

RFP Questions to Date and Responses

The following summarizes some of the more pertinent questions that have been submitted to CALFED regarding the 1997 Category III RFP. Our responses to these questions are provided.

1. Would it be more desirable to group similar project proposals from one proponent into one proposal or keep them as separate individual proposals?

"Individual" projects should be grouped if they have a critical interdependency or other significant, direct connection (e.g., the purchase of land and restoration of that land). If the projects don't have a interdependency or other significant, direct connection but do have a common basis and/or benefit, it is the option of the applicant to group those similar projects (e.g., restoration of parcel A and restoration of parcel B, which is downstream of parcel A). If the projects are separable, the individual project tasks, costs, etc. must be delineated for each individual project, such that evaluation of the individual projects can be conducted and potentially only a portion of one proposal may be selected. Category III funding may be provided for only discrete portions of an entire project.

2. Will selection of proposals include the funding of one phase of the project with a commitment to fund subsequent phases of the project (e.g., funding of design and permitting activities with a future commitment to fund construction)?

Funding of discrete phases of proposal is possible. We cannot, however, guarantee that the future phases would be funded from Category III or any other source. Future funding will depend on the progress of the project, the nature and extent of future competing proposals, and the priorities and funding availability of future Category III RFPs. Accordingly, the proposals need to display the discrete phases of the complete project, with associated costs and schedule for those phases to assist in the evaluation and selection through this 1997 RFP.

3. What are the factors that would be considered adequate and appropriate justification for not complying with competitive bid requirements of subcontracts as part of project implementation (e.g., proponent wants to maintain existing subcontract relationship)?

As stated in Attachment D, item 4, contractors must obtain at least 3 competitive bids, or comply with the provisions of Government Code 4525 et seq, as applicable, or provide written justification for non-compliance with these requirements. There is not a specific set of criterion that will justify non-compliance with this competitive bidding of subcontracts, and the determination of adequacy of a justification will be made on a case-by-case basis.

4. How should partnerships in implementing a project be handled?

Collaboration on a project can be handled through contractor-subcontractor relationships or through joint venture partnerships. The subcontractor relationship approach would require that the proposal discuss the nature of the relationship(s) and, if appropriate, the justification for planning to not compete this particular subcontract(s). Joint venture partnerships would require all partners to execute the contract and all partners would have legal responsibilities. As part of the contract the specific entity to be the contractual point of contact for payments, reports, etc. would need to be defined. In either case, the proposal needs to identify the tasks to be performed by the different entities and costs at the task level.

5. What are the minimum requirements for technical and financial reports (Page 16, Section e)?

There are no specific minimum requirements regarding the type of information and frequency of information that needs to be included in technical and financial reports. The proponents need to provide their recommendation for the type of information and frequency of reporting, as would be necessary for adequate project management oversight.

6. How do applicants know if their project will be judged to be consistent with and/or not prejudice the CALFED long term program (Page 8, Section J)?

CALFED does not expect to identify a preferred alternative as part of the programmatic EIS/EIR until Fall of 1997. CALFED is currently evaluating three water storage and conveyance options (17 variations) as part of that EIS/EIR process. The CALFED ecosystem restoration actions are common to all three alternatives. If applicants are interested in understanding if their proposal may conflict with any of the current alternatives, they can obtain and review the CALFED document entitled "Phase II - Alternative Descriptions." CALFED staff will review proposals to identify any potential conflicts between the proposals and the CALFED alternatives.

7. Do NEPA/CEQA requirements apply to projects to be implemented using Category III funding?

As stated on page 8 under item J. Minimum Requirements, all projects must comply with all applicable laws and regulations, including NEPA/CEQA. The proposals need to discuss the various requirements applicable to their project and the status and/or planned activity to address the requirements. The identification of NEPA/CEQA lead agencies will depend on the nature and location of the project.

8. Clarify what entities are included in the categories of Agency and Public (Attachment D, Table D-1)?

Agencies include California State agencies, including State (California) Universities. Public entities include Federal agencies and other public entities, such as city, county, other local government entities, resource conservation districts, and out of state public universities.

9. Is there a deadline for completing the projects?

There are no absolute limits on when a project must be completed, and will be assessed on a case-by-case basis. Funds must be obligated by a contractor within no more than three years after executing a contract.

10. Are there limitations in funding of overhead costs?

There are no specific limitations in funding for overhead costs. The evaluation will consider the nature and extent of overhead costs in comparison to other proposals and prudent practices. The proposal must indicate the level of overhead costs for each task of the proposed project. (Note that overhead costs includes more than just overhead labor costs, as incorrectly implicated in the RFP, but is to include general, administration and fee costs)

11. Do specific subcontractors need to be identified in the proposal, or can they be identified later under contract?

Specific subcontractors do not need to be identified in the proposal except as necessary to highlight the qualifications of the proposed team for evaluation by the proposal review panel. Some subcontractors may necessarily not be known until after defining the scope of their efforts and seeking and evaluating their bids. The estimated costs for subcontract work needs to be included in the project costs in the proposal.

12. Will Category III funding be provided to cover a portion of the total costs of the project even though additional sources of funds are not yet identified?

As discussed above, Category III funding could be provided to complete only a portion of a project, as a minimum to the extent necessary to complete a distinct increment or phase of the project. Partial funding of a project or a phase/increment of a project will not be provided unless adequate additional funds to complete the project or phase/increment are identified in 1) the proposal or 2) subsequent CALFED discussions with other funding sources (e.g. CVPIA). If cost sharing sources have not yet committed funding but it is anticipated, then the proposal should indicate the status and timing of the funding commitment.

13. What is the funding range that applicants can request?

There is no funding range. It is expected that up to \$70 million will be available for disbursement, however it is possible that not all of this funding will be obligated in this funding cycle.

14. Are consultants that are currently working on CALFED excluded from participating in a proposal?

Given the serious implications of conflict of interest laws, consultants should seek advice from their own legal representatives in reviewing the appropriate laws. In addition to consultant self-review, rejection of a proposal by CALFED is possible due to conflict of interest, and will be determined from input from the Attorney General's office upon staff's request.

15. Can a proponent submit a proposal if the project is geographically located outside of the eligibility area (as defined in Section G on page 6)?

Eligible proposals must fit within the defined geographic scope.

16. Can existing proposal documents be used in responding to this RFP?

The proposal must meet the format and content requirements shown in Section N. Proposals that exceed the page limits will be rejected, and appendices that provide additional information will not be used in the evaluation.

17. What is the nature of the interest that the State needs to retain in acquired lands?

To ensure that lands which are acquired with State or stakeholder funds are protected in perpetuity, the State will need to hold an easement interest or full fee title to all acquired property, unless the lands are acquired by a federal agency who will hold easement or fee title.

18. Can lands acquired be leased out for agricultural uses?

Possibly yes, but it would be dependent on the proposal.

19. Can properties acquired through Category III be transferred to other public agencies or 501c3 non-profit organizations?

Yes, but the proposal would need to provide information regarding the transfer and future management of the lands. State easement interests would still need to be provided.

20. How would the block grant acquisition process work?

As stated on page 7 of the RFP, the funds would not be transferred for the acquisition until the property was in escrow. Applicant pursuing a block grant for acquisitions should identify the region in which the funds would be used. Specific parcels are not expected to be identified for a block grant program. The amount of funding requested should be based on information related to the price of land in the region and the amount of acres that are expected to be purchased.

21. Do acquisition proposals need to address restoration and management planning and funding to support that acquisition?

Yes, as necessary to provide and maintain the benefits to the specified priority species and/or habitats.

22. Do maps, figures and photos need to be in black and white?

No, but the proposals must be reproducible on a black and white copier.

23. What are the differences in contracting between State funded versus stakeholder funded projects?

To be funded through Category III, all proposals submitted will need to be able to comply with the terms and conditions indicated in the RFP, regardless of the subsequently determined source of funds.

24. Can a bid/payment bond be postponed until the public works subcontract is awarded?

If subcontract(s) are anticipated for the performance of the majority of the public works construction efforts, then bid/payment bonds can be deferred until such time as subcontracts are sought and awarded, and before work is performed. Obligations from CALFED to the contractor will be contingent upon receiving the bid/payment bonds.

25. What specific types of projects are included as public works (e.g. is re-vegetation activity public works)?

Projects that would require contractor licenses as issued by the Contractors' State License Board would qualify as public works. Note that there may be exceptions provided to certified non-profit entities (Labor Code section 1720.4). However, at this time we do not have an exemption for non-profit entities, and thus need non-profits to cost their project proposals under both scenarios (public works and not public works). We will pursue exemptions as appropriate after receipt of proposals.

26. Could different contract terms apply to different phases of a project, including payment terms?

Yes, specifically with the differentiation of phases consistent with the three groups of projects as shown on page 14. The different terms as would be appropriate for different phases are generally referenced through Table D-1 in Attachment D, with the specific terms attached thereafter. Proposals should indicate their recommended payment approach consistent with those terms.