

REQUEST FOR PROPOSAL

FOR

MRGCD DRAIN OUTFALL SAMPLING AND ANALYSIS PLAN
SPRING/SUMMER/FALL 2020
99255/92685



DEADLINE FOR RESPONSE:

MARCH 24, 2020
11:00 A.M.

PREPARED BY:

Jeanette Bustamante, Procurement Manager/CPO
Middle Rio Grande Conservancy District
P.O. Box 581
Albuquerque, New Mexico 87103
(505) 247-0234

NOTICE

THE NEW MEXICO PROCUREMENT CODE,
SECTIONS 13-1-28 THROUGH 13-1-199 NMSA 1978
IMPOSES CIVIL AND CRIMINAL PENALTIES FOR ITS VIOLATION.
IN ADDITION, THE NEW MEXICO CRIMINAL STATUTES
IMPOSE FELONY PENALTIES FOR ILLEGAL BRIBES,
GRATUITIES AND KICK-BACKS

**SECTION I
INTRODUCTION/SPECIFICATIONS**

PURPOSE OF THIS REQUEST FOR PROPOSAL (RFP)

The Middle Rio Grande Conservancy District (MRGCD) is inviting Qualified Offerors to provide a Sampling and Analysis Plan for Spring/Summer/Fall 2020 Fisheries Monitoring of select Wasteway/Drain Outfalls.

TERMS AND CONDITIONS

The term of this price agreement shall be for one (1) year from date of award with the option to extend for a period of three (3) additional years, on a year-to-year basis, by mutual agreement of all parties.

ESCALATION CLAUSE

In the event of a product cost increase, an escalation request will be reviewed on an individual basis. Please be aware, this measure is not intended to allow any increases in profit margin, only to compensate for an actual cost increase.

INSURANCE REQUIREMENTS

The Contractor shall procure and maintain at the Contractor's expense insurance of the kinds and in amounts herein provided. This insurance shall be provided by the insurance companies authorized to do business in New Mexico and shall cover all operations under the Contract, whether performed by the Contractor, the Contractor's agents or employees or by subcontractors. All insurance provided shall remain in full force and effect for the entire period of the work, up to and including final acceptance, and the removal of all equipment and employees, agents and subcontractors therefrom.

A. Public Liability and Automobile Liability Insurance:

1. General Liability: bodily injury liability and property damage liability insurance applicable in full to the subject project shall be provided in the following minimum amounts:

Bodily Injury Liability: \$500,000 each occurrence; \$1,000,000 aggregate
Property Damage Liability: \$500,000 each occurrence, \$1,000,000 aggregate

a. The policy to provide this insurance is to be written on a Comprehensive General Liability Form or Commercial General Liability Form which must include the following:

- 1) Coverage for liability arising out of the operation of independent Contractors;
- 2) Completed operation coverage; and
- 3) Attachment of the Broad Form Comprehensive General Liability Endorsement.

2. Automobile liability insurance coverage for the contractor (whether including in the

policy providing general liability insurance or in a separate policy) must provide liability for the ownership, operation and maintenance of owned, non-hired cars. The limits of liability for automobile insurance shall be provided in the following amounts:

Bodily Injury Liability: \$500,000 each occurrence; \$1,000,000 aggregate Property Damage Liability: \$500,000 each occurrence; \$1,000,000.

B. Worker's Compensation Insurance:

The Contractor shall also carry Worker's Compensation Insurance or otherwise fully comply with the provision of the New Mexico Workman's Compensation Act and Occupational Disease Disablement Law. If the contractor is an "owner-operator" of such equipment, it is agreed that the MRGCD assumes no responsibility, financial or otherwise, for any injuries sustained by the "owner-operator" during the performance of said price agreement.

Envelopes shall be clearly marked "**MRGCD DRAIN OUTFALL SAMPLING AND ANALYSIS PLAN SPRING/SUMMER/FALL 2020**" in the lower left hand corner. The filing date and time marked or stamped on the envelope by MRGCD shall be conclusive evidence of the date and time the proposal was filed.

Proposal can be mailed, but to be considered must be received by or before 11:00 a.m. March 24, 2020 at the MRGCD Office.

Jeanette Bustamante, Procurement Manager/CPO
Middle Rio Grande Conservancy District
1931 Second Street, SW 87102
P.O. Box 581
Albuquerque, NM 87103

This Proposal shall encompass this RFP, Scope of Work Exhibit "A" and 6 Appendices. Should any amendment to the RFP be deemed necessary, it will be distributed in writing to all who have returned their Acknowledgement of Receipt Form, and shall also be posted on the MRGCD website <http://www.mrgcd.com>. If an amendment requires a time extension, the submission date will be changed as part of the written amendment.

**SECTION II
CONDITIONS GOVERNING THIS PROCUREMENT**

This section of the RFP contains the schedule for the procurement, describes the major procurement events and the conditions governing the procurement.

A. SEQUENCE OF EVENTS

The Procurement Manager will make every effort to adhere the following schedule:

ACTION	RESPONSIBILITY	DATE
Issue of Request for Proposal	MRGCD	February 27, 2020
Deadline for Acknowledgement of Receipt Form	Offeror	March 5, 2020
Deadline to Submit Question	Offeror	March 10, 2020
Responses to Questions	MRGCD	March 18, 2020
Deadline to Submit Proposal	Offeror	March 24, 2020
Proposal Evaluation	MRGCD	March 25 – April 1, 2020
Notice of Finalist(s) and Non Finalist(s)	MRGCD	April 2, 2020
Oral Presentation	Finalist	TBD
Board Recommendation/Approval	MRGCD	April 13, 2020
Notice of Award	MRGCD	April 14, 2020
Protest	Protesting Offeror	April 30, 2020

B. EXPLANATION OF EVENTS

1. Issue of RFP

This RFP is issued by the MRGCD in accordance with the provisions of Sections 13-1-120 and 13-1-121 NMSA 1978. The MRGCD Purchasing Department is the only organization who is authorized to make copies and/or distribute this RFP in any format. A distribution list of those who receive the RFP will be maintained throughout the procurement process and will become part of the procurement file.

2. Acknowledgement of Receipt Form

Potential Offerors should hand deliver, return by facsimile, e-mail, or mail the “Acknowledgement of Receipt Form” that accompanies this document as Appendix 6 to have their organization placed on the procurement distribution list. The form should be signed by an authorized representative of the organization, dated, and returned by close of business **March 5, 2020**. The procurement distribution list will be used for the distribution of written responses to questions, amendments to RFP, etc. Failure to return the “Acknowledgment of Receipt Form” shall constitute a presumption of receipt and rejection of the RFP, and the potential Offeror’s organization name shall not appear on the distribution list.

3. Deadline to Submit Written Questions

Potential Offerors may submit written questions to the Procurement Manager as to the intent or clarity of this RFP until close of business **Tuesday March 10, 2020**. All written questions must be submitted to the Procurement Manager. Questions shall be clearly detailed and shall cite the Section(s) and Item(s) in the RFP. All responses to written questions will be distributed via e-mail or facsimile to Offeror’s on the distribution list. Include the e-mail address for the individual appointed to receive responses to the questions. The identity of the organization submitting the question(s) will not be revealed.

4. Response to Written Questions/RFP Amendments

Written Responses to written questions will be distributed **March 18, 2020** to all potential Offerors whose organization name appears on the procurement distribution list. An e-mail copy will be sent to all Offeror’s that provide their Acknowledgement of Receipt Form, and responses will also be posted on MRGCD website.

5. Submission of Proposal

ALL OFFEROR PROPOSALS MUST BE RECEIVED FOR REVIEW AND EVALUATION BY THE PROCUREMENT MANAGER, NO LATER THAN 11:00 A.M. LOCAL TIME, TUESDAY, MARCH 24, 2020. Proposals received after this deadline will not be accepted. The date and time of receipt will be recorded on each proposal. Proposals must be sealed and labeled on the outside of the package to clearly indicate response to the **MRGCD DRAIN OUTFALL SAMPLING AND ANALYSIS PLAN - SPRING/SUMMER/FALL 2020**.

PLEASE NOTE: Proposals submitted via facsimile or any other electronic method will not be accepted.

A public log will be kept of the names of all Offeror organizations that submitted proposals. Pursuant to Section 13-1-116 NMSA 1978, the contents of any proposal shall not be disclosed to competing potential Offerors during the negotiation process. The negotiation process is deemed to be in effect until the contract is awarded pursuant to this RFP.

6. Proposal Evaluation/Short listing

The Evaluating Committee will evaluate all proposals on **March 25th through April 1, 2020**. The Procurement Manager may initiate discussions with Offerors who submit responsive or potentially responsive proposals for the purpose of clarifying aspects of the proposal. However, proposals may be accepted and evaluated without such discussion. Discussions SHALL NOT be initiated by the Offerors. Each responsive Offeror will be notified in writing as to their status following the short listing. A public

log will be kept of the names shortlisted.

7. Notice of Finalists/Non-Finalists

Each responsive Offeror will be notified in writing on **April 2, 2020** whether their proposal has been shortlisted. A public log will be kept of the names and rankings of all Offerors shortlisted for interviews.

8. Oral Presentation (TBD)

Finalist offeror's may be required to present their proposals to the Evaluation Committee. The Procurement Manager will schedule the time for each offeror presentation. All offeror presentations will be held at the MRGCD office Albuquerque, NM, and oral presentation will be limited to one (1) hour in duration.

9. Recommendation and Approval

Recommendation will be submitted for approval and award of contract for "**MRGCD Drain Outfall Sampling and Analysis Plan**, and no later than, **April 13, 2020**. This contract shall be awarded to the offeror whose proposal is most advantageous to the district, taking into consideration the evaluation factors set forth in the RFP.

10. Notice of Award

The contract shall be awarded to the Offeror (or Offerors) whose proposal are most advantageous to the MRGCD, taking into consideration the evaluation factors set forth in this RFP. The most advantageous proposal may or may not have received the most points. The award is subject of the MRGCD Board of Directors Approval.

The Procurement Manager will notify all finalists in writing of the final award on **April 14, 2020**.

11. Protest Deadline

Any protest by an offeror must be timely and in conformance with Section 13-1 172 NMSA 1978 and applicable procurement regulations. The fifteen (15) day protest period for responsive offeror's shall begin on the day following the contract award and will end as of 4:30 p.m. Mountain Time on **April 30, 2020**. Protests must be written and must contain the name and address of the protestant, the name of this solicitation, and a statement of grounds for protest, including appropriate supporting exhibits.

The protest must be addressed and delivered to as follows:

Ms. Jeanette Bustamante, Procurement Manager/CPO
Middle Rio Grande Conservancy District
PO Box 581
Albuquerque, NM 87103-0581
505 247-0235 ext. 1329
Jeanette@MRGCD.com

Protests received after the deadline will not be accepted.

SECTION III MANDATORY SUBMITTAL REQUIREMENTS

Transmittal Letter and Executive Summary

The Transmittal Letter shall be signed by an authorized representative of the company such as the owner, partner, or in the case of a corporation, the President, Vice President, Secretary, or other corporate officer(s).

The Transmittal Letter must provide the Proposer's primary contact information, including the following:

1. Name of the Proposer representative
2. Title
3. Name of company
4. Address
5. Telephone number
6. E-mail address and
7. Signature of authorized officer of the firm

The Transmittal Letter shall be printed on the Proposer's letterhead.

A signature on the Transmittal Letter hereby provides the MRGCD acknowledgement and acceptance of the "Conditions" and the execution of same during the discharge of any succeeding contract. It shall be clearly understood that by submitting a Proposal in response to this solicitation, a Proposer shall be deemed to have accepted all specifications, terms, and general conditions and requirements set forth in these specifications, terms, general conditions, and requirements unless otherwise clearly noted and explained in this RFP.

The Executive Summary should provide a brief summary of the Proposal contents, emphasizing any unique aspects or strengths of the Proposal. The Executive Summary may be incorporated as part of the Transmittal Letter.

Company Background with Key Proposed Personnel and Team Organization

Provide a comprehensive narrative history of the firm, including the development of its experience in providing services similar to those described in RFP including all third- party companies if applicable.

Provide a summary of your company's ability to meet/deliver the requirements as provided within the RFP.

Proposal should include the resumes of the proposed Project personnel as well as the structure of the proposed project team. The resumes and structures shall be provided for the implementation team as well as the personnel involved in live operation and ongoing support and maintenance.

Resumes shall be specific to the actual personnel to be assigned to this Project for all primary roles. Resumes shall include the following information:

1. Name and title
2. Role on the project
3. Description of project roles and responsibilities
4. Home office location
5. Educational background
6. Professional registrations and memberships
7. Professional references, and
8. Additional relevant information

The MRGCD reserves the right to contact professional references on any individual conducting work as either an employee of the Vendor, or on the Vendor's behalf

Project Approach

Provide a full description of the proposed approach to provide the services that will satisfy the requirements associated with the specifications identified in this RFP, including:

- A summary description of your company's capabilities to meet the project specifications listed, and how your methodology will meet or exceed the specifications. The narrative should be written for an audience of the end-user.
- Describe any relevant additional/optional services that you can provide not listed within the RFP

Indicate any exception taken to either the requirements or conditions of this RFP. Describe exceptions and identify what is being offered alternatively. Identify any areas the requested service or product is not available, deviates from the specific requests, or is deemed to be an unwise or unwarranted approach, MRGCD reserves the right to disallow exceptions it finds are not in the best interests of MRGCD.

Work Plan/Project Schedule

The proposer shall include a proposed project work plan and schedule, including their recommended implementation plan and a description of the anticipated implementation timelines and assumptions.

Mandatory Forms

Cost Response Form; Campaign Contribution Disclosure Form Appendix 1; Debarment and Suspension Form, Appendix 2; NM Health Employees Health Coverage Form, Appendix 4; and Conflict of Interest Appendix 5 and Acknowledgement of Receipt Appendix 6.

References

Proposal must include three (3) client references from clients who have received similar services. The minimum information that must be provided about each reference is:

- a. Name of individual or company services were provided for
- b. Address of individual or company
- c. Name of contact person
- d. Telephone number of contact person
- e. Type of services provided and dates services were provided
- f. E-mail address (if available)

Permits

Potential Offerors **MUST** possess and include with their proposal a copy of their current permit issued by the US Fish and Wildlife Service to sample the Rio Grande Silvery Minnow species. If a permit has not been obtained your proposal will not be in compliance with the mandatory requirements and shall be deemed non-responsive.

**SECTION IV
MANDATORY REQUIREMENTS**

A. PRICING

Only one (1) proposal will be accepted on behalf of any firm. Alternate proposals will not be accepted.

B. NUMBER OF COPIES

Offerors shall deliver one (1) original and three (3) copies of their proposal in one envelope.

C. PROPOSAL MODIFICATIONS:

Only modifications received prior to the time specified for the closing will be accepted. No modifications will be accepted following the opening. Technical clarifications of the proposal may be requested by the District following the opening.

D. WITHDRAWAL OF PROPOSAL:

Proposal may be withdrawn with written notice to the MRGCD from an authorized representative any time prior to the award.

E. LATE SUBMISSION:

Late submissions of proposal will not be considered unless it is determined by the MRGCD that the late receipt was due solely to mishandling by the MRGCD or if the proposal is the only one received. All other late submissions will be returned unopened.

F. MANDATORY FORMS:

Cost Response Form; Campaign Contribution Disclosure Form Appendix 1; Debarment and Suspension Form, Appendix 2; NM Health Employees Health Coverage Form, Appendix 4; and Conflict of Interest Appendix 5 and Acknowledgement of Receipt Appendix 6.

G. REFERENCES:

Proposal must include three (3) client references from clients who have received similar services. The minimum information that must be provided about each reference is:

- a. Name of individual or company services were provided for
- d. Address of individual or company
- e. Name of contact person
- d. Telephone number of contact person
- e. Type of services provided and dates services were provided
- f. E-mail address (if available)

H. PERMITS:

Potential Offerors **MUST** possess and include with their proposal a copy of their current permit issued by the US Fish and Wildlife Service to sample the Rio Grande Silvery Minnow species. If a permit has not been obtained your proposal will not be in compliance with the mandatory requirements and shall be deemed non-responsive.

I. SCOPE OF WORK:

SEE EXHIBIT “A”

**Middle Rio Grande Conservancy District Drain Outfall Sampling and Analysis Plan –
SPRING/SUMMER/FALL 2020**

J. EVALUATION OF PROPOSALS:

Proposals will be evaluated by the MRGCD using the criteria listed below. During the evaluation process, the District may seek additional clarification from offerors.

Evaluation criteria as follows:

1. Relevant Experience of Firm with this type of project	15%
2. Experience of Staff Assigned to Project (Qualification/Skills)	15%
3. Past Performance with MRGCD on Similar Projects	10%
4. Approach/Methodology	25%
5. Work Plan/Project Schedule	20%
6. Proposed Fees	15%

SECTION V

PRICE PROPOSAL



**MIDDLE RIO GRANDE CONSERVANCY DISTRICT
P.O. BOX 581
ALBUQUERQUE, NEW MEXICO 87103**



ITEM NO.	ARTICLE OR SERVICES	UNIT (EACH and or HOURLY)	UNIT COST
1.	FISHERIES SAMPLING	PER DRAIN OUTFALL AND RIVER SITE	
2.	MAIN CANAL SAMPLING	PER DRAIN OUTFALL AND RIVER SITE	
3.	WATER QUALITY AND ENVIRONMENTAL MONITORING	PER DRAIN OUTFALL AND RIVER SITE	
4.	FISH PROCESSING AND HANDLING	PER DRAIN OUTFALL AND RIVER SITE	
5.	DEPLETION SAMPLING	PER DRAIN OUTFALL AND RIVER SITE	

this form is adaptable for use whether a formal contract is required or not.

NOTICE

TO ALL OFFERORS/OFFERORS

THIS IS A REMINDER THAT THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT IS NOT RESPONSIBLE FOR RECEIPT OF UNTIMELY PROPOSALS OR PROPOSALS WHETHER THE DELAYS ARE DUE TO UNTIMELY DELIVERY BY PUBLIC OR PRIVATE (POSTAL OR PERSONAL) DELIVERY SERVICE. THEREFORE, WE ASK YOU TO PLEASE MAKE APPROPRIATE ARRANGEMENTS TO HAVE YOUR PROPOSAL OR PROPOSALS IN BY THE DEADLINE DATE AND TIME AS DESIGNATED ON THE PROPOSAL OR PROPOSAL.

EXHIBIT “A”

MIDDLE RIO GRANDE CONSERVANCY DISTRICT’S Conservation Program DRAIN OUTFALL MONITORING, SAMPLING, AND ANALYSIS PLAN SPRING/SUMMER/FALL 2020

PROJECT OVERVIEW

This Monitoring, Sampling, and Analysis Plan for spring, summer and fall 2020 includes fisheries monitoring of six (6) pre-selected wasteways and drain outfalls in the Isleta Reach and provides field personnel with detailed instructions on sampling locations, field equipment operations, monitoring methodologies, and operating procedures.

The drain outfalls in the Middle Rio Grande may provide refugial habitat for fish including Rio Grande Silvery Minnow (RGSM), when river flows are low and/or when river drying occurs. When the river experiences drying or very low flows, drain outfalls can be some of very few if any areas along the river that remain wet or have appropriate water temperature and velocity for fish. A refuge implies that it is a temporary habitat and not necessarily the most suitable for RGSM, but may increase survival when there is no other wetted area. It is possible that fish have used these drains as refuge for quite some time, especially when historic river drying was more extensive prior to current water management. They also may become increasingly important as consecutive drought years continue and possibly increase in severity and overbank flooding, oxbows, and backwater habitats continue to decline.

There have been several studies done on fish assemblages in the drains. One study found a high number of fish species (18) in the Peralta canal and 122 RGSM when the Isleta Reach was dry in the summer of 2004 suggesting that irrigation canals can function seasonally as refugial habitats for fish (Cowley et. al 2007). This study and others (Lang and Altenbach, 1994; Wesche et. al, 2010; Archdeacon et. al, 2013; SWCA 2016) have also found high numbers of fish species including RGSM in the drain outfalls. Based on the higher number of young of year RGSM in Alejandro in 2015, it is also possible that RGSM may spawn in certain outfall locations. The District is enhancing six of these wasteways/outfall sites to include sustained discharge of water via delivery control structures, and habitat improvement where applicable. This study is intended to obtain a baseline (pre-improvement) as well as post-improvement data set in order to obtain a comprehensive understanding of habitat suitability and fish use of these key drain wasteways/outfalls.

PROJECT GOALS AND OBJECTIVES

Fisheries monitoring of wasteway and drain outfalls to be conducted during spring, summer, and fall of 2020 is intended to:

- Document persistence of fish in river channel wetted by drain/wasteway outfall during periods of drying through presence/absence sampling to determine relative abundance of fish species
- Document drain outfall and adjacent river fish communities by conducting presence/absence sampling to determine relative abundance of fish species.

- Document habitat type(s) and approximate location fish are utilizing and depth and velocity of areas sampled.
- Document water quality as a measure of habitat quality for native fish.
- Document lifecycle stages of Rio Grande Silvery Minnow that are sampled at the six outfall locations.

PROJECT METHODOLOGIES

SITE SELECTION

Six sites, three of which have been sampled in previous years, have been selected for fisheries monitoring during spring, summer and fall 2020 (Table 1). All six sites will be sampled a minimum of four (4) times annually. In addition, the main channel will be sampled from the confluence of each wasteway/drain downstream at three 200 meter locations if available.

Table 1. Wasteway/Drain Outfall Sites Selected for MRGCD 2020 Fisheries Monitoring.

Sites	River Mile
Los Chavez Wasteway	157
Lower Peralta # 2 (Madrone)	145
Sabinal Drain Outfall	139
Storey Wasteway	140
New Belen Wasteway	147
San Francisco Outfall	127

FISHERIES SAMPLING

The Los Chavez, Lower Peralta 2 (Madrone), Sabinal, Storey, New Belen, and San Francisco wasteway/drain outfall sites and the associated main channel within the Isleta Reach of the Middle Rio Grande will be selected for fisheries monitoring during the spring, summer and early fall of 2020. A minimum of four (4) sampling events will occur annually at each site. Each site will be sampled once during the months of March or April (corresponding to annual spring runoff event), July, September, and October. The associated main channel will be sampled during each of the wasteway sampling events.

Sampling at drain sites will be varied to accommodate habitat variability among the sites and to maximize the catch of fish. At all drain sites fish will be sampled using a small beach seine (3.1 × 1.8 m [10 × 6 feet] with 3-mm mesh) from habitats that are accessible by biologists wearing waders. If a site has sufficient complexity then the use of a backpack electrofisher may be considered. Fyke nets or other trap nets could be used in areas where the depth and or complexity would preclude efficient sampling with a beach seine and or backpack electrofisher.

At a minimum, habitat of each sampled wasteway/drain outfall will be qualitatively assessed for

mesohabitat composition, cover, and the presence of woody debris and other structural features. All collected fish will be identified and counted. The standard length of all silvery minnow will be recorded. All collected fish will be returned back to the site of capture. Water quality during each sampling event will be collected from a minimum of three locations within each wasteway/drain outfall.

MAIN CHANNEL SAMPLING

Additional sampling of the Rio Grande at the confluence of the wasteway/drains will be conducted. Three discrete 200 meter sites of main channel habitat will be systematically selected for monitoring. Sampling will occur prior to, during, and after anticipated drying in the proposed sampling area. During drying, only wetted main channel habitats that are maintained by water released from the drain/wasteway will be sampled. A single survey will be conducted prior to drying with a minimum of three conducted after drying begins. An additional survey may be conducted after drying ends and the river reconnects in the same areas that were sampled prior to drying. During 2016 a length of approximately 0.5 miles was observed to be maintained by discharge from the Los Chavez Wasteway (T.P. Archdeacon, personal communication), therefore sampling sites during drying may need to be modified or moved within the wetted habitat to ensure that three 200 meter sites are sampled during both pre and post-drying sampling times.

Three Hobo temperature loggers will be placed into main channel habitats after drying occurs in the adjacent main channel. The temperature loggers will be placed systematically from the confluence of the Los Chavez Wasteway downstream to the lowermost pool that is maintained by water from the wasteway.

Fisheries sampling will consist of collecting 10 to 20 samples from each discrete 200 meter site, if possible depending on the availability of habitat. Sampling of the lower segment will likely not warrant 10-20 seine hauls. All collected fish will be identified and counted. Water quality during each sampling event will be collected from each discrete 200 meter site using a YSI or equivalent meter.

WATER QUALITY AND ENVIRONMENTAL MONITORING

On each sampling date, water quality measurements will be collected from each wasteway and the adjacent main channel. A minimum of 3 water quality samples will be collected from wasteway area and the adjacent main channel. Water quality will be collected after fish sampling to minimize disturbance to the site and habitat occupancy by fish occupying the site. Water quality parameters will be measured using a YSI 556 multi-parameter handheld meter (Yellow Springs Instruments, Yellow Springs, Ohio), and included temperature (°C), dissolved oxygen (mg/L and %), conductivity ($\mu\text{S}/\text{cm}^\circ$ [conductivity corrected to 25°C], and $\mu\text{S}/\text{cm}$ [uncorrected]), salinity (parts per thousand), pH, and turbidity (Formazin turbidity units). Water depth (feet) and flow velocity (ft/s) will be measured using a USGS top-setting wading rod fitted with a Marsh-McBirney Flo-Mate portable flowmeter (Hach, Loveland, Colorado). Habitat types of areas sampled and where silvery minnow are found will be recorded to determine if habitat preferences are consistently observed.

SAMPLING ASSUMPTIONS TO MINIMIZE COLLECTION IMPACT

Sampling for fish in wasteways will not be conducted at temperatures at or above 30°C. Prior to sampling at each wasteway or the adjacent main channel temperature will be recorded to determine suitability for sampling. If the temperature is at or exceeds the threshold temperature of the 30°C the survey will be postponed until the temperature drops below the threshold temperature of 30°C.

If the density of silvery minnow in a wasteway and the adjacent main channel exceeds four (4) fish per sample or seine haul, or a total of 40 per wasteway site and the adjacent main channel then beach seines will be the only gear type employed for sampling at that site during additional surveys. Results will be communicated with the USFWS to determine a suitable sampling frequency and avoid overlap with rescue/salvage activities in the area to minimize impacts to silvery minnow.

FISH PROCESSING AND HANDLING

All collected fish will be held in aerated buckets for processing and the temperature of the bucket will be monitored to ensure that it does not reach or exceed the 30°C threshold for sampling. All fish will be identified to species and counted. If silvery minnow are collected then they will be processed immediately and returned to capture location to minimize stress to the species. Collected silvery minnow will be measured for standard length (mm), visually inspected for the presence of hemorrhagic lesions, parasites, anemia and fungal infections. Handling time of silvery minnow will be minimized and restricted to less than 30 seconds per fish to reduce stress. After processing, fish will be released to the area (wasteway/outfall or main channel) where they were captured. No fish will be transported away from location of capture. All collected fish will be identified in the field using taxonomic keys provided in Sublette et al. (1990); phylogenetic classification followed Nelson et al. (2004).

DEPLETION SAMPLING (optional)

During the planned August or September survey, a depletion sample may be conducted at one of the proposed drain outfall monitoring sites. The depletion survey will be conducted by closing a 30 meter site with block nets and then depleting the fish population therein with either the backpack electrofisher or the beach seine, depending on environmental conditions. At each depletion survey area, a minimum of 3 and a maximum of 5 passes will be conducted to determine abundance within the depleted area. At the drain site a maximum of 3 depletion samples, each 30 m in length, will be conducted. These data will be used to extrapolate out the density of fish within the drain for all species encountered.

TIME PERIOD OF WORK

The expected period of service for this work order is from April 13st through November 30th of 2020.

DELIVERABLES

- Per task requested: Monitoring, Sampling and Analysis Plan (MSAP) to include description of work, schedule, and budget.
- Task specific summary reports 21 days after task is completed.
- Final Report with findings and recommendations.

LITERATURE CITED

- Archdeacon, T. P., Austring, T. J., Diver, T. A., Nolen, M. S. *Fish Communities of the Lower Peralta Drain #2, Lower San Juan Drain, and Sabinal Drain, New Mexico*. U.S. Fish and Wildlife Service, New Mexico Fish and Wildlife Conservation Office. Submitted to the Minnow Action Team, Middle Rio Grande Endangered Species Collaborative Program, Albuquerque, New Mexico.
- Cowley, D. E., R. C. Wissmar, and R. Sallenave. 2007. *Fish Assemblages and Seasonal Movements in Irrigation Canals and River Reaches of the middle Rio Grande, New Mexico (USA)*. *Ecology of Freshwater Fish* 16:548-558.
- Foster, J.R. 1977. *Pulsed gastric lavage: An efficient method of removing stomach contents of live fish*. *The Progressive Fish Culturist* 39:166-169.
- Lang, B. K. and C. S. Altenbach. 1994. *Ichthyofauna of the Middle Rio Grande Conservancy District irrigation system: Cochiti Dam to Elephant Butte State Park, July-August 1993*. Submitted to U.S. Bureau of Reclamation, Albuquerque, New Mexico.
- Nelson, J. S., E. J. Crossman, H. Espinosa-Perez, L. T. Findley, C. R. Gilbert, R. N. Lea, and J. D. Williams. 2004. *Common and scientific names of fishes from the United States, Canada and Mexico*. Sixth edition. Bethesda, Maryland: American Fisheries Society Special Publication 29.
- Reale, J. In Review. *Continuous Water Quality Monitoring and Assessment Report of Agricultural Return Drains of the Middle Rio Grande as Potential Refugia Habitat for Rio Grande Silvery Minnow (Hybognathus amarus)*. U.S. Army Corps of Engineers. Submitted to the Minnow Action Team, Middle Rio Grande Endangered Species Collaborative Program, Albuquerque, New Mexico.
- Sublette, J. E., M. D. Hatch, and M. Sublette. 1990. *The Fishes of New Mexico*. Albuquerque: University of New Mexico Press.
- SWCA Environmental Consultants. 2016. *Middle Rio Grande Conservancy District Wasteway/Drain Outfalls Fish Sampling Summer and Fall 2015 Draft Report*. Submitted to the Middle Rio Grande Conservancy District, Albuquerque, NM.
- Wesche, T. A., Wesche, L. B., Broderick, S., Cowley, D. E., Wyman, B. 2010. *Development of Rio Grande Silvery Minnow Refugia at Drain Outfalls of the Isleta Reach of the middle Rio Grande, New Mexico*. Submitted to the U.S. Bureau of Reclamation and the Middle Rio Grande Endangered Species Collaborative Program, Albuquerque, New Mexico.

APPENDIX 1

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to NMSA 1978, § 13-1-191.1 (2006), any person seeking to enter into a contract with any state agency or local public body **for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources** must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body shall void an executed contract or cancel a solicitation or proposed award for a proposed contract if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

“Applicable public official” means a person elected to an office or a person appointed to complete a term of an elected office, which has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

“Campaign Contribution” means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to either statewide or local office. “Campaign Contribution” includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

“Family member” means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law.

“Pendency of the procurement process” means the time period commencing with the public notice of the Request for Proposals and ending with the award of the contract or the cancellation of the Request for Proposals.

“Person” means any corporation, partnership, individual, joint venture, association or any other private legal entity.

“Prospective contractor” means a person who is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or a small purchase contract.

“Representative of a prospective contractor” means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

“Name(s) of Applicable MRGCD Public Official(s)”

(Barbara Baca, John Kelly, Karen Dunning, Joaquin Baca, Stephanie Russo Baca, Valerie Moore, and Michael T. Sandoval)

DISCLOSURE OF CONTRIBUTIONS:

Contribution Made By:

Relation to Prospective Contractor:

Name of Applicable MRGCD Public Official:

Date Contribution(s) Made:

Amount(s) of Contribution(s):

Nature of Contribution(s):

Purpose of Contribution(s):

(Attach extra pages if necessary)

Signature

Date

Title (position)

--OR--

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable public official by me, a family member or representative.

Signature

Date

Title (position)

APPENDIX 2
SUSPENSION AND DEBARMENT REQUIREMENT

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT
AND OTHER RESPONSIBILITY MATTERS**

The entering of a contract between Middle Rio Grande Conservancy District (MRGCD) and the successful Offeror pursuant to this procurement process is a “covered transaction,” as defined by 45 C.F.R. Part 76. MRGCD’s contract with the successor Offeror shall contain a provision relating to debarment, suspension, and responsibility substantially in the form contained in Article 39 of Attachment D. All Offerors must provide as a part of their proposal a certification to MRGCD in the form provided below. Failure of a Offeror to furnish a certification or provide such additional information as requested by the Procurement Manager for this RFP will render the Offeror non-responsible. Furthermore, the Offeror shall provide immediate written notice to the Procurement Manager for this RFP if, at any time prior to contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

Although MRGCD may review the veracity of the certification through the use of the federal Excluded Parties Listing System or by other means, the certification provided by the Offeror in paragraph (a), below, is a material representation of fact upon which MRGCD will rely when making a contract award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to MRGCD, MRGCD may terminate the contract resulting from this Request for Proposals for default.

The certification provided by the Offeror in paragraph (a), below, will be considered in connection with a determination of the Offeror's responsibility. A certification that any of the items in paragraph (a), below, exists may result in rejection of the Offeror's proposal for nonresponsibility and the withholding of an award under this RFP. If the Offeror's certification indicates that that any of the items in paragraph (a), below, exists, the Offeror shall provide with its proposal a full written explanation of the specific basis for, and circumstances connected to, the item; the Offeror's failure to provide such explanation will result in rejection of the Offeror's proposal. If the Offeror's certification indicates that that any of the items in paragraph (a), below, exists, MRGCD, in its sole discretion, may request, that the U.S. Department of Health and Human Services grant an exception under 45 C.F.R. §§ 76.120 and 76.305 if MRGCD believes that the procurement schedule so permits and an exception is applicable and warranted under the circumstances. In no event will MRGCD award a contract to a Offeror if the requested exception is not granted for the Offeror.

(a)(1) By signing and submitting a proposal/proposal in response to this RFP, the Offeror/Offeror certifies, to the best of its knowledge and belief, that:

(i) The Offeror/Offeror and/or any of its Principals-

- (A) Are are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal department or agency;
- (B) Have have not , within a three-year period preceding the date of the proposal, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property;
- (C) Are are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with, commission of any of the offenses enumerated in paragraph (a)(1)(i)(B) of this certification;
- (D) Have have not within a three-year period preceding the date of proposal, had one or more public agreements or transactions (Federal, State or local) terminated for cause or default; and
- (E) Have have not been excluded from participation from Medicare, Medicaid or other federal health care programs pursuant to Title XI of the Social Security Act, 42 U.S.C. §1320a-7.

(ii) "Principal," for the purposes of this certification, shall have the meaning set forth in 45 C.F.R. §76.995 and shall include an officer, director; owner, partner, principal investigator, or other person having management or supervisory responsibilities related to a covered transaction. "Principal" also includes a consultant or other person, whether or not employed by the participant or paid with Federal funds, who: is in a position to handle Federal funds; is in a position to influence or control the use of those funds; or occupies a technical or professional position capable of substantially influencing the development or outcome of an activity required to perform the covered transaction.

(iii) For the purposes of this certification, the terms used in the certification, such as *covered transaction*, *debarred*, *excluded*, *exclusion*, *ineligible*, *ineligibility*, *participant*, and *person* have the meanings set forth in the definitions and coverage rules of 45 C.F.R. Part 76.

(iv) Nothing contained in the foregoing certification shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror/Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

OFFEROR: _____

SIGNED BY: _____

TITLE: _____

DATE: _____

APPENDIX 3

**RESIDENT BUSINESS AND/OR RESIDENT VETERANS BUSINESS
CERTIFICATION**

(As per NMSA 1978 13-1-22)

RESIDENT BUSINESS CERTIFICATION

Offeror's Company Name: _____

Resident Business Certificate Number: _____

Expiration Date: _____

Offeror "must" include a copy of Resident Business Certificate with their proposal

RESIDENT VETERAN'S BUSINESS CERTIFICATION

Offeror's Company Name: _____

Resident Veteran's Business Certificate Number: _____

Offeror must include copy of Resident Veteran's Business Certificate with their proposal.

Offeror's submitting a Resident Veteran's Business Certificate must also complete the following certification of prior year's revenue.

Resident Veterans Preference Certification

_____ (NAME OF CONTRACTOR) hereby certifies the following in regard to application of the resident veterans' preference to this procurement.

Please check one box only

- I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is less than \$1M allowing me the 10% preference discount on this solicitation. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

- I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$1M but less than \$5M allowing me the 8% preference discount on this proposal or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

- I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$5M allowing me the 7% preference discount on this proposal or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

"I agree to submit a report, or reports, to the State Purchasing Division of the NM General Services Department declaring under penalty of perjury that during the last calendar year starting January 1 and ending on December 31st the following to be a true and accurate

"In conjunction with this procurement and the requirements of this business' application for a Resident Veteran Business Preference/Resident Veteran contractor Preference under Section 13-1-21 or 13-1-22 NMSA 1978, when awarded a contract which was on the basis of having such veterans' preference, I agree to report to the State Purchasing Division of the General Services Department the awarded amount involved. I will indicate in the report the award as a purchase from a public body or as a public works contract from a public body as the case may be.

"I understand that knowingly giving false or misleading information on this report constitutes a crime."

I declare under penalty of perjury that this statement is true to the best of my knowledge. I understand that giving false or misleading statement about material fact regarding this matter constitutes a crime.

(Signature of Business Representative)*

DATE: _____

Must be an authorized signatory for the Business. The representations made in checking the boxes constitutes a material representation by the business that is subject to protest and may result in denial of an award or termination of award of the procurement involved if the statements are proven to be

incorrect.

APPENDIX 4

NEW MEXICO EMPLOYEES HEALTH COVERAGE

- A. If Contractor has, or grows to, six (6) or more employees who work, or who are expected to work, an average of at least 20 hours per week over a six (6) month period during the term of the contract, Contractor certifies, by signing this agreement, to have in place, and agree to maintain for the term of the contract, health insurance for those employees and offer that health insurance to those employees if the expected annual value in the aggregate of any and all contracts between Contractor and the State exceed \$250,000 dollars.
- B. Contractor agrees to maintain a record of the number of employees who have (a) accepted health insurance; (b) declined health insurance due to other health insurance coverage already in place; or (c) declined health insurance for other reasons. These records are subject to review and audit by a representative of the state.
- C. Contractor agrees to advise all employees of the availability of State publicly financed health care coverage programs by providing each employee with, as a minimum, the following web site link to additional information: <http://insurenemexico.state.nm.us/>.
- D. For Indefinite Quantity, Indefinite Delivery contracts (state price agreements without specific limitations on quantity and providing for an indeterminate number of orders to be placed against it); Contractor agrees these requirements shall apply the first day of the second month after the Contractor reports combined sales (from state and, if applicable, from local public bodies if from a state price agreement) of \$250,000.

By signing below, Offeror agrees to be bound by the terms stated in this form:

Signature of Offeror: _____ Date: _____

APPENDIX 5
CONFLICT OF INTEREST AFFIDAVIT AND DISCLOSURE

A. "Conflict of Interest Disclosure" A disclosure of clients represented and a formal statement of whether there is any real or perceived conflict of interest in representing the issues and advocacy for the MRGCD, addressing whether or not any conflict of interest exists between this project and other past or on-going projects, including any projects currently being conducted.

B. "Person" includes a offeror, offeror, contractor, consultant, or subcontractor or sub-consultant at any tier, and also includes an employee or agent of any of them if the employee or agent has or will have the authority to control or supervise all or a portion of the work for which a proposal or offer is made.

C. The Consultant or Sub consultant warrants that, except as disclosed in §D, below, there are no relevant facts or circumstances now giving rise or which could, in the future, give rise to a conflict of interest.

D. The following facts or circumstances give rise or could in the future give rise to a conflict of interest (explain in detail):

E. The Consultant or Sub consultant agrees that if an actual or potential conflict of interest arises after the date of this affidavit, the consultant or sub consultant shall immediately make a full disclosure in writing to the chief procurement officer of all relevant facts and circumstances. This disclosure shall include a description of actions which the consultant or sub consultant has taken and proposes to take to avoid, mitigate, or neutralize the actual or potential conflict of interest.

The undersigned further states that the firm or individual submitting a proposal/proposal is not in violation of any applicable Conflict of Interest laws or regulations, etc.

Date: _____

By: _____
(Authorized Representative)



APPENDIX 6



ACKNOWLEDGEMENT OF RECEIPT FORM

**REQUEST FOR PROPOSAL
2020**

MRGCD DRAIN OUTFALL SAMPLING AND ANALYSIS PLAN – SPRING/SUMMER/FALL

In acknowledgement of receipt of this Request for Proposal the undersigned agrees that s/he has received a complete copy, beginning with the title page, and ending with Appendix 6.

The “Acknowledgement of Receipt Form” should be signed and returned to the Procurement Manager no later than **March 5, 2020** only potential Offerors who elect to return this form completed with the intention of submitting a proposal will receive amendments, in the event any are issued. Failure to return the Acknowledgement of Receipt form shall constitute a presumption of receipt and rejection of the RFP, and the potential Offeror’s organization name shall not appear on the distribution list.

FIRM: _____

REPRESENTED BY: _____

TITLE: _____ PHONE NO.: _____

E-MAIL: _____ FAX NO.: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

SIGNATURE: _____ DATE: _____

This name and address will be used for all correspondence related to the Request for Proposal.

Firm Does / Does Not intend to respond to this Request for Proposal.

(circle one)

Jeanette Bustamante, Procurement Manager/CPO
Middle Rio Grande Conservancy District
1931 Second Street, SW
Albuquerque, New Mexico 87102
Phone: 505-247-0234
E-mail: jeanette@mrgcd.us