan including a statement of scope (both what is in-scope and any exceptions which the vendor proposes are out of scope), identification of all roles and responsibilities for the project, proposed staffing plan (with named individuals), a schedule, and detailed budget along with any other related documentation the vendor feels is relevant to the project plan.

RIDEM will review and accept invoices for payment processing in a timely manner conditional upon satisfactory completion and acceptance of (1) all evaluation requirements and (2) complete, accurate submission of scheduled deliverables.

SECTION 3. INSTRUCTIONS FOR PROPOSAL CONTENT & FORMAT

NOTE: TECHNICAL AND COST PROPOSAL documents will not be submitted separately but are to be combined into one complete submission; Proposal format will include:

- 1) Technical Proposal information presented first based on elements described below***
- 2) Itemized Cost Proposal documentation.***

Consistent with the Scope of Work (SOW) described in Section 5 of this proposal the Technical Proposal content must include, at a minimum, the following information for RIDEM to review:

BACKGROUND AND PREVIOUS EXPERIENCE:

- ❖ **A Completed and signed three-page RIVIP bidder certification cover form.**
Form is downloadable from www.purchasing.ri.gov.

- ❖ **A Completed and signed W-9 Taxpayer Certification Form**, downloadable from www.purchasing.ri.gov
- ❖ **Company Introduction:** Respondents are to include a complete description and other relevant information documenting organizational structure and the agency's expertise and length of experience relative to the service requested.
- ❖ **Relevant Experience:** Respondents are to describe their prior experience in low impact development design work, stormwater management and development of guidance manuals; and include a comprehensive listing of similar projects undertaken or similar clients served, including a brief description of the projects.
- ❖ **Existing Workload:** Respondents should describe their capacity to add this project to their existing workload within the timeline expressed.

ORGANIZATION AND STAFFING:

- ❖ **Staff Qualifications:** Respondents are to include an overview of experienced personnel presently on staff, prior experience and/or qualification of key personnel to be assigned to the project. Staff assignments and concentration of effort for each staff member are to be addressed. Respondents must demonstrate that staff has appropriate knowledge and depth of experience, including experience with LID, to execute the tasks.
- ❖ **Sub-Consultants:** As applicable, disclosure of any sub-consultant agencies' organizational structure and business background as well as the type of work they will perform must be documented in response to this RFP. The qualifications of subcontractors to perform tasks must be documented. Full disclosure of the proposed team to be assigned to this project is required in the Technical Proposal.

PROJECT WORK PLAN:

- ❖ **Executive Summary:** The Executive Summary is intended to highlight the contents of the Technical Proposal and to provide State evaluators with a broad understanding of the offeror's technical approach and ability.
- ❖ **Project Approach:** Respondents shall describe the offeror's understanding of the State's requirement including the approach and methodology to be used and intended results. Offeror shall provide a detailed technical synopsis of their proposed services and justification for the approach based on the SOW requested by RIDEM, including any technical or personnel issues that will or may be confronted at each stage of the project. Proposals that depart from or materially alter the terms, requirements or SOW as defined by this RFP will be rejected and considered non-responsive.
- ❖ **Work Plan:** Proposals must include a project plan including a statement of scope (both what is in-scope and any exceptions which the vendor proposes are out of scope), identification of all roles and responsibilities for the project, proposed staffing plan and any other related documentation the vendor feels is relevant to the project plan. The workplan description shall include a detailed proposed project schedule (by task and subtask), milestones that will be employed to administer the project, the

assignment of staff members to each task and concentration of effort for each, and the attributable deliverables for each task.

- ❖ Project plans must include a deliverables based work breakdown structure identifying all top level deliverables, all work to be completed by vendor, and any work the vendor assumes the state will be completing.
- ❖ **Project Manager:** Vendor must provide a project manager to serve as the main interface with the RI DEM. Project must be managed by a person of adequate expertise in low impact development stormwater management techniques. The project manager must have experience with projects that are comparable in size and scope.
- ❖ **Reporting Requirements:** Any reports generated will be submitted both in hard copy and electronically for ease of review. The successful respondent will be prepared to discuss and review findings in a coordinated team meeting environment should this be required.
- ❖ **Supplemental Information:** Respondents are encouraged to submit any other information deemed useful to provide RIDEM with sufficient relevant information to evaluate the consultant's qualifications and approach to the project.

COST PROPOSAL

The cost proposal will reflect completion of the project, itemized by task. Each task will correspond to a deliverable identified in the work plan provided by the vendor as part of the proposal package.

- ❖ Cost proposal prices submitted will be considered **firm and fixed**.
- ❖ Cost proposal must provide a detailed cost estimate, list key personnel who will be assigned to perform each task, level of effort (hours) and corresponding hourly rates. The cost proposal should also identify all non-personnel costs associated with execution of the Scope of Work.
- ❖ Funding expected to be available for this project is \$30,000.

Note: Failure to fully disclose annual costs could result in disqualification.

PRE-PROPOSAL QUESTIONS AND PROPOSAL SUBMISSION

E-mailed questions may be submitted in accordance with the terms described on page 1 of this solicitation.

SUBMISSION REQUIREMENTS

All document pages are to be numbered in consecutive order.

Proposals must be delivered to the Department of Administration / Division of Purchases no later than the date & time listed on page one of this solicitation. Responses **(an original plus three (3) copies)** should be mailed or hand-delivered in a sealed envelope marked **“RFP # 7449394: Conservation Easements”** to:

**RI Dept. of Administration
Division of Purchases, 2nd floor
One Capitol Hill
Providence, RI 02908-5855**

NOTE: Proposals received after the above-referenced due date and time may not be considered. Proposals misdirected to other State locations or which are otherwise not presented in the Division of Purchases by the scheduled due date and time will be determined to be late and will not be considered. Proposals faxed or emailed to the Division of Purchases will not be considered. The official time clock is located in the reception area of the Division of Purchases

Proposals should include the following:

1. A completed and signed three-page RIVIP Bidder Certification Cover Form, available at www.purchasing.ri.gov
2. A Cost Proposal reflecting the fee structure proposed for this scope of services, and
3. A *separate* Technical Proposal describing the qualifications and background of the applicant and experience with similar programs, as well as the work plan or approach proposed for this requirement.
4. A completed and signed W-9 (taxpayer identification number and certification). Form is downloadable at www.purchasing.ri.gov.
5. In addition to the multiple hard copies of proposals required, Respondents are requested to provide their proposal in electronic format (CD or flash drive). Microsoft Word / Excel OR PDF format is preferable. Only 1 electronic copy is requested. This CD or diskette should be included in the proposal marked “original”.

SECTION 4. EVALUATION AND SELECTION

The State will establish a Technical Review Committee that will evaluate and score combined Technical/Cost proposals utilizing the following criteria to produce a final ranking and recommendation for selection.

SELECTION CRITERIA:

The following criteria will be used to evaluate and score proposals:

1. (75 points) Must be able to demonstrate through examples of previous work a thorough understanding and knowledge of conservation easements including the ability to prepare a well written and comprehensive conservation easement. Examples of previous work must be provided.

(25 points) – Demonstrated ability to understand and apply applicable Rhode Island Land Use Statutes that may be needed to amend an existing conservation easement previously approved by a land development project.

Total Points:

100 points

Offeror must score a minimum of 70 points (of the maximum 100) to be considered further.

2. Ability to perform the services as reflected by workload and the availability of adequate personnel, equipment, and facilities to perform the services expeditiously. Include a list of hours of percentage of time that all staff or sub consultants will spend on the project by task. Must demonstrate ability to complete project within 1 year of contract award.

5 points

3. Past performance as reflected by the evaluation of private persons and officials of other government entities that have retained the services of the firm with respect to such factors as control of costs, quality of work, and an ability to meet deadlines.

25 Points

4. Cost – calculated as (lowest responsive cost proposal ÷ this cost proposal) x 5 points

5 points

5. Overall quality of the proposal with regard to clarity and responsiveness to the scope of work.

15 points

Total available points from 1 through 5 = 150 points

Notwithstanding the above, the State reserves the right to award on the basis of cost alone, to accept or reject any, or all, options, bids, proposals and to act in its best interest.

Proposals found to be technically or substantially non-responsive at any point in the evaluation process will be rejected and not considered further.

The State may, at its sole option, elect to require presentation(s) by offerors clearly in consideration for award.

The Technical Review Sub-Committee will present written findings, including the results of all evaluations, to the State Purchasing Agent, or her designee, who will make the final selection for this requirement.

Notwithstanding the above, the State reserves the right to accept or reject any or all options, bids, proposals, to award on the basis of cost alone, and to act in its best interest.

At any point during the review process, any proposal found to be substantially non-responsive will be dropped from further consideration.

The State may, at its sole option, elect to require presentation(s) by respondents clearly in consideration for award. Other submissions, certifications, or affirmations may be required, as appropriate.

The State reserves the right to make an award or multiple awards or to reject any or all proposals based on what it considers to be in its best interest.

SECTION 5. SCOPE OF WORK

Task 1. Legal Research

Review applicable RI statutes to determine the proper procedures for amending or establishing a conservation easement and any case law that may be available and what parties need to be involved. Randomly select 10 conservation parcels from different communities to determine what, if any, limitations they may have compared to the model easement contained in the *Rhode Island Conservation Easement Guidance Manual* and if a conservation easement has been recorded. Amendments with specific language will be created to improve any easements determined to be inadequate.

Deliverable: Written analysis of 10 conservation easements as described in Task 1

Task 2 Draft Amendment Procedures

Based on the results of task 1, develop draft procedures that should be followed and what parties need to be involved to amend an existing conservation easement or establish one where an easement has not been recorded. Develop a step by step procedure that should be followed using examples from the easements reviewed in task 1. Include how an existing easement can be obtained, what specifically to look for to determine if the easement has any flaws, and proposed language for amending inadequate easements.

Deliverable: Written draft procedures as described in Task 2

Task 3 Meet with Technical Advisory Committee

Convene and meet with a technical advisory committee established by DEM to get their feedback on the draft procedures prepared in task 4. Incorporate comments received by the committee to complete the final amendment procedures. A minimum of four meetings is anticipated.

Deliverable: Attendance at a minimum of four advisory committee meetings

Task 4 Amendment Guidance

Prepare a conservation easement amendment guidance manual with a step by step process to record a new or amend an existing conservation easement. Develop an applicable checklist to make it easier to follow the process. The guidance shall be written in clear terms for a lay person to be able to understand. This guidance shall be consistent with the *Rhode Island Conservation Easement Manual*.

Deliverable: Written conservation easement amendment guidance as described in Task 4

Task 5 PowerPoint

Prepare a PowerPoint presentation to be used to train local officials on how to amend an existing conservation easement. This task will be done by DEM in consultation with the consultant. The consultant will be responsible for providing applicable graphics, figures and pictures to develop the PowerPoint presentation.

Deliverable: A PowerPoint Presentation as described in task 5

Task 6 Training

Train local officials using the PowerPoint developed in task 5. This task will be done by the consultant but coordinated by DEM. A minimum of three training sessions are anticipated.

Deliverable: Three training sessions as described in Task 6

SECTION 6. COST PROPSOAL AND TIMELINE

A. Cost Proposal

1. Bid proposals should provide a **firm fixed cost (including expenses)** for the work required of the Contractor, as described above. Bid proposals should also provide a cost breakdown for each task in Section 5, in the instance that time or cost constraints cause the state to proceed with a more limited scope project. Each bid should identify an hourly rate for each task and an estimate for the number of hours required to complete that task. Bid proposals shall include a proposed payment schedule that corresponds with completion of deliverables.
2. The contractor is responsible for incurring all expenses related to overhead, research, data collection, travel, etc. necessary to complete the scope of work including all tasks and deliverables described in Section 5. All anticipated expenses must be detailed in the cost proposal. A total budget of \$30,000 is estimated to be available for this project.

B. Timeline

1. Bid proposals shall include a schedule of all work necessary to complete tasks and deliverables as described in Section 5.
2. The project must be completed and accepted by DEM no later than 12 months from the date the contract is signed and a notice to proceed is given. RIDEM has final approval on all work and performance.
3. Bid proposals shall include a reporting and meeting schedule, which demonstrates the ability to work on an interactive and timely basis with RI DEM and review committees.
4. Bid proposals shall discuss any potential difficulties, delays, or variances in carrying out the work.

COST PROPOSAL SUMMARY

Offerors should provide an estimate of the cost to complete each task and subtask specified in the Scope of Work. In addition a table summarizing the total costs of all tasks should be included. Bid prices are fixed and firm and all anticipated costs should be identified.

END