QUESTIONS and ANSWERS
for
REQUEST FOR PROPOSALS
RFP# OMR2011-006
(Q&A updated 3-22-12)

Question: What is the actual format for the Proposal? Should we format the technical part somewhat like the last page of the RFP that has "SAMPLE" written across it (Scope of Work)?

Answer: There is no specified or required format for the Proposal. The pages included at the end of the RFP are just an example Agreement and should NOT be used in any way to format the Proposal. The actual format of the Proposal is usually based on how a firm likes to present itself. The RFP does contain various sections that address the type of information that needs to be submitted in the Proposal, as well as the specific information and weighting that will be used by the Evaluation Committee.

As an example, the section **Proposal Technical Content/Format** provides a bulleted outline of required information and the Proposal needs to explain how the proposer will undertake the Scope of Work contained in section **V. Description of Work for This RFP**. The Description of Work in the RFP will be the basis of the Scope of Work provisions in the Agreement. All other provisions of the RFP, the Questions and Answers and the submitted Proposal of the winning firm(s) will also all be incorporated by reference into the Agreement. Make sure that all of the information required in the section **Proposal Administrative Content Requirements** is easy to find in the Proposal. The relative ranking of the technical content of the Proposals will be based on the information contained in the section **Proposal Evaluation Criteria.**

Question: As for the costs portion of the Proposal, is there an actual format to follow? I was looking for a bidding sheet, somewhat similar to previous bids on closures, but it doesn't appear there is any set format like that here. Is that correct?

Answer: Unlike the bid sheets that are used for specific abandoned mine closures, the RFP does not included a specified format for cost because of the potential for wide variability in how a firm proposes to do the required work. However, the RFP does include the following direction on the information to include in the cost portion of the Proposal:

> The Proposal shall contain two separate cost proposals – one each to complete the work described in **Attachment 1** (MOJA) and in **Attachment 2** (DEVA). Cost proposals must identify and describe the total and detailed direct and indirect costs including but not limited to salary and benefits, overhead, operating expenses, travel expenses, and equipment costs necessary to complete the required scope of services.

QUESTIONS and ANSWERS
for
REQUEST FOR PROPOSALS
RFP# OMR2011-006
(Q&A updated 3-20-12)

Question: A potential bidder previously asked the following question about the applicability of federal Service Contract Act wages: "Question: Will the workers on this contract be subject to federal Service Contract Act prevailing wages? If so, what schedule should be used?". The following answer was provided in the Q&A updated as of 3-14-12: "Answer: This Agreement does not involve performing work on construction projects and, therefore, Davis-Bacon wage provisions do not apply".

As a follow-up question, the potential bidder indicates that the guidance provided in the previous answer was so vague it makes bidders think that a contractor has already been selected and this process is a formality. However, the potential bidder goes on to ask since prevailing wages are required on construction jobs, it makes sense to ask if they are required on a service job.

Answer: The federal Service Contract Act (SCA) applies to **federal contracts** which retain the services of "service employees". The proposed Agreement will be issued by the State of California and is, therefore, not a **federal contract**. In addition, the definition of "service employee" in the SCA means any person engaged in the performance of duties **other than** any person employed in a bona fide executive, administrative, or professional capacity...". Rather than seeking the services of "service employees", the current Request For Proposals (RFP) seeks the services of professional personnel with the demonstrated education, training, skills and abilities to perform potentially hazardous bat surveys and directly related professional services. As a result, the provisions of the SCA do not apply to the current RFP.

The previous answer may seem vague but was responsive to the specific terms of the Department of Conservation Abandoned Mine Land Program's (AML Program) current Cooperative Agreement with the National Park Service (NPS) which only addresses prevailing wages in the context of issuance of construction contracts under the terms of the Davis Bacon Act. In that context, the current RFP does not involve performing work on construction projects and, therefore, Davis-Bacon wage provisions do not apply. Any suggestion that the current RFP process is not fair, transparent or that a contractor has already been selected has no basis in fact.

Question: How is information collected by data loggers to be reported to the AML Program?

Answer: All collected data for each individual AML feature is to be saved and exported to the AML Program in an electronic format that will be mutually agreed upon with the contractor. In addition, the collected data for each individual AML feature shall be summarized in tabular form, along with conclusions and any recommendations, and included in the Preliminary Report specified in the RFP.

QUESTIONS and ANSWERS

for

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(Q&A updated 3-20-12)

Clarification: Any equipment to be purchased with funds from the proposed Agreement shall be specified in the Proposal and turned over to the AML Program at the end of the Agreement.

QUESTIONS and ANSWERS
for
REQUEST FOR PROPOSALS
RFP# OMR2011-006
(Q&A updated 3-16-12)

Question: During previous bat surveys for the National Park Service (NPS) in California, contractors were not required to obtain any federal or state permits by the NPS because they were not capturing or handling any bats. Since the proposed work would be managed by the California AML Program rather then NPS, is a permit required if the contractor is not capturing or handling any bats, or can the Proposal state that permits will be obtained as appropriate?

Answer: The Proposal can state that all work performed towards the completion of the scope of work will be done in adherence with all applicable NPS and federal policies, the policies and requirements of individual Park units, professional standards and that applicable permits will be obtained as appropriate or required.

Question: Does either the NPS or California AML Program have data loggers available for the contractor to use on this project?

Answer: No

Question: Will all mines that are entered have data loggers placed in them, or only those that are potential bat habitat?

Answer: The RFP indicates that underground surveys are the preferred method for obtaining the most accurate and complete data on bat usage. Contractors will use their professional judgment when conducting bat surveys/data collection to determine whether a particular AML feature has, or has the potential to have, suitable bat habitat as documented on the **Attachment 3** Bat Survey Mine Data Sheet. When underground entry is the appropriate survey method, data loggers shall be placed in the mines on the initial visit, located proximate to bat roost sites and programmed to collect data as frequently as possible within the memory constraints of the device until the logger can be collected at the next season's visit.

Question: Have data loggers been previously installed in any of the mines listed in **Attachment 1** or **Attachment 2**?

Answer: Not that either the NPS or California AML Program are aware of.

Question: Usually data loggers are set and retrieved after a full year of data collection. When the RFP says that loggers installed sometime during the 2012 warm season should be retrieved the next visit (winter), critical times of the year (late winter and early spring maternity) could be missed. Should we budget now to retrieve data loggers the warm season of 2013 instead?

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(Q&A updated 3-16-12)

Answer: The problem with leaving the data loggers out in the field until spring 2013 is that the first set of loggers will have to be in use for a year and a separate set of loggers will then have to be left at new sites (number and locations not yet determined) for another year from the second phase of field work starting with the 2012/13 cold season. Unfortunately, such a practice would require that the loggers be left in the field beyond the Sept 2013 termination of the California AML Program's ARRA-funded contract with the NPS. In addition, it may not be feasible to acquire a sufficient number of loggers to do all of the required work. As a result, contractors are to follow the methodology described in the RFP.

QUESTIONS and ANSWERS
for
REQUEST FOR PROPOSALS
RFP# OMR2011-006
(Q&A updated 3-15-12)

Question: With regards to the Section Proposal Administrative Content Requirements Bullet Number 1 – "Documentation in the Proposal package of a current and active California Business License." As a firm with three offices in CA we have numerous business licenses with local government but we are not aware of a State of California business license. Is there a specific State of California Business License that is required? If yes, what agency can that be obtained from? Or do we just need to present one of the business licenses we currently hold for a CA local jurisdiction?

Answer: You are correct. The State of California does not issue Business Licenses. Business Licenses are issued by local cities and counties in which your business resides, has offices or does work. The intent of the wording in the RFP is for the Proposer to submit documentation in the bid (provide a copy of a Business License) that it has a current and active Business License from a city or county in the State of California.

Question: The RFP has a page limit of 40 pages double sided not including cover pages. The RFP also requests resumes for the staff proposed to work on the project. Since the project will require a relatively large team of field staff if resumes are included for each member it may be difficult to stay within the 40 page limit. Is the Agency looking for resumes from Key Staff only?

Answer: The purpose of the resume requirement is to simply document that the Project Manager and proposed personnel who are conducting the field surveys (not back office, support, office management, owners, etc) have the direct education, training, experience, and certifications to safely and professionally conduct the field work required in the RFP. To save space in the Proposal while having maximum impact during the evaluation process, resume's should be surgically concise in presenting only the above-listed information….not when or where someone worked doing something unrelated to the scope of services in the RFP.

Similarly, there is also no need for someone who has done this work for many years to waste paper by listing every single hole or structure or section of an EIR for which field bat surveys have been completed. The intent is that the resume will present the information necessary to demonstrate to the evaluators that the personnel who are being proposed are extremely skilled, trained, knowledgable and experienced in conducting field bat surveys in a safe manner, and doing so in potentially very hazardous work conditions.

Question: Does the agency have any data loggers which can be available for the field surveys?

Answer: No

Question: Do all five copies of the proposal need to include the documents which require wet signature? Or can there be one original with wet signatures on all required documents and then four copies of that original?

Answer: Yes. All documents must have wet signatures using blue ink.

QUESTIONS and ANSWERS
for
REQUEST FOR PROPOSALS
RFP# OMR2011-006
(Q&A updated 3-14-12)

Question: Attachment 2 for the Death Valley features is not include mine names or comments as to closure like Attachment 1 does for Mojave. Is there information missing from Attachment 1?

Answer: Unfortunately, Attachment 2 includes all of the information available at the time the RFP was assembled. No additional information will be provided, so please state your specific assumptions when bidding. However, zipped GIS shape files of the listed mine features at Death Valley (DEVA) and Mojave (MOJA) are available upon request.

Question: For Death Valley, the Attachment spreadsheet does not indicate which openings are "horizontal" or "vertical" as they are for the Mojave listings.

Answer: The requested information is included on the Attachment but in a different column. Please see the Attachment in the version of the RFP that was posted on the following website for confirmation:
http://www.consrv.ca.gov/omr/abandoned_mine_lands/Documents/OMR2011-006%20NPS%20Bat%20Survey-2.pdf

Question: Page 6 of the RFP states **in bold** that "the AML Program is intending to place more emphasis on the quality/experience of proposed personnel RATHER than the qualifications of the proposing firm". Then on page 12 it states as the first bullet point, to explain the Proposers specific experience conducting bat survey inventories, which implies that this is an equal factor as the employees that are being proposed. This seems like a bit of a contradiction, as it is **bolded** on page 6 that the employees are more important than the Proposers past experience working bat survey projects.

Answer: The ideal Proposer would be a firm that both specializes in bat surveys and has personnel with a history of doing bat surveys. Absent that combination, it is the current personnel who will be doing the field surveys, not former personnel who may no longer be with the firm but whose previous experience a firm typically presents to advertise its qualifications. As a result, we want to make sure that it is the personnel listed in the Proposal who will be doing the work (whether as employees or subs) who have the demonstrated experience and that if they leave they will be replaced with equally qualified folks. That is the reason for the bold statement . "experience of those personnel who are proposed to do the survey work will be viewed more favorably than experience of the firm unless the firm's experience is from the personnel in the Proposal".

Question: Is the contract for "pre AND post" construction surveys or for "pre OR post" construction surveys?

Answer: The contract is for pre construction surveys as well as post construction surveys. The mines listed in the Attachment as having closures installed require post-construction surveys. The mines with no closures types listed require pre-construction surveys.

Question: If there are already closures in place, then would only one "post" survey be needed?

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Answer: The goal of this contract is to get the best practical information regarding bat usage of these mines. It is up to the discretion and best professional judgment of the bat biologists to schedule the appropriate number of surveys to get the most applicable, useful and complete information so please state your specific assumptions when bidding.

Question: For those features where no previous surveys have been done and no closures are in place, would there be pre and post construction surveys, or just one winter and summer survey? For the current time-frame, pre and post surveys for hibernacula aren't possible.

Answer: For features with no closures in place, one summer survey in 2012 and one winter survey in late 2012/early 2013 are required. None of the features listed in the Attachments are scheduled to have closures installed between summer 2012 and 2013.

Question: Under Description of Work for the RFP, it states that required services involve conducting pre-and-post construction bat surveys during appropriate seasons between April 2012 and June 30, 2013, but under Schedule for Completion it only mentions the warm and cool seasons of 2012. Then under Bat Survey Methods it again mentions that surveys will be conducted between April 2012 and June 30, 2013. Please explain these dates.

Answer: The initial **TERM** of the contract will run through the close of the State's fiscal year in June 2013. However, the actual field survey work **to be completed during the contract term** is seasonal, with two separate pairs of warm/cool season survey opportunities. For those specific sites identified in Attachments 1 and 2 in the RFP, warm season surveys will be conducted during the spring/summer of 2012 and cold season surveys will be conducted at the end of 2012/beginning of 2013. Proposers are to submit separate bids for DEVA and MOJA to complete the surveys specified in Attachments 1 and 2 during this initial pair of warm and cool seasons.

A second pair of surveys for other sites that have not yet been identified will start with cold season surveys being conducted at the end of 2012 and beginning of 2013, and warm season surveys in the spring/summer of 2013. The scope of work and budget provisions of the contract will be amended after the additional sites have been identified.

Question: If the contract is to go through warm season 2013, it would be optimal to have surveys go through July (not June) with report due September 2013. For maternity colonies, the best time to count the bats is after the young are flying and this can vary between species of bats and also between years. For best results, maternity colony inventory and monitoring should be done with exit counts in July.

Answer: The initial term of the contract may be extended to September 2013 after the additional sites have been identified for the second pair of cold/warm season surveys.

Question: If the closures can't be entered (due to safety grates, cable nets, etc.), then hibernation/winter surveys aren't possible for those features.

Answer: No winter surveys are required for features that cannot be entered.

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Question: For those features where surveys have already been done, will we have the field notes available from the prior surveys? For post-construction assessment and statistical validity, it is important to compare with pre-construction surveys as far as the same survey protocol, time of year, weather conditions, moon phase, etc.. Just noting bat presence or absence is not adequate. For example, if a maternity colony existed before closure construction of 100 bats, and now only 10 bats are present post closure, the closure has inhibited the bats. Conversely, if more bats are present post construction then the closures is successfully protecting the bats.

Answer: The National Park Service (NPS) and/or the Department of Conservation AMLU Program (Department) will supply the successful bidder with all readily available reported data from prior surveys.

Question: When preparing the proposal package, do we just budget for one visit in the warm season and one in the winter for the sites the Attachment 1 and Attachment 2?

Answer: Yes. Proposers are to submit separate (individual) bids for DEVA and MOJA to complete the surveys specified in Attachments 1 and 2 during this initial pair of warm season (spring/summer of 2012) and cold season (at the end of 2012/beginning of 2013) surveys.

Question: Will a separate bid/budget be prepared for the surveys conducted at future sites in the cold season (at the end of 2012/beginning of 2013) and warm season 2013?

Answer: Yes. The scope of work and budget provisions of the contract of the winning bidder(s) will be amended after the additional sites have been identified for the second pair of cold and warm seasons.

Question: Can the Proposal include a fee for the use of all the equipment that we use for the surveys?

Answer: The Department is seeking competitive bid proposals. With that said, the RFP indicates that bidders must identify and describe the total and detailed direct and indirect costs including but not limited to salary and benefits, overhead, operating expenses, travel expenses, and equipment costs necessary to complete the required scope of services.

Question: Are attachments (resume's etc) included in the 80 page limit?

Answer: As indicated in the RFP, you are permitted a maximum of 80 pages (impressions) or 40 total sheets of paper (assuming double-sided impressions) between the front and back covers.

Question: Can you confirm whether a single award or multiple awards will be issued?

Answer: Bidders are to submit individual (separate) cost Proposals for DEVA and for MOJA. The Department may award separate contracts for each Park, or one contract combining both Parks together.

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Question: When you refer to cold-season surveys for 2012, is that contingent on the weather conditions in the later part of the year, or will the contract be flexible enough to allow for surveys in the early part of 2013 as conditions may require?

Answer: The RFP defines the cold season as being at the end of 2012/beginning of 2013.

Question: Can you confirm the unit of measurement for the depth of the mines in the attachments?

Answer: Feet

Question: Can you define what "depth plus" means in the attachments?

Answer: The word “Plus” is used when the full depth of an opening is obscured but there is evidence that it likely extends beyond the listed numerical estimate.

Question: Is the Department seeking a firm fixed price? .

Answer: Yes

Question: It looks as though internal surveys are desired for nearly every feature unless it can be justified why they are not good candidates due to safety etc. Is this the case?

Answer: Yes. Safety if the most important factor as expressed in the RFP. If necessary, please state your specific assumptions when bidding.

Question: Are temperature and humidity readings required on all mines or just mines where bats are roosting?

Answer: Bidders are to use their experienced professional judgment based on the expectations and requirements of regulatory agencies, later use of the information for preparation of subsequent NEPA/CEQA documents, and published guidelines or normal practice.

Question: Is there an instructional document which gives clear guidance for completion of the Bat Survey Mine Data Sheet? Some of the fields are subjective and clarification is needed.

Answer: No. Bidders are to use their experienced professional judgment based on the expectations and requirements of regulatory agencies, later use of the information for preparation of subsequent NEPA/CEQA documents, and published guidelines or normal practice.

Question: Strict adherence to the WNS protocols would be very expensive and guidance on this is needed.

Answer: All applicable guidance is expressed in the RFP.

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Question: The proposal is limited to 40 sheets of paper (assuming double-sided impressions). Does this include the required attachments?

Answer: The page limit includes all information presented between the front and back cover of the Proposal.

Question: Is it acceptable to recreate the forms that are normally one page but have been split between 2 pages in this RFP (eg the bidder certification sheet)?

Answer: Thank you for pointing this out. The split pages occurred when the pdf document was created. Please use the attached single page version of the forms when submitting your Proposal.

Question: Data loggers can record a lot of information. What specific information do you want from the data loggers placed in accordance with this document? How many per site? Is there any data on the sites to suggest how many will need data loggers?

Answer: Bidders are to use their experienced professional judgment based on the expectations and requirements of regulatory agencies, later use of the information for preparation of subsequent NEPA/CEQA documents, and published guidelines or normal practice.

Question: It is mandated to use a gas tester, does this mean the operator must be CAL-Osha certified gas tester? Does this also mean the use of ventilation must be used to guarantee the proper airflow?

Answer: Safety is the most important factor as expressed in the RFP. Bidders are to use their experienced professional judgment when determining appropriate risk management before and during and activity with a horizontal or vertical mine opening.

Question: Will the workers on this contract be subject to federal Service Contract Act prevailing wages? If so, what schedule should be used?

Answer: This Agreement does not involve performing work on construction projects and, therefore, Davis-Bacon wage provisions do not apply.

Question: Which specific category of business license requirements are you specifying?

Answer: Individuals and organizations doing work should already have a business license. Submit documentation of your current business license.

Question: The RFP states: "Demonstration in the Proposal package that the field staff conducting bat surveys have all required and/or appropriate safety training, certificates, licenses and safety plans for the type of working conditions that may be encountered during completion of the scope of work" Can you specify what certificates are required and others that are appropriate?

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Answer: Bidders are to use their experienced professional judgment when determining and presenting appropriate training, certifications, practices, risk management and safety provisions that may be applicable to the conditions that may be encountered when entering a horizontal or vertical mine opening.