



State of Louisiana

JOHN BEL EDWARDS
GOVERNOR

July 31, 2018

TO: ALL POTENTIAL PROPOSERS

RE: RSIQ NO. 2503-19-01
“Outcome-Based Performance Contracts to Develop and Deliver Large Scale Marsh Creation and/or Ridge Restoration Projects”

REVISED PROPOSAL DUE DATE: AUGUST 27, 2018 @ 3:00PM

ADDENDUM I QUESTIONS AND RESPONSES

1. **Q.** Are you considering a prebid for the RSIQ?
R. No.
2. **Q.** I was curious as to how the questions and responses for this RSIQ will be posted. I understand they will be posted to the link specified in the RFP, but I do not see any questions to date. Will questions be posted real time or only after the suspense date? I would offer that posting the questions in real time may be more beneficial as the answers may clarify things for other proposers and possibly lead to more questions that would benefit all proposers.
R. **This addendum provides responses to all the written inquiries received by the deadline stated in the RSIQ.**
3. **Q.** Please provide a schedule of the anticipated annual payments through roughly 2031 that will be used to fund the OBPC program. How much of these funds have been secured to-date and are in CPRA’s control?
R. **At this time, CPRA is anticipating using funds allocated through the global settlement with BP as a result of the *Deepwater Horizon* oil spill. No specific funds have been allocated. Funds will be requested on a project-specific basis. More information on these *Deepwater Horizon* oil spill settlement funds is available at: [https://la-dwh.com/wp-content/uploads/2017/12/DWH_CD - Signed 4 4 16.pdf](https://la-dwh.com/wp-content/uploads/2017/12/DWH_CD_-_Signed_4_4_16.pdf)**
4. **Q.** Will funds be earmarked for a specific project once selected by CPRA or will a pool be set aside for all projects? (If one project overruns on costs/ defaults/etc., are others in jeopardy of being paid?)
R. **Funds will be earmarked for each specific project with a budget to accommodate the agreed payment schedule.**

5. **Q.** Can CPRA provide credit metrics or other details that provide clarity into the Authority's creditworthiness?
- R.** **At this time, CPRA is anticipating using funds allocated through the global settlement with BP as a result of the *Deepwater Horizon* oil spill funds. No specific funds have been allocated. Funds will be requested on a project-specific basis, and once approved, will be allocated for each specific project with a budget to accommodate the agreed upon payment schedule. Payment terms and conditions will be addressed in the subsequent RFP process.**
6. **Q.** Please provide a schedule of when payments will be made to contractors with milestones (if different from the payment schedule presented in December 2017.)
- R.** **Information pertaining to payment schedules will be addressed in the subsequent RFP process.**
7. **Q.** Can you provide a template or draft of the contractual terms that would govern a project?
- R.** **Information pertaining to the sample contract will be addressed in the subsequent RFP process.**
8. **Q.** In the event of being shortlisted and awarded a project, would the parties (Contractor and CPRA) then enter into negotiations for a contract or is there a non-negotiable standard form?
- a. How much time would the parties have to negotiate in good faith?
- b. Are there any liquidated damages, penalties, or liabilities placed on the Contractor in the event an agreement cannot be reached between the parties?
- c. If there is a standard form, can you provide it?
- R.** **Information pertaining to contracting will be addressed in the subsequent RFP process.**
9. **Q.** Is there any type of fee or security that must be paid or posted in order to respond to the RSIQ or bid on the RFP? Will unsuccessful bidders have their bid security returned? Under what circumstances will the bid security not be returned to the bidder?
- R.** **No fee or security is required to be paid or posted to respond to the RSIQ. Information pertaining to financial assurances will be addressed in the subsequent RFP process.**
10. **Q.** Can you provide clarity around force majeure and who wears this risk? Can a contractor's performance be excused for force majeure? Can payments from CPRA be excused for force majeure? Are impacts due to windstorms/hurricanes/floods considered force majeure events?
- R.** **Information pertaining to force majeure will be addressed in the subsequent RFP process.**
11. **Q.** Will CPRA reserve the right to terminate an awarded contract? Under what circumstances?
- R.** **Yes. Information pertaining to contract termination will be addressed in the subsequent RFP process.**

12. **Q.** CPRA intends to shortlist multiple proposers during the RSIQ, but how many projects does CPRA intend to award through the eventual RFP process?
- R.** **CPRA has the authority to shortlist multiple proposers as part of this RSIQ solicitation. At this time, it is unknown how many projects CPRA would award through the subsequent RFP process.**
13. **Q.** Please provide more detail on success criteria. Will the success criteria be the percentage of open water vs. marsh? Does CPRA plan to hold the contractor accountable for standards like plant diversity, percentage of exotics, marsh accretion, macroinvertebrate colonization, wildlife utilization, etc.?
- R.** **Information pertaining to success criteria will be addressed in the subsequent RFP process.**
14. **Q.** Please describe in more detail the “imposition of penalties or other payment adjustments” if performance targets are not met. Specifically, are these adjustments to future payments, or will payments already received be subject to a claw back provision? If payments can be clawed back, please provide additional details on this provision.
- R.** **Information pertaining to imposition of penalties or other payment adjustments will be addressed in the subsequent RFP process.**
15. **Q.** What is the size criteria for ridge restoration projects?
- R.** **Information pertaining to project size criteria will be addressed in the subsequent RFP process.**
16. **Q.** What kind of financial assurance mechanisms will be required for the period following construction, but before final success payments?
- R.** **Information pertaining to financial assurances will be addressed in the subsequent RFP process.**
17. **Q.** Is there a deadline by which a project must commence construction or complete construction?
- R.** **Information pertaining to project schedule will be addressed in the subsequent RFP process.**
18. **Q.** Section 1.0 – we understand the restrictions on prime contractors, partners, members, joint ventures and coventurers being listed on more than one Proposer team. However, once the selection of qualified Proposers is complete, is a qualified Proposer (prime contractor, partner, member, joint venture or coventurer) allowed to provide services to another team in the event the Proposers team does not win the award for an RFP?
- R.** **See revised Section 4.0 “OBPC Staffing Requirements” on page 9 of this addendum.**

19. **Q.** Section 2.0 paragraph a – what are the “specific outcomes” that must be achieved prior to receiving a “substantial portion of the payment”? Does this mean payment is tied to construction percentage complete or other milestones or both? Please provide clarification on “specific outcomes”.
- R. Information pertaining to specific outcomes will be addressed in the subsequent RFP process.**
20. **Q.** Section 3.0 – this section states that projects must be located in the Barataria Basin of Louisiana. Does that mean that Proposers selected for the RSIQ will be restricted to bidding on projects located in the Barataria Basin only? If so, will there be another RSIQ for projects located outside of the Barataria Basin?
- R. CPRA will only consider proposals for marsh creation and / or ridge restoration in the Barataria Basin. CPRA may issue future RSIQ’s for projects in other basins.**
21. **Q.** Section 5.0 Post-Construction Monitoring, Maintenance, and Adaptive Management – Adaptive management requirements need to be clearly defined in the RFP. Once the adaptive management plan is approved, how will the CPRA control future changes to the adaptive management plan? How will winning Proposers be compensated for major changes to their approved adaptive management plans?
- R. Information pertaining to Adaptive Management will be addressed in the subsequent RFP process.**
22. **Q.** Enclosure A: Evaluation Criteria – can you please provide a scoring table similar to the one provided in Section 3.0 for "Evaluation of Project Experience" for the remaining items within Section 2.0 "Evaluation Criteria and Point Allocations":
- A) Business Organization and History
 - B) Project Management and Staffing
 - C) Financing Team Experience
 - E) Technical Approach
 - F) Construction Capabilities and Approach
 - G) Hudson Initiative Program
- R. No additional scoring table will be provided.**
23. **Q.** As suggested in previous documentation, CPRA has stated that Marsh Creation and Ridge Restoration projects will be limited to Master Plan projects in Barataria Basin. One of these projects, 002.MC.05e, is in the vicinity of the Mid-Barataria Sediment Diversion outfall. Will CPRA limit the degree of proposed marsh creation within MP 002.MC.05e to avoid potential conflicts with the sediment diversion?
- R. Yes, and those limitations to avoid conflicts will be further delineated in the subsequent RFP process.**

24. **Q.** Sections of the RSIQ such as Section 6.7 of the RSIQ, Technical Approach, state that “the submittal should provide a general description of the Proposer’s site analyses, engineering and design methodologies to marsh creation and/or ridge restoration...” Does CPRA want to evaluate the team’s proposed specific project site analyses for this Outcome Based Performance project? Or, is the intent of the RSIQ to entirely describe general methodology to be used if selected?
- R. The intent for this RSIQ is for the Proposer to describe their general methodology they propose to use for a proposed project.**
25. **Q.** 6.9.1 The passage below calls for “*team*” *understanding* and then describes the purpose as determining the *Proposers quality of work*. Based on the first reference to team understanding, may the Proposer include projects completed by team members and personnel, as well as their own projects and personnel? Would a requirement that some mix Proposer projects and Team projects, decided by the Proposer, be appropriate?
- “The Experience and Qualifications Form (**Enclosure C**) shall be used to support CPRA’s *understanding of the project team and their previous interaction on projects* described in the SIQ. Additionally, the form shall provide details for the relevant projects described in Block 13, which shall be used for reference checks. A maximum of ten (10) project references should be noted in the form’s project description (Block 13). CPRA reserves the right to call any of those listed project owners or contacts as listed on this form, or individuals other than those listed, to verify **the Proposer’s quality of work and owner satisfaction.**”
- R. There are no requirements for the Proposer to list a particular set or subset of projects. It is acceptable for the Proposer to list previous projects undertaken by some or all of the Proposer’s team.**
26. **Q.** How will different types of projects (marsh creation / ridge restoration) and different project areas be taken into consideration and scored during the RFP phase? This could impact how the project team is organized in this RSIQ phase.
- R. Information pertaining to project evaluation and scoring criteria will be addressed in the subsequent RFP process.**
27. **Q.** Will CPRA consider defining the degree of marsh degradation which will qualify a given polygon of acreage as “Creation” (we prefer the term Restoration;)? In other words, could a “threshold” balance of remnant marsh\open water be determined, solely for the purposes of this initial RFP, which would inform the Proposer how a given site could be evaluated for their revenue potential? (Assuming we are paid by the acre of Creation) We suggest 25% remnant marsh \ 75% open water be considered “Creation” in a given polygon of material placement. Less marsh would still be the deliverable -- “Creation.” Existing marsh >25% would become “Enhancement,” to be priced separately.
- R. Information pertaining to project evaluation and scoring criteria will be addressed in the subsequent RFP process.**

28. **Q.** Section 4.0 bullet #1 requires the Proposer to list the “Financing members of the team” Does this team need to include the *actual final financing institution(s)* and their associated loan officers\investment managers\fund partner, or is it sufficient to list the finance specialists who are pursuing and will identify the final financial institution(s). For instance, if a proposer hired an investment banker or similar professional who will raise the funds among competing institutions or funding sources, but the final financing entity is not determined by August 13, is naming the intermediary sufficient? Or is it simply providing the wherewithal of the proposing firm itself to raise sufficient capital? We ask because naming the final financier in the SIQ stage may “box us in” to one source of funds, without benefit of competition, before final project details and locations are determined prior to responding to an RFP. Some firms raise capital for project on a case-by-case basis.
- R. Proposer should clearly and in detail provide sufficient information for the evaluation team to determine the financial capacity of the proposed team. Additionally, see revised Section 4.0 “OBPC Staffing Requirements” on page 9 of this addendum.**
29. **Q.** Will CPRA allow any additions to the proposed project team between the RSIQ and RFP stages?
- R. See response to #18.**
30. **Q.** During the RFP phase, can the proposing team suggest a more cost beneficial (For CPRA) project duration or timeline? This could provide CPRA with more cost effective options for building and maintaining proposed projects. Due to several references to a 10-year project performance lifetime, we suspect the RFP may include project payments to the Proposer in years 8, 9 and/or 10. Has CPRA taken into consideration that the optimal payment schedule duration may only be seven years? In our experience payments slated for years 8 -10 may be dismissed by financial institutions as too far in the future for the purposes of price setting, and the price may be established based on recovering all expenditures and reasonable profit in 5 – 7 years. If the prices are set based on recovering invested dollars in 5- 7 years, CPRA may be unwittingly driving up prices substantially without a concurrent benefit. Could CPRA consider allowing the Proposer to offering a 7-year term price, and 10-year term price in case the state would like an “Extended Warranty”? This would allow the state to see the relative costs.
- R. Information pertaining to these issues will be addressed in the subsequent RFP process.**
31. **Q.** Will the RFP be solely for projects already approved for RESTORE Act funds/NRD funds?
- R. No.**
32. **Q.** Do the projects need to be directly from NRDA FEIS / 2017 Coastal Master Plan (already NEPA-vetted) or do they just have to be similar in scope and process?
- R. See response to #20.**
33. **Q.** Please describe the duration and structure of the bond that will be required in the RFP for projects?
- R. See responses to #9 and #16.**

34. **Q.** Do we have to select one dredge contractor in the RSIQ submittal, or can we have multiple potential qualified dredgers to negotiate a price after project is further defined in the RFP?
R. **One or multiple is acceptable for the RSIQ submittal.**
35. **Q.** How will CPRA handle the risk of Hurricanes effecting the long-term performance of a project after the project is built?
R. **See response to #10.**
36. **Q.** Per the instructions on the EQF-1 form, the Proposer and subcontractors must submit a fully completed EQF-1 form. Please clarify if EQF-1 forms must be completed by all firms on the team (multiple forms will be submitted in the packet) or that the proposer will be submitting one (1) EQF-1 form on behalf of the entire team.
R. **The Proposer and any subcontractors the Proposer intends to employ at the time of SIQ submittal, must submit a fully completed EQF-1 form. Therefore, multiple forms should be submitted in the packet.**
37. **Q.** On the EQF-1: Section 10, does the list of full-time personnel reflect a firmwide total or only full-time personnel in the State of Louisiana?
R. **EQF-1: Section 10 is intended for the Proposer to list Proposer and any subcontractor personnel that the Proposer intends to employ (for the purposes of this proposed SIQ team) at the time of SIQ submittal. This does not represent a firmwide total or only State of Louisiana personnel.**
38. **Q.** Given the scenario in which each firm on the team is required to complete a form and due to the page limit restrictions, are subcontractors allowed to omit/eliminate certain sections that may not pertain to them (ex: Section 11)?
R. **Subcontractors should respond “N/A” to EQF-1 Blocks 9 and 11 and provide a response to Block 13, if applicable.**
39. **Q.** Does the borrow site need to be located within the Barataria Basin if “in-basin” borrow source is identified?
R. **No.**
40. **Q.** The RSIQ states that discreet projects will be solicited. Will the Coastal Protection and Restoration Authority (CPRA) identify specific project areas; or does CPRA intend for the Proposer to submit discreet projects that are either within the 2017 Master Plan or consistent with the Master Plan? Given the funding source is from the Deepwater Horizon NRD settlement, would a site be required to be consistent with the preferred alternatives per the Final Louisiana Trustee Implementation Group (TIG) Barataria Strategic Restoration Plan and Environmental Assessment?
R. **See response to #20.**

41. Q. Will CPRA provide a list of marsh creation and/or ridge restoration projects that are included in the 2017 Master Plan, consistent with the 2017 Master Plan, and/or included in the TIG report that are currently either in E&D phase and set to go to construction. Can CPRA provide the proposers with a percent complete of these projects and or schedule for execution?
- R. **CPRA project information is available on the CPRA website at: <http://coastal.la.gov/our-work/projects/> and <http://coastal.la.gov/resources/library/reports/>.**
42. Q. If the proposer submits a borrow source that is more economical and reduces the overall cost per acre of a proposed project in E&D, will CPRA allow the proposers project to move forward? How does this change if the project is being performed by another local, state or federal agency?
- R. **It is not the intent of CPRA to pursue projects that are ongoing or currently in Engineering and Design.**
43. Q. The RSIQ indicates that a maximum of 10 relevant projects are to be included in Block 13 of the EQF-1 form. Does this maximum number apply separately to each JV member and sub-contractor who completes this form; or is the entire Proposer Team (inclusive of prime firms, JV members and subcontractors) held to a maximum total of 10 relevant projects? For example, can the prime firm submit 10 projects in addition to a subcontractor's submittal of 10 projects?
- R. **The Proposer (inclusive of prime firms and JV members) and subcontractors should respond to Block 13, if applicable, on the EQF-1 form.**
44. Q. Once selected/short listed via the SIQ review process, can multiple proposals be submitted for more than one project under the subsequent RFP process?
- R. **Information pertaining to these issues will be addressed in the subsequent RFP process.**
45. Q. Will the SIQ & RFP scores be cumulative in the overall selection process? If so, can CPRA provide us with the percentage breakdown between the two submittals?
- R. **No.**
46. Q. Are proposers allowed to include 11x17 pages within their submittal? If so, is there a limit to the number of 11x17 pages? Will a 11x17 page be counted as 1 page or 2 pages?
- R. **One 11x17 page is allowed and will be counted as one page in the SIQ submittal.**
47. Q. Will proposers be given a substantive timeframe to respond to the RFP? A 120 to 180-day response period will likely be necessary to complete the required diligence.
- R. **Yes.**
48. Q. If the proposer submits as a joint venture, is there a requirement to name a prime contractor; or would the JV be considered the prime?
- R. **The JV will be considered the Prime.**

49. Q. If the proposer is required to take on the risk/liability, how much oversight will CPRA have over the project implementation? Will oversight be limited to review & commenting of milestone deliverables only or will interim meetings be performed between milestone deliverables?
- R. **Information pertaining to these issues will be addressed in the subsequent RFP process.**
50. Q. Will CPRA's milestone deliverable review process be held to a certain timeframe/schedule to not hinder the project schedule?
- R. **Information pertaining to these issues will be addressed in the subsequent RFP process.**
51. Q. The RSIQ states that CPRA has the right to review and approve the borrow sources during the RFP process. Will CPRA be able to provide a list of borrow sources that are unavailable to the Proposers based on upcoming projects known to CPRA that will conflict with the Proposer's project? If the Proposer's project is permitted prior to CPRA starting Engineering & Design, will the proposer be allowed to secure the borrow source?
- R. **Information pertaining to these issues will be addressed in the subsequent RFP process.**
52. Q. Under Section 6.4, RSIQ states that individual resumes should be limited to two (2) pages or less. Is this restriction for the RSIQ's 50-page response or the EQF-1 Form in the appendix?
- R. **As stated in RSIQ Section 6.9 Appendices: Standard Forms and Supporting Documents, "Documents provided by the Proposer for this section will not be considered in the SIQ page limit." Appendix I: Experience and Qualification Form (EQF-1) is both included in Section 6.9 and it is listed as an Appendix, therefore individual resumes contained on EQF-1 will not be considered in the SIQ page limit.**

-END OF QUESTIONS & RESPONSES-

Delete Section 4.0 of the RSIQ in its entirety and replace with the following:

4.0 OBPC STAFFING REQUIREMENTS

Successful full delivery of marsh creation and/or ridge restoration projects through CPRA's outcome-based performance contracting requires a broad range of business, technical, and construction expertise. Due to statutory mandates and the complexities in delivering completed projects, it is typical for Proposers to employ specialized personnel on the project delivery team, which may include employees of the outcome-based performance contractor, partners, members, coventurers, subcontractors, or consultants.

Following is a list of the desired key positions for the team. Additional expertise may be needed based on site-specific conditions of projects. Proposers should consider the general requirements of project types listed in this RSIQ and utilize their professional judgment and experience on additional staff requirements. Note that individuals may serve in multiple roles.

- The financing members of the team;
- Project Manager with relevant and demonstrated experience successfully delivering ecosystem restoration projects. The Project Manager shall serve as the point of contact with CPRA.
- Property acquisition members of the team;
- Professional Land Surveyor and members of the team with experience executing topographic, bathymetric, hydrographic, magnetometer, and boundary surveys before, during and after construction in coastal environments;
- Design component members for the areas of expertise specific to marsh creation and/or ridge restoration, including civil engineer(s), coastal engineer(s), geotechnical engineer(s) and restoration scientists;
- Construction Manager and team members experienced in coastal habitat restoration, including dredging, transportation, and placement of sediment and associated logistics;
- Project Scientists and other experts on the team experienced with coastal ecosystem restoration and permitting experience through the Louisiana Department of Natural Resources Coastal Use Permitting Program, U.S. Army Corps of Engineers, New Orleans District, Section 10/404 program and experience with U.S. Fish and Wildlife Service, NOAA-National Marine Fisheries, and Louisiana Department of Wildlife and Fisheries. The Project Scientists shall be responsible for regulatory permitting and compliance, monitoring plan development, post-construction monitoring, and adaptive management.

CPRA requires that the Proposer's organization including Principal Participants, Designer, Specialty Subcontractors, and key management personnel, identified in the SIQ remain intact for the duration of the RSIQ process and subsequent RFP process including the subsequent Contract, if awarded. Should substitutions become necessary, Proposers may propose substitutions for participants after the SIQ submittal. However, such changes will require written approval by the CPRA, which approval may be granted or withheld in the CPRA's sole discretion. Requests for changes must be made in writing no later than 30 working days prior to the due date for submittal of a subsequent RFP. A rejection of the requested change by CPRA, or the failure of the Proposer to request CPRA approval of the change, may result in the disqualification of the Proposer.

If a request is made to add to the organization, other than the addition of subcontractors, the Proposer shall submit with its request that information specified for a Principal Participant or Designer in the SIQ, including legal and financial data as well as the information for quality evaluation. If a Principal Participant or Designer is being deleted, the Proposer shall submit such information as may be required by the CPRA to demonstrate that the changed team meets the SIQ criteria. The CPRA specifically reserves the right to accept or reject the requested change. A rejection of the requested change by CPRA, or the failure of the Proposer to request CPRA approval of the change, may result in the disqualification of the Proposer.

If a Proposer wishes to change any of the Key Personnel presented by the Proposer in its SIQ, the Proposer must submit a request to change its organization in writing not later than 30 working days prior to the RFP due date. If a request is made to change any Key Personnel, the Proposer shall submit with its request that information specified for that Key Personnel in the SIQ, including a resume. The CPRA specifically reserves the right to accept or reject the

requested change. A rejection of the requested change by CPRA, or the failure of the Proposer to request CPRA approval of the change, may result in the disqualification of the Proposer.

The Proposer's submission of a Proposal in response to a subsequent RFP would be considered an acknowledgement and certification that the Proposer is committed to assigning the resources identified in its SIQ and subsequent RFP response, including Key Personnel and other staff identified by name, equipment, material, supplies, and facilities to the project if the Proposer is awarded the Contract, to the extent that assigning those resources remains within the control of the Proposer and its Principal Participants.

Proposers are advised that contractors of the State of Louisiana may, in certain circumstances, be deemed public employees as defined by the Ethics Commission. **Full disclosure to CPRA is required of any potential conflicts of interest.** Any potential conflicts shall be resolved with the Ethics Commission prior to submitting proposals in response to an RFP.