NOTICE OF REQUEST FOR PROPOSALS
Engineering Design and Construction Management
Reconnecting the Mona Lake Celery Flats Phase I:
Engineering & Feasibility

Issue Date: **August 30, 2022**

Proposal Due Date: **September 30, 2022, 3:00 PM at The Office of the Muskegon County Water Resources Commissioner**

Mandatory Mtg. & Site Visit: September 14, 2022, 11:00-1:00

at:

Meet @ E. Norton Road, we will be picked up by a shuttle. See map below.

Address Proposal to: Ms. Brenda M. Moore, Water Resources Commissioner Muskegon Co.

E-Mail: moorebr@co.muskegon.mi.us
Phone: 231-724-6219

Attention: Dallas Goldberg, Deputy Water Resources Commissioner, Muskegon Co.
E-Mail: goldbergda@co.muskegon.mi.us
Phone: 231-724-6319

AWARD OF CONTRACT / REJECTION OF PROPOSALS:

The Contract will be awarded to the most advantageous consultant based on the Muskegon County Water Resources Commissioner's (MCWRC) review of the respondent's ability to provide the required products/services and with input from the assembled Technical Advisory Committee (TAC). The Technical Advisory Committee is comprised of members of the following: GVSU AWRI, USFWS, MDNR Fisheries Division, Muskegon Conservation District, Mona Lake Watershed Council, NOAA, City of Norton Shores, City of Muskegon Heights, Michigan Muskie Alliance, and the Michigan Anglers Association. The TAC is meant to be a dynamic group whose membership and participation will change to meet the project's current need.

Competitive negotiation proposals are being solicited from qualified entities to permit a reasonable comparison consistent with the nature of competitive negotiation. The Request for Proposals (RFP) identifies all significant evaluation factors to ensure equal information is provided to all vendors involved in the bidding process. The award of the bid will be made based on the recommendations from the TAC with consideration being given to whose proposal will be the most advantageous rather than solely the lowest cost.

MCWRC 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 MCWRC'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 MCWRC, and funds are available from NOAA Fisheries Habitat Conservation Program.

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 RFP. The Respondent hereby recognizes that funding for **Reconnecting the Mona Lake Celery Flats Phase I** (**Project**) is being provided by funds received by MCWRC and supported by NOAA through the Great Lakes Restoration Initiative (GLRI). If, for any reason, funding is not available, or discontinued for any reason from NOAA to MCWRC, MCWRC may terminate this agreement without incurring any liability. MCWRC will only be responsible for reimbursing the Respondent for the expenditures that are eligible for reimbursement from NOAA.

TYPE OF CONTRACT:

It is proposed that a contract entered into as a result of this RFP 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 MCWRC, price and other factors considered. MCWRC 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 MCWRC.

CONTRACT EXTENSIONS:

This contract will be for a period from approximately **October 1, 2022 through September 30, 2024.** A contract extension is not expected under this funding source. However, if MCWRC receives additional funding for project continuation or if the cooperative agreement contract sunset dates are extended, the contract may be extended mutually by MCWRC and the Respondent but is limited to the terms and conditions of this request and any resulting contract.

INCURRING COSTS:

MCWRC shall not be liable for any costs, including any travel, incurred by the Respondent prior to award of the contract(s). Total liability of MCWRC 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 MCWRC 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 party's signatory hereto.

ORAL PRESENTATION:

Respondents who submit a proposal may be required to make an oral presentation of their proposal to MCWRC and/or the TAC. 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 ofthe award.

REQUEST FOR COMPETITIVE NEGOTIATION PROPOSAL

RECONNECTING THE MONA LAKE CELERY FLATS

BACKGROUND: The Mona Lake Watershed is located in the central-western portion of the Lower peninsula of Michigan that drains to Lake Michigan. The total area of the watershed is 45,570 acres, which is almost entirely embodied within Muskegon County. The major hydrographic features within the watershed are Little Black Creek and Black Creek, which empty into the drowned river mouth known as Mona Lake. The local land use is predominantly a mixture of agriculture seated in the headwaters followed by increased industrial and residential development as you reach the mouth of Black Creek. The watershed's historic and current uses have dramatically impaired the local fishery and associated habitat. According to the antidegradation policies set to protect waterbodies through the Clean Water Act, the state of Michigan's Part 4 rules highlights several designated uses within the watershed that are directly associated with impairment of the local fishery. Specifically, the watershed is recognized for having impairments to the (1) Coldwater fishery and (2) other indigenous aquatic life and wildlife. In addition, non-point source pollutants also contribute to 303d designated use impairments further degrading the fishery including sediment, nutrients, pathogens, storm water, and heavy metals (Steinman et al. 2006; Cooper et al. 2009; Johnson et al. 2011).

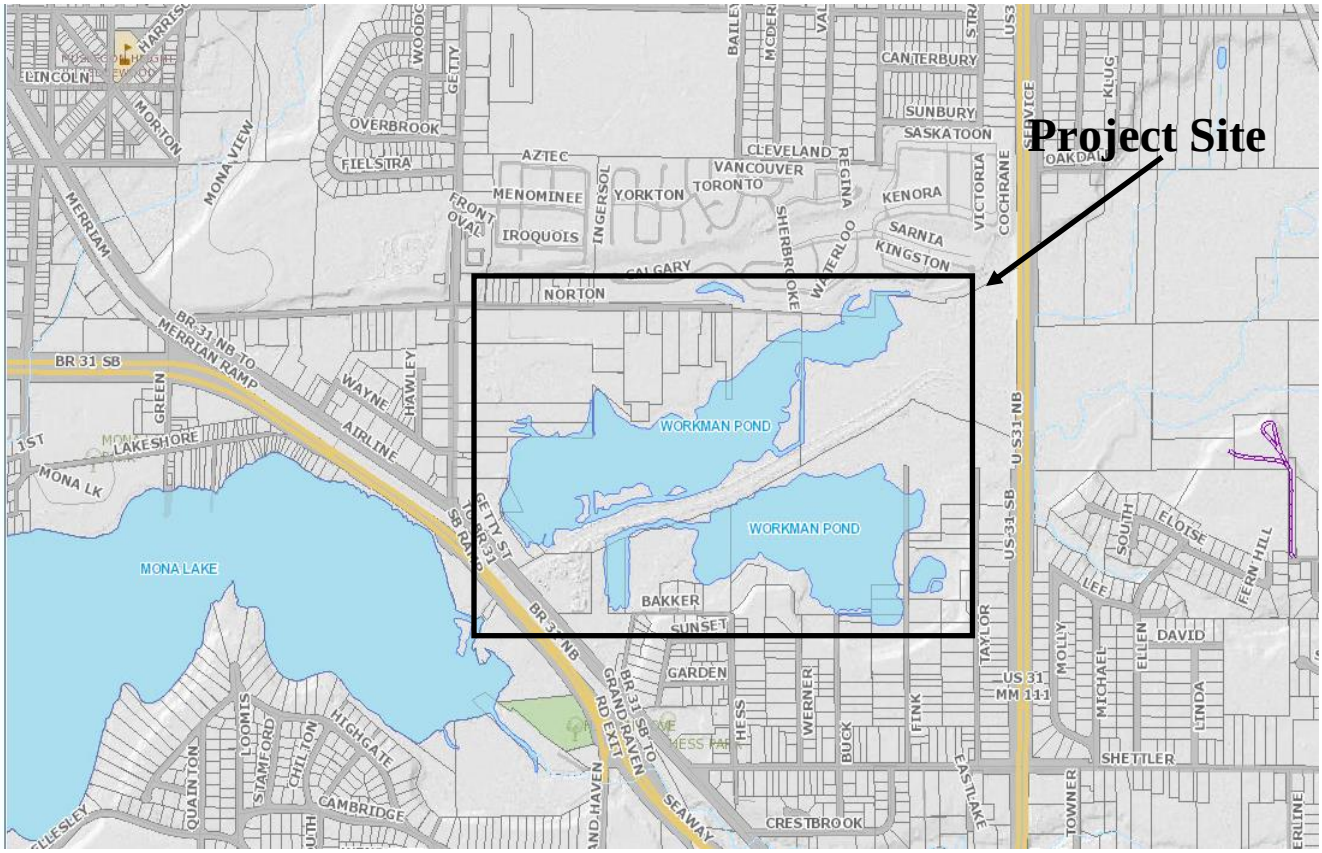
The proposed project location involves two shallow lakes lying north and south of Black Creek immediately upstream of Mona Lake. In 1938 the Office of the Muskegon County Drain Commissioner was petitioned to install a dyke to separate these two shallow lakes from the main channel of Black Creek. In 1939 construction on the newly created O.H. Scott and Waters Drain was completed and these two shallow lake beds were more suitable than ever for agricultural production. For decades following construction, the area was used primarily for celery and vegetable production. In 2004 the Mona Lake Watershed Management plan was completed and scientific research associated with its assemblage was shining light on the phosphorus and sediment the "celery flats" were contributing to Mona Lake (Steinman and Ogdahl 2011). By 2013, the City of Norton Shores approached the Muskegon County Drain Commissioner to install water control structures to prevent phosphorus introduction to Mona Lake, which at the time was estimated to be as high as 60 percent of the external load (Steinman and Ogdahl 2011). Today the presence of those installed water control structures provides isolation from the main channel of Black Creek.

Today the Mona Lake Celery Flats, as they would become known locally, support very little activity. Agricultural production has ceased, the water quality is too poor to support recreation, and the fishery supports primarily common carp responsible for nutrient suspension in the water column. Interest in the restoration and reconnection of the Mona Lake Celery Flats has been gaining traction locally and several entities have entered into partnership with Muskegon County Water Resources to facilitate the restoration initiative. Reconnecting the shallow lake systems to the historic creek channel could have significant benefits pertaining to fish and wildlife habitat. Specifically, the reconnection would expand the lotic/lentic interface allowing for diverse habitat features including: high quality spawning areas for native fish, an expanded nursery for native larval fish, establishment of native flora indicative of a lacustrine estuary wetland complex, as well as increased forage and habitat for

waterfowl, piscivorous birds and mammals. The pre-connection remediation of the area would also have significant impact on water quality of the downstream lacustrine ecosystem, as it would serve as a filter for nutrients and sediments (Heath 1992, Sierszen et al. 2012), further improving the fishery within Mona Lake.

SITE PROPOSED FOR RESTORATION:

The Proposed Site for restoration is located in Muskegon County, Michigan near the mouth of Black Creek. The site is commonly referred to locally as the Mona Lake Celery Flats. The Project site is a compilation of two shallow water lakes lying north and south of Black Creek (O.H. Scott & Waters Drain). The cumulative project site lies jurisdictionally within Norton Shores. The site is relatively flat for the most part with substantial grade change only occurring on the southern bank of the South pond. The Northern pond is almost entirely in private ownership. The eastern two-thirds of the Northern pond has a federal conservation easement placed over it for wetland preservation administered by the United States Department of Agriculture, Natural Resources Conservation Service (NRCS). Large portions of the southern pond will be purchased by the O.H. Scott & Waters Drainage District, while several private landholdings exist. The selected consultant will design, permit, and prepare materials for an anticipated future construction project that will restore habitat and facilitate fish passage to Black Creek (O.H. Scott & Water Drain).



The Muskegon County Water Resources Commissioner (MCWRC), under an agreement with the National Oceanic Atmospheric Administration (NOAA) is requesting proposals for a consultant to assist MCWRC with ecological engineering design services for aquatic reconnection and habitat restoration for the Mona Lake Celery Flats.

MCWRC will enter into a contractual agreement with a consultant for the project. Phase I, Engineering and Feasibility, will be funded through a contract under the current NOAA cooperative agreement. Phase II, Construction, will be funded through a contract amendment, assuming the future NOAA Construction Proposal is funded.

Phase I Services - Engineering & Design Tasks Under Existing Grant Funds:

1. Completion of a Quality Assurance Project Plan (QAPP) for information to be collected during engineering and design. NOAA QAPP guidelines are included with this RFP. The draft QAPP is to be submitted to MCWRC and NOAA for review. Updates are to be made, if needed, for NOAA's final approval.

2. Compile and present initial conceptual design and viable alternatives to the TAC.

3. Complete and administer a NOAA approved Data Management and Safety Plan.

4. Facilitate site specific Phase 1 and Phase 2 Environmental Site Assessments as needed for permitting and design.

5. Collect and compile the necessary baseline documentation needed for the permitting, construction, and design process including, but not limited to:

    - Topographic/Bathymetric Surveys
    - Soil/sediment Sampling (note: sediment sampling for phosphorus content and organic matter will be conducted by AWRI)
    - Threatened and Endangered Species Surveys
    - Wetland Delineation
    - Vegetation Surveys
    - Hydrologic/Hydraulic Modeling

6. Completion of the ecological restoration engineered design plan in collaboration with the TAC, local, state and federal agencies and other stakeholders.

7. Actively participate in ALL TAC Design Review Meetings (held at 0,30,60, and 90% design), and project based public outreach/stakeholder engagement meetings.

8. Assist with acquisition of cooperative landowner agreements to facilitate baseline documentation data collection in addition to construction and construction vehicle access agreements as appropriate.

9. Assist with final permit applications for all local, state and federal permits.

10. Completion of construction bid package with construction specifications and contract documents for a competitive bid process.

11. Provide monthly status reports in support of invoicing and any additional information that MCWRC may need for grant reporting purposes including: quarterly, monthly, semi-annual, annual, and final.

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 should show these Tasks and Sub-Tasks consistent with Phase I services described above (and include any other necessary tasks, as appropriate):

1. Final Engineered Habitat Restoration Design

a. Development of engineered ecological restoration design
b. Develop QAPP for NOAA review and approval
c. Obtain Cooperative Landowner Agreements to Facilitate Baseline Documentation, Design and Construction
d. Complete Topographical/Bathymetric Survey
e. Complete Soil and sediment sampling (note Grand Valley State, AWRI, will be collecting sediment samples)
f. Complete Threatened and Endangered Species Surveys
g. Complete Wetland Delineation
h. Complete Vegetative Surveys
i. Complete Hydrologic/Hydraulic Modeling
j. Complete Phase 1 & 2 Environmental Site Assessments

k. Other items that may be needed (please describe)

2. Public Outreach/Scoping Meetings/TAC Interaction

a. Participate in TAC Meetings
b. Present 0%, 30%, 60%, 90% Design and receive feedback
c. Participate in Public and Stakeholder meetings (4 meetings anticipated).

3. Contractor Selection Process

a. Develop a competitive bid package, including contract documents and specifications (to be approved by MCWRC), to seek competitive bids for a contractor(s) to perform construction according to the approved engineered designs.
b. Other items that may be needed (please describe).

4. Permitting Assistance

a. Assist with final acquisition of MDEQ/USACE and SECS permits and respond to subsequent permit application information requests on behalf of MCWRC and/or the landowners.
b. Acquire research and construction access agreements from landowners and others as needed.
c. Other items that may be needed (please describe).

5. Project Administration and Reporting

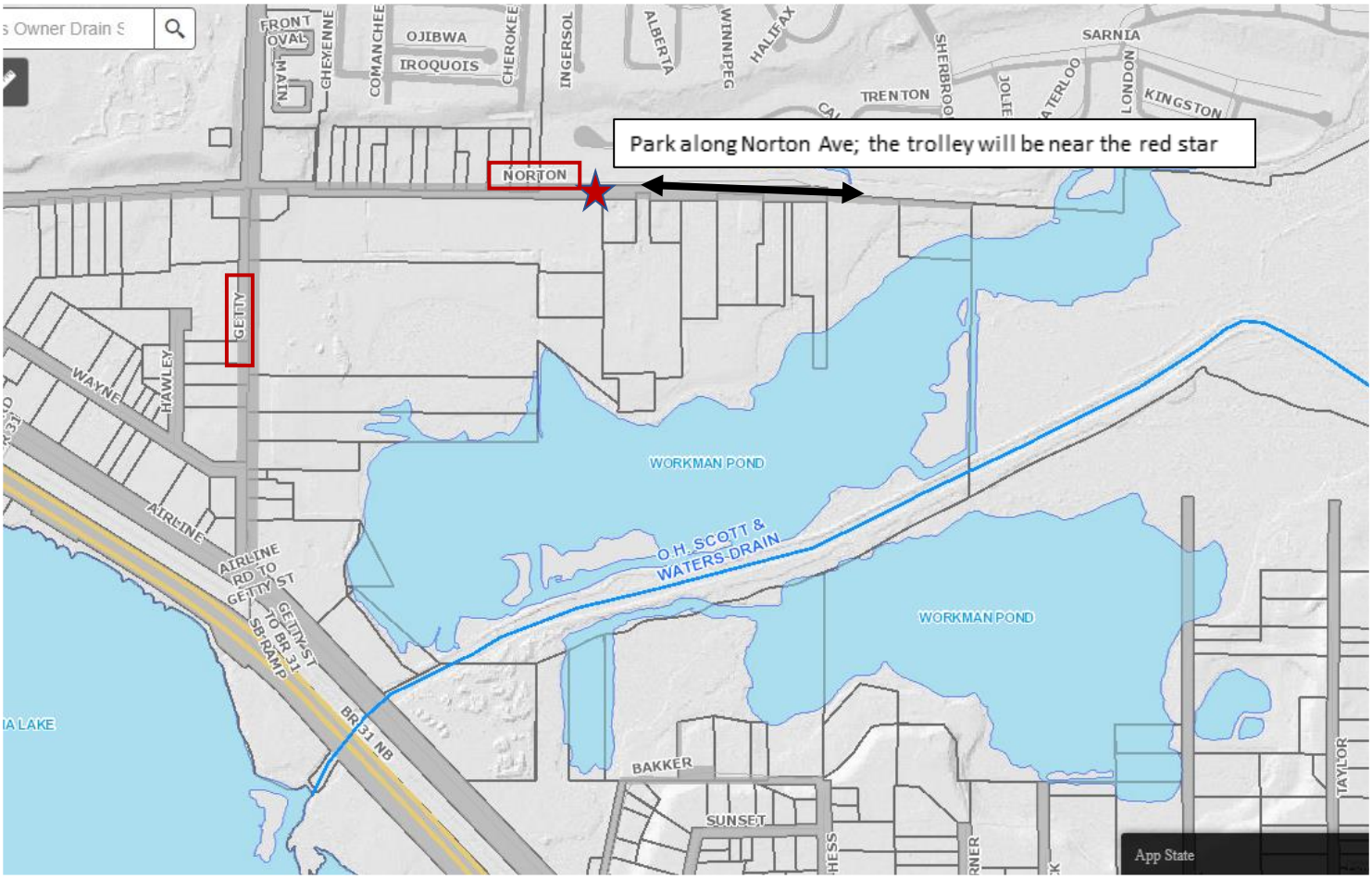
a. Provide MCWRC with monthly status reports of progress at restoration/construction sites and any additional information as required by MCWRC for NOAA reporting requirements. (MCWRC will require timely submission of monthly status reports, itemized invoices, and professional reimbursement request forms to meet grant reporting and grant fund drawdown and payment requirements.)
b. Develop and implement Data Management and Safety Plans according to NOAA guidance.
c. Provide Final Deliverable Reporting.
d. 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 **SEPTEMBER 14, 11:00-1:00.** We will gather at the terminus of E. Norton (see map following) and board a trolley for a tour of the pond area. Informal Q&A will occur during the tour.



SCHEDULE:

MCWRC will implement the following schedule for the RFP process:

A. RFP will be distributed by MCWRC to a number of qualified consultants and placed on MCWRC Web Site on August 30, 2022

B. Mandatory Pre-Bid Meeting and Site Visit: September 14, 2022.

C. Pre-Bid Meeting Follow-up Questions may be submitted, in writing, until 4:30 p.m., September 22nd, 2022. Responses will be provided no later than 4:30 p.m., September 23, 2022.

D. Proposals Due at MCWRC by 3:00 PM, September 30, 2022

E. Public Bid Opening: 3:15 PM, October 3rd at MCWRC, 141 E. Apple Ave, Office G202, Second Floor, Muskegon, Michigan

F. Interviews of finalists, Thurs. October 13th; 2:00-5:00.

G. Notification of Selection: Within approximately three business days following the interviews.

H. Contract Award Date: Within approximately seven days following the notification date.

I. Completion of Tasks Within RFP for Engineering and Design Services by September 30, 2024

J. Final reporting and deliverables supplied by October 5, 2024.

K. Construction and Restoration Activities underway early 2025. Hydrologic Re-Connection no later than summer 2026 with re-vegetation, native plantings, and minor maintenance activities implemented no later than fall 2026.

ENCLOSURES:

Also sent via email:

- Quality Assurance Project Plan Guidance (QAPP)
- Special Award Conditions
- Performance project report guidance