

**EAST BAY DISCHARGERS AUTHORITY
REQUEST FOR PROPOSALS
FOR
FIRST MILE HORIZONTAL LEVEE PROJECT
DESIGN AND PERMITTING SERVICES**

**RETURN ELECTRONIC COPIES OF THE PROPOSAL TO:
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**PROPOSALS ARE DUE:
Friday, March 7, 2025, at 2:00 p.m.**

REQUEST FOR PROPOSALS FOR FIRST MILE HORIZONTAL LEVEE PROJECT DESIGN AND PERMITTING SERVICES

Supporting technical documents and background material are available for download at <https://ebda.org/projects/>. Questions regarding this RFP must be submitted before February 19, 2025, at 5:00 p.m. by e-mail to juanita@ebda.org with the subject line "First Mile Project RFP". Answers will be compiled in a "Questions & Answers" document posted on the <https://ebda.org/projects/>.

As outlined later in this RFP, this project is funded under a grant entitled *Pivot Points: Moving Nature-Based Solutions for Water Quality Improvement and Shoreline Adaptation from Planning to Action* (Pivot Points Grant). The project will be implemented in close coordination with other projects funded by the Pivot Points Grant, including implementation and governance planning for the [Hayward Area Shoreline Planning Agency \(HASPA\)](#). The HASPA project will be contracted by East Bay Regional Park District (EBRPD), which expects to issue an RFP in April 2025.

I. INTRODUCTION

The East Bay Dischargers Authority (hereinafter "EBDA") located at 2651 Grant Avenue, San Lorenzo, CA 94580 is hereby requesting proposals from qualified firms to perform design, project management, and environmental review and permitting services. EBDA will enter into an agreement with the individual or firm (hereinafter "Consultant") selected to provide these services. This project is anticipated to take place over approximately three years.

All interested parties are required to submit proposals in accordance with the conditions and dates outlined in this RFP.

II. BACKGROUND AND PROJECT DESCRIPTION

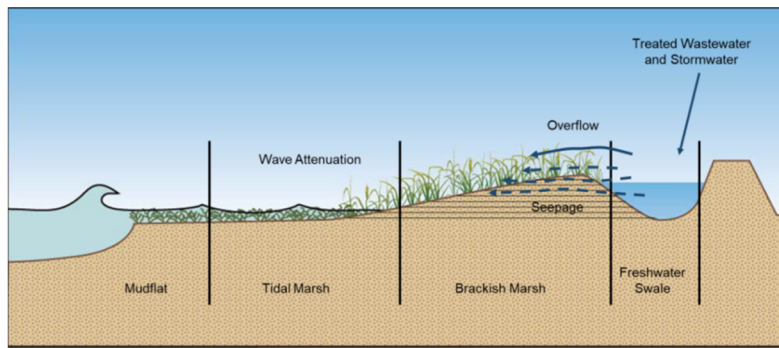
[EBDA](#) is a Joint Powers Agency of five local governments that efficiently and reliably manages the wastewater resources of one million East Bay residents and thousands of businesses to protect human and environmental health. EBDA was formed on February 15, 1974, by a "Joint Exercise of Powers Agreement" (JPA) entered into by the City of Hayward, City of San Leandro, Oro Loma Sanitary District, Union Sanitary District, and Castro Valley Sanitary District. EBDA operates under a Commission consisting of one representative appointed by each member agency. EBDA's staff includes the General Manager, Operations & Maintenance Manager, and Administration Manager. Additionally, EBDA hires consultants to augment and assist staff in other functions including accounting and engineering services. EBDA owns and operates three effluent pump stations, a dechlorination facility, and a force main and outfall system for effluent disposal into the San Francisco Bay. EBDA entered into an Agreement with the Livermore-Amador Valley Water Management Agency (LAVWMA) on February 1, 1978 to allow LAVWMA the use of EBDA facilities to discharge a limited amount of wastewater. EBDA also owns and operates a

pump station and force main that delivers recycled water to the City of Hayward for use in areas formerly occupied by the Skywest Golf Course.

All of EBDA's infrastructure, as well as much of its member agencies', is located along the East Bay shoreline and is therefore vulnerable to sea level rise. In 2014-2015, through funding from the California State Coastal Conservancy's Climate Ready Grant program, EBDA conducted a study to evaluate strategies (with input from multiple stakeholders) for modifying its infrastructure with benefits to Bayland ecosystems and reduced infrastructure vulnerability. The resulting report, [Sea Level Rise Adaptation Planning Project: Decentralized Wastewater Discharges & Multiple Benefit Natural Infrastructure](#), was published in September 2015. During development of this report, stakeholders agreed that the construction of Horizontal Levees could adequately protect vulnerable infrastructure while providing additional benefits.

A Horizontal Levee, shown in Figure 1, is a multi-benefit project that uses "green infrastructure" to provide sea level rise resilience, water quality improvement, and habitat protection. The habitat created by the addition of a horizontal levee is important because many existing marshlands are projected to be under water, especially when sea level rise is coupled with a storm surge. Providing an upland transition zone will help protect the many species that make the marsh their home. The horizontal portion of the levee also absorbs energy, which conceptually allows a smaller levee to protect existing development. This multi-benefit solution could provide benefits to EBDA in terms of flood protection and natural polishing of treated wastewater, which would be discharged into the levee's subsurface, while also providing value to the communities EBDA serves.

Figure 1 - Horizontal Levee Schematic



In 2015, EBDA and member agency Oro Loma Sanitary District, along with other partners, constructed a [horizontal levee demonstration](#), which is still in operation today. Results from research conducted to date by UC Berkeley shows that the feature is very effective at removing nutrients as well as pharmaceuticals and other organic compounds from treated wastewater.

In 2021, the Hayward Area Shoreline Planning Agency (HASPA) adopted the [Hayward Regional Shoreline Adaptation Master Plan](#). This Plan calls for several horizontal levees along the Hayward shoreline to provide flood protection in the face of sea level rise, as

well as habitat enhancement, water quality improvement, and recreational and cultural opportunities. This includes a project at the back of [Oro Loma Marsh](#) between Bockman Canal and Sulphur Creek deemed the “First Mile Horizontal Levee Project.” A more detailed illustration of the current First Mile Project concept is shown in Figure 2.

Figure 2 – First Mile Horizontal Levee Illustration



The idea of the First Mile Horizontal Levee Project is to expand the concept behind the Oro Loma Horizontal Levee Demonstration Project to a new levee project of approximately one mile. The project goals are to:

- implement a full-scale demonstration of the horizontal levee concept,
- contribute to reducing current and future flood risk for the HASPA planning area,
- enhance habitat for special status and native wetland-dependent species,
- make existing habitats more resilient to sea level rise,
- provide public access to the Hayward Regional Shoreline that is resilient to sea level rise,
- support recreational and social benefits to nearby communities, and
- improve water quality in San Francisco Bay.

EBDA has been leading development of the First Mile Project since 2019, when it was awarded a grant from the U.S. Environmental Protection Agency (USEPA) Region IX’s [San Francisco Bay Water Quality Improvement Fund \(WQIF\)](#) as part of a team led by the [San Francisco Estuary Partnership \(SFEI\)](#). SFEI is part of the Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC). Under this grant, which concluded in June 2024, EBDA developed a 30% design of the First Mile

Project (see Attachments E and F), supported by consultant Environmental Science Associates (ESA). This previous phase also included preliminary consultations with the Bay Restoration Regulatory Integration Team (BRRIT) regarding permitting considerations (see Attachment G), and BRRIT feedback was incorporated into the 30% design.

In July 2024, SFEP/ABAG was awarded another EPA Region 9 WQIF grant for *Pivot Points: Moving Nature-Based Solutions for Water Quality Improvement and Shoreline Adaptation from Planning to Action* (see Attachment H). This grant includes funds to progress the First Mile Project through final design, California Environmental Quality Act (CEQA), and regulatory agency permitting. EBDA has entered into a Funding Agreement with SFEP to lead design and permitting of the First Mile Project under the grant.

This RFP is soliciting a Consultant to assist EBDA in implementing this next phase of the First Mile Project. The Consultant will be responsible for developing designs, performing environmental review, and securing the necessary permits to prepare this project for implementation funding and to be “shovel ready” for construction.

The First Mile Project area in Oro Loma Marsh is owned and managed by East Bay Regional Park District (EBRPD), who is a partner in the project. Ongoing collaboration with the HASPA member agencies – EBRPD, City of Hayward, Hayward Area Recreation and Park District (HARD), and Alameda County Mosquito Abatement District – will be key to project success. The Pivot Points grant also includes funds for HASPA to develop a strategic vision as well as a Shoreline Master Plan Implementation Plan that includes the First Mile Project¹. Coordination with these efforts, which will be managed by EBRPD staff, will also be critical to advancing the First Mile Project. Save the Bay will also be working under the *Pivot Points* grant to secure political support for the First Mile and other HASPA projects. Other key stakeholders with whom ongoing coordination will be needed include:

- Alameda County Flood Control and Water Conservation District (ACFCWCD)
- Union Pacific Railroad
- Capitol Corridor Joint Powers Authority / South Bay Connect Project

In addition, SFEP will be managing a community engagement strategy for the First Mile Project in parallel with design and permitting work. The Consultant will be expected to coordinate with and support that effort.

III. SCOPE OF SERVICES

The preliminary Scope of Services provided below is intended to illustrate the minimum project requirements. Consultants are encouraged to present innovative concepts to produce a complete project. In addition, tasks that you believe are necessary for the completion of the project should be included in your proposal. Proposers shall create a response with level of effort and budget estimates by task and subtask. EBDA reserves the

¹HASPA will release a separate request for proposals for this scope of work, anticipated for February, 2025. See website: [Hayward Area Shoreline Planning Agency \(HASPA\) | East Bay Parks](#)

right to eliminate or reduce the scope of certain tasks if necessary for budgetary reasons. The final scope of services will be negotiated and defined in the contract executed by EBDA and the successful Consultant(s), in substantially the same form as Exhibit I.

The project is divided into phases and tasks as follows:

Phase 1

- Task 1: Project Management (Phase 1)
- Task 2: Data and Information Collection
- Task 3: Governance and Coordination
- Task 4: 60% Design
- Task 5: Permitting & CEQA Strategy

Phase 2

- Task 6: Project Management (Phase 2)
- Task 7: 90% Design
- Task 8: Construction Strategy and Logistics
- Task 9: Project Cost Estimate
- Task 10: Final CEQA
- Task 11: 100% Design and Construction Bid Period Support
- Task 12: Construction Administration

It is anticipated that EBDA will initially authorize only the scope of work for Phase 1 (Task 1 through Task 5). Following Phase 1, and upon reaching key milestones in related projects including the HASPA Implementation Plan and Vision, EBDA will negotiate and approve the scope for Phase 2. Phase 2 is anticipated to include the work outlined in Tasks 6 through 12, but may change as this and related projects proceed. **Note: Consultant's Project Approach should include both phases, but Level of Effort and Fee Estimate need only include Phase 1.**

Phase 1

Task 1: Project Management

- The Consultant will be responsible for overall Project Management of the First Mile Project, including coordination with related projects (see Task 3) to move the First Mile Project forward.
- Within ten (10) working days from issuance of the notice to proceed, Consultant will provide a workflow diagram, with key decision points noted and an associated schedule.

- The Consultant will lead monthly (or as needed) update meetings (remote and in person as needed) with EBDA, EBRPD, and SFEP, beginning immediately during the term of the contract and continuing throughout.
- A kickoff meeting will be held at the beginning of the project with stakeholders to be determined by EBDA and SFEP, in consultation with the Consultant and other HASPA trustee agency partners. Kickoff meeting will be held by the second month of the project, at the latest.
- The Consultant will conduct project management activities, including:
 - Supervise, coordinate and monitor design for conformance with standard engineering practices, current building codes, and other governing agency requirements.
 - Notify EBDA of any changes in scope or budget as soon as possible and propose actions, if necessary, to correct these changes.
 - Maintain communication by being available by phone or e-mail and responding in a timely fashion.
 - Maintain project files.
 - Provide monthly progress reports and invoices to EBDA, over the duration of the project, consistent with SFEP's WQIF grant administration requirements.

This project is anticipated to take place over approximately three years.
- Consultant shall engage with the project team on regional technical assistance and capacity building to advance nature-based shoreline infrastructure design, permitting and construction best practices as the project scope and funding allows.

Task 2: Data and Information Collection

- Consultant shall collect and review relevant data to inform the design, including results from the Oro Loma Horizontal Levee Demonstration Project, and deliverables developed in the 30% First Mile Project design process.
- Consultant shall meet as needed with project partners, stakeholders and additional experts to discuss site conditions and constraints. These include but are not limited to EBRPD, HASPA, ACFCWCD, and Union Pacific.
- Consultant shall arrange for geotechnical and other investigations needed to inform recommendations related to settlement, consolidation, stability, material suitability, seepage, etc. These may include soil boring and/or cone penetration tests to ascertain subsurface conditions along proposed levee alignment.

Task 3: Governance and Coordination

- Consultant shall coordinate with and support community engagement efforts managed by SFEP, including the following:
 - Consultant shall develop graphics and 3D renderings of the project concept suitable for community and stakeholder consultation.
 - Consultant shall participate in up to three (3) community meetings to present and/or assist in response to technical questions.
- Working with EBDA and other key stakeholders, Consultant shall identify approaches to incorporating community benefits into the project (for example, the pedestrian bridge shown in the graphic on the cover page of this RFP, cultural use

and plant harvesting opportunities, gathering and educational spaces, etc.).

Consultant shall work with EBDA to identify and consult additional stakeholders that may need to be engaged to realize the identified benefits.

- As directed by EBDA, Consultant shall provide input to the HASPA vision and governance evaluation under the Pivot Points Grant managed by EBRPD.
- Consultant shall provide technical input to the HASPA Implementation Plan managed as part of the Pivot Points Grant by EBRPD and participate in up to three (3) meetings with the Implementation Planning team.
- Consultant shall establish open communication lines with ACFCWCD to inform management of stormwater in and around the project. Consultant shall also coordinate with City of Hayward staff regarding redevelopment of the Skywest Golf Course site and resulting stormwater impacts and opportunities.
- Consultant shall coordinate with the Capitol Corridor Joint Powers Authority and Union Pacific Railroad regarding the [South Bay Connect Project](#) and overall railroad approvals and coordination.
- Consultant shall develop a Road Map regarding Federal Emergency Management Agency (FEMA) levee certification as part of the overall sea level rise adaptation pathway that this project supports. As of completion of the 30% design, EBDA is assuming that the First Mile Horizontal Levee will not be FEMA-certified, but that the project will be implemented in such a way that future phases that raise the levee in response to additional sea level rise could be certified. Consultant shall, in consultation with FEMA, re-evaluate this set of assumptions and seek FEMA input on flood protection elements of the design, as appropriate.
- Consultant shall provide overall coordination and strategic advice to EBDA with respect to projects and efforts that intersect with the First Mile Horizontal Levee Project, including but not limited to those noted above.

Task 4: 60% Design

- Consultant shall develop design documents including but not limited to plan drawings, cross sections, maps, specifications, cost estimates, and corresponding materials to a 60% project definition. Cost estimates shall meet Class 2, AACE International Classification System requirements for associated accuracy.
- Consultant shall provide drafts for review at 50% and 95% completion. Consultant shall produce and conduct presentations to review drafts with project proponents, at which point stakeholder consultation and feedback will be garnered. Drafts will be provided at least fourteen (14) days prior to corresponding presentations. The project team will provide feedback that the Consultant shall incorporate into subsequent drafts and materials. Consultant shall participate in technical meetings with project partners and stakeholders, which include but are not limited to EBRPD, HASPA, and ACFCWCD.

Task 5: Permitting & CEQA Strategy

- Consultant shall, working with the project team, utilize the BRRIT process to advise on permitting.

- Building on BRRIT feedback and project work conducted during the previous phase, consultant shall prepare a Permitting Roadmap. The Roadmap shall include a wetland mitigation strategy and a public access plan.
- Consultant shall prepare appropriate permit applications and supporting studies, including but not limited to:
 - Biological Assessment (combined for US Fish and Wildlife Service and National Marine Fisheries Service)
 - Compensatory Mitigation proposal
 - US Army Corps of Engineers 404 Application
 - Regional Water Quality Control Board 401 Application
 - Bay Conservation and Development permit Application
 - CA Department of Fish and Wildlife 1602 Application (if required)
 - CA Department of Fish and Wildlife CESA Application
 - FEMA levee certification (if deemed applicable)
- In collaboration with HASPA, Consultant shall develop a CEQA Strategy, considering advantages and disadvantages of project-level CEQA compliance versus incorporation in a programmatic CEQA analysis for the broader Hayward Shoreline. Consultant shall prepare a CEQA Project Description and, pending direction of the CEQA Strategy, may prepare an Initial Study or exemption.

Phase 2

Task 6: Project Management (Phase 2)

- The Consultant will be responsible for overall Project Management of the First Mile Project, including coordination with related projects (see Task 3) to move the First Mile Project forward.
- The Consultant will continue to lead monthly (or as needed) update meetings (remote and in person as needed) with EBDA, EBRPD, and SFEP, beginning immediately during the term of the contract and continuing throughout.
- The Consultant will conduct project management activities, including:
 - Supervise, coordinate and monitor design for conformance with standard engineering practices and other governing agency requirements.
 - Notify EBDA of any changes in scope or budget as soon as possible and propose actions, if necessary, to correct these changes.
 - Maintain communication by being available by phone or e-mail and responding in a timely fashion.
 - Maintain project files.
 - Provide monthly progress reports and invoices to EBDA, over the duration of the project, consistent with SFEP's WQIF grant administration requirements. This project is anticipated to take place over approximately three years.
- Consultant shall engage with the project team on regional technical assistance and capacity building to advance nature-based shoreline infrastructure design, permitting and construction best practices as the project scope and funding allows.

Task 7: 90% Design

- Consultant shall develop final design drawings, specifications, and cost estimates to represent 90% project definition. These design drawings should include plans as well as supplemental documentation. Cost estimates shall meet Class 1, AACE International Classification System requirements for associated accuracy.
- Consultant shall provide drafts for review at 50%, 80% and 95% completion. Consultant shall produce and conduct presentations to review drafts with project proponents at which point stakeholder consultation and feedback will be garnered. Drafts will be provided at least fourteen (14) days prior to corresponding presentations. The project team will provide feedback that the Consultant shall incorporate into subsequent drafts and materials. Consultant shall participate in technical meetings with project partners and stakeholders, which include but are not limited to EBRPD, HASPA, and ACFCWCD.

Task 8: Construction Strategy and Logistics

- Consultant shall develop a Construction Strategy for implementation of the project. This will include information on confirmed sources of fill as well as other major equipment or needed purchases.

Task 9: Project Cost Estimate

- Consultant shall develop an Engineers Estimate of Probable Cost based on the 90% design and incorporating the construction strategy and phasing.
- The estimate shall be accompanied by a Basis of Estimate (BOE) report. The BOE report is expected to include the following minimum components:
 - Narrative, including assumptions and clarifications
 - Breakdown by facility, discipline, bid group or subcontract package
 - Material quantity take-offs
 - Unit prices
 - Labor and equipment rates
 - Labor and equipment production rates
 - Subcontractor costs
 - Scope assumptions and clarifications
 - Identification of long lead procurement items (equipment, materials and supplies)
 - Mark Ups consistent with project delivery
 - Any market pricing received from material suppliers and/or subcontractors

Task 10: Final CEQA (pending CEQA Strategy)

- Consultant shall complete documentation in support of California Environmental Quality Act (CEQA) compliance, which may include the following:
 - Environmental Impact Report (EIR) or Mitigated Negative Declaration
 - Specialized studies as required to support resource area analysis
 - Mitigation, Monitoring, and Reporting Program
 - CEQA Findings
 - Inputs to a Programmatic EIR

Task 11: Final Design and Construction Bid Period Support (subject to funding)

- Provide signed stamped Final Design of the project including final Engineers Estimate of Probable Cost.
- Provide technical support for development of the construction bid documents as Engineer of Record, including support for development of Specifications and other Bid Package materials.
- Provide engineering services during the construction bid period, including responses to questions.
- Develop Quality Assurance Project Plan (QAPP).

Task 12: Construction Administration (subject to funding)

- Provide engineering services during construction, including review of submittals, RFIs, and change orders.
- Deliver As-Builts or other project documentation as needed.

IV. PROJECT SCHEDULE

The following schedule provides a general guideline and is subject to change.

Task	Timeline
Phase 1	
Task 1: Project Administration and Management	Apr. 2025 – Dec. 2027
Task 2: Data and Information Collection	Apr. 2025 – Jul. 2025
Task 3: Governance and Coordination	Apr. 2025 – Dec. 2027
Task 4: 60% Design	Aug. 2025 – Jan. 2026
Task 5: Permitting	Jan. 2026 – Dec. 2027
Phase 2	
Task 6: 90% Design	Jun. 2026 – Apr. 2027
Task 7: Construction Strategy and Logistics	Jan. 2027 – Jul. 2027
Task 8: Project Cost Estimate	Jul. 2027 – Oct. 2027
Task 9: CEQA	Apr. 2027 – Dec. 2027
Task 10: Construction Bid Support and 100% Design	Jul. 2027 – Dec. 2027
Task 11: Bid Period Support and Construction Support	2028 +

V. PROPOSAL SUBMITTAL REQUIREMENTS

Proposals must comply with the requirements specified in the section of this RFP entitled “Proposal Submittal Requirements.” The scope of services that the prospective Consultant must provide as part of the agreement with EBDA is specified in the section entitled “Scope of Services.”

Proposals should provide a straight-forward and concise presentation adequate to satisfy the requirements of this RFP. The Consultants shall email their proposal (in PDF format) to the address listed on the front page of the RFP so that the proposal is received no later than the date and time specified. All proposals received after the deadline will be rejected. All materials submitted will become property of EBDA and returned only at EBDA’s option.

Here is a suggested proposal outline.

Section	Contents
Cover Letter	Transmittal
1	Identification of Proposer
2	Firm Qualifications
3	Project Understanding
4	Firm Qualifications
5	Project Team and Qualifications
6	Project Approach
7	Schedule
8	Level of Effort
9	Exceptions to Contract Terms and Conditions
10	Required Certifications
Appendix	Supplemental Information
Fee	Fee Estimate (Separate)

Each proposal must contain the following information:

Cover Letter – The cover letter should introduce the Consultant, signed by a principal of the candidate. The cover letter should briefly indicate the type of services provided, and highlight the qualifications of the key project team members envisioned to work on EBDA’s project.

Identification of Proposer – Provide the name, address, and telephone number of the Consultant, as well as the name of the person authorized to negotiate contract terms and make binding agreements.

Project Understanding – Provide a description of your firm’s understanding of the Project, such as its purpose and any noteworthy project challenges that your firm foresees in completing the project and how you would propose to address them.

Firm Qualifications – Describe the experience of the Consultant and any key partners or subconsultants. Specifically note experience working with wastewater agencies or local governments on permitting and implementing wetland restoration, enhancement or conservation; experience in biological sciences as it relates to the successful design of nature-based shoreline infrastructure or green infrastructure; experience with sea level rise and climate change resiliency or adaptation planning in the San Francisco Bay. Relevant projects in other regions of the country may also be highlighted. The Consultant’s experience shall, at a minimum, include representative projects with similar scope and should include the following information:

- Length of time in business
- Office address(es) from which services are expected to be provided, including available manpower and percentage of work to be performed

- Provide the following information for subconsultants: company name, address, phone number, fax number, and main contact person.
- Listing of a minimum of five (5) completed projects for agencies over the last five (5) years including:
 - General scope
 - Consultant fee
 - Completion date
 - Consultant staff who worked on the project who would be involved in EBDA's project
 - Name, address, and phone number of a knowledgeable owner or client representative
 - Key issues, unique circumstances, or challenges for each project, and how they were resolved
 - Specialty areas addressed and sub-consultant involvement

Project Team and Qualifications – Describe the proposed team organization (include an organizational chart), the specific role of key staff members, and how EBDA will be involved with the proposed team. Specifically list the names and titles of the firm's key staff that will participate on the Project and indicate the portion of the time that key staff will be available to work on the Project. Describe prior projects where key team members have worked together. For each key project team member, describe their level of experience with similar projects (include resumes in the Proposal Appendix). If subconsultants will make up part of the project team, indicate the role and responsibility of each subconsultant, how the subconsultant will be managed, and how the subconsultant will interface with EBDA.

Project Approach – The proposal must provide a description of the intended approach to efficiently and effectively implement both projects to meet EBDA's needs. The proposed approach shall include a proposed Work Plan reflecting the provided approach to track, report, and effectively and efficiently complete the work; and a listing of the expected project deliverables associated with each work task. The Work Plan may include additional tasks or sub-tasks the Consultant believes necessary to accomplish the project goals. The approach should include the following:

- Staffing plan for each task. Provide an organizational chart that shows the roles and responsibilities of key personnel and reporting structure, including reporting and communication relationships between EBDA, Consultant staff, and subcontractors, if any. Describe the approach to managing resources and maintaining quality results. Include a description of the role of any subcontractors, their specific responsibilities, and how their work will be supervised to maintain quality results.
- Identify and explain any problem areas and/or potential obstacles (such as maintaining schedule, budget overruns, feasibility, etc.) to successful completion of the Scope of Services (Section IV). Discuss methods, formal and informal, that you will use to track and resolve these problems/obstacles during the project.

Schedule – Include a proposed project schedule showing the expected sequence of tasks, subtasks, and milestones.

Level of Effort – Include a spreadsheet that details the Consultant’s Estimated Work Effort for Phase 1. The Estimated Work Effort shall list the number of hours with employee title/category that will be devoted to each task and/or subtask described in the Scope of Work (Project Approach) submitted by the Consultant. Proposals should contain estimated labor hours allocated to all the tasks in this RFP, including the level of seniority of staff assigned to each task. **Note: The Estimated Work Effort shall not include or otherwise indicate the Consultant’s hourly rates or total cost. The Estimated Work Effort will be used to assess the amount of time required to complete the desired services, not the cost.**

Exceptions to Contract Terms and Provisions – Clearly indicate any exceptions to EBDA’s RFP and/or Contract documents (see Attachment J). Any exceptions or changes will require review by EBDA’s Legal Counsel and are subject to Commission review and approval. If no exceptions are stated, it is assumed that the Consultant understands all of the requirements of the RFP and sample agreement attached hereto and takes no exceptions to them.

Required Certifications

As part of the proposal package, Proposers must submit all of the required certifications included as Attachments A through D. The proposal and any required certifications shall be signed by an individual or individuals authorized to execute legal documents on behalf of the Proposer.

Fee Estimate (to be submitted separately) – Consultant shall submit a Fee Proposal for Phase 1, which shall be used for billing under this contract. The Fee Proposal shall be submitted as a separate document, clearly marked as the Fee Proposal. Fee Proposals will be considered sealed and will not be reviewed as part of the qualifications-based selection process. The Fee Proposal shall include all costs required to complete the “Work” for this contract. The “Work” shall address Phase 1: Tasks 1-5. The fee for Phase 2 will be negotiated subsequently. The fee proposal shall specifically include the following:

- An itemized list of all tasks required for the completion of the services. Breakdown by task (Task 1, Task 2, etc.) is required, as budget will be tracked on a per-task basis. Breakdown by subtask (Task 3.1, 3.2, etc.) is optional.
- A list of all involved personnel (name, title, and/or employee category) with proposed hours and hourly rate for each position.
- Indicate the use of any sub-consultants (if applicable). Include the sub-consultant’s name, employee names with titles and/or employee categories, labor hours, and cost.
- Indicate the markup on sub-consultants and all other costs.
- Include all required costs required to make a complete project, i.e. labor hours, technology charges, etc. in an itemized format.

- Indicate the overall not-to-exceed total cost for the work.

Note: The Fee Proposal will be reviewed after the evaluation of the Proposals based on the selection criteria is complete and will not be considered as part of the selection process. The purpose of the fee proposal is to inform eventual contract negotiations for the successful Proposal. The final cost is subject to approval and acceptance by EBDA.

Submission of a proposal indicates acceptance by the Consultant of the conditions contained in this RFP unless clearly and specifically noted in the proposal submitted and confirmed in the written contract between EBDA and the selected Consultant.

The Consultant may submit a proposal organized according to their preference, provided it meets the requirements of the RFP. Resumes and a company qualification brochure may be added in an appendix at the back of the proposal.

VI. SELECTION CRITERIA

EBDA and our project partners are seeking a highly interdisciplinary team with expertise in engineering, design, ecology (including plants and wildlife), hydrology, and permitting/regulatory issues. The successful team will feature a strong project manager with excellent communication skills. Further, we are seeking a team that has direct experience designing nature-based shoreline features, demonstrated experience with creative problem solving, and positive client relationships.

It is the EBDA's intention to select a Consultant that has sufficient expertise to complete the work on time and within budget. EBDA staff will exercise discretion and judgment in evaluating proposals. Criteria for selection will include but not be limited to the following:

- **Project Management (20%)**
 - Demonstration that proposer has a clear plan to maintain scope, budget and schedule throughout the project duration.
 - Demonstration that Project Manager and key personnel will be adequately committed through project completion.
 - Demonstration that Project Manager and team have experience coordinating with external related projects.
- **Project Understanding and Approach (25%)**
 - Understanding of the Scope of Work and project schedule.
 - Proposed scope and workplan is consistent with project goals.
 - Identification of key project issues and success factors.
 - Inclusion of recommendations for additional scope and/or alternative options.
- **Qualifications of Team (30%)**
 - Key team member's experience on similar successful projects.
 - Key disciplines required for project success filled by qualified team members.

- Experience and qualification of subconsultants.
- Comments received from references may be considered.

- **Level of effort (15%)**
 - Hours reasonable given the scope of the project

- **Responsiveness (10%)**
 - Proposal consistent with RFP
 - Interview presentation consistent with RFP

VII. STANDARD EBDA CONTRACT LANGUAGE

Inform EBDA if any of the contract language in Attachment J is unacceptable.

Funding for this project is provided by a grant from the Environmental Protection Agency (EPA) and therefore the project is subject to the *EPA General Terms and Conditions Effective October 1, 2022* (Attachment K) and Federal Requirements that include (1) Build America, Buy America, (2) Davis-Bacon and Related Acts, and (3) Prompt Payment Clause. Please note section 27 of the EPA General Conditions outlines requirements for the EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33. Proposers should comply with the EPA's DBE requirements, including six good faith efforts (40 CFR, Part 33, Subpart C), for any subcontracted services included in the proposal.

VIII. CONCLUSION

A. REVIEW OF PROPOSALS

During the evaluation process, EBDA reserves the right to request additional information or clarifications from proposers. At the discretion of EBDA, Consultants submitting proposals may be requested to be available for interviews as part of the evaluation process. EBDA reserves the right, in its sole discretion, to award the contract to the Consultant of its choice or to not award.

B. RIGHT TO REJECT PROPOSALS

EBDA reserves the right without prejudice to reject any or all proposals.

C. OPTIONAL PRE-PROPOSAL MEETING AND SITE VISIT

An optional pre-proposal meeting and visit to the First Mile site will be held at 1:30 pm Thursday, February 13. Proposers are invited to meet at the Oro Loma Sanitary District Training Room at 2655 Grant Ave. San Lorenzo, CA. The purpose of the meeting and site visit is to discuss project objectives, allow proposers to see the site, answer proposer questions, and/or to clarify EBDA's requirements. Proposers must be wearing closed-toed shoes to participate in the site visit.

D. QUESTIONS

Consultants may submit questions on this RFP to juanita@ebda.org by February 19, 2025. Responses to questions will be provided to all prospective firms.

Written addenda may be issued to all attendees if deemed appropriate and necessary by EBDA.

E. R F P SCHEDULE

EBDA issues RFP	February 4, 2025
Optional Pre-Proposal Meeting and Site Visit	February 13, 2025
Last day for Consultants to submit questions on RFP	February 19, 2025
Proposals Due to EBDA	March 7, 2025
Consultant Interviews	March 18-19, 2025
Selected Consultant will be notified	March 27, 2025
Anticipated Commission approval	April 17, 2025

LIST OF ATTACHMENTS

A. No Collusion Declaration

B. Certification for Restrictions on Lobbying

C. Disadvantaged Business Enterprise

C1. DBE Affidavit

D. Certification of Primary Participant Regarding Debarment, Suspension, and Other Responsibility Matters

E. First Mile Project Preliminary Design Report

F. First Mile Project 30% Design Drawings

G. First Mile Project Habitat Assessment

H. Summary of First Mile Project Communications with the Bay Restoration Regulatory Integration Team (BRRIT)

I. Pivot Points Grant Work Plan

J. Sample Contract

K. EPA General Terms and Conditions Effective October 1, 2022

ATTACHMENT A
NO COLLUSION DECLARATION

(To Be Executed by Consultant and Submitted With Proposal)

I, _____, declare as follows:

That I am the _____ of

_____, the party making the attached proposal; that the proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the proposal is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham proposal, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham proposal, or that anyone shall refrain from bidding, that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the proposal price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the proposal price or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the proposal are true, and, further, that the bidder has not, directly or indirectly, submitted his or her proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, proposal depository, or to any member or agent thereof to effectuate a collusive or sham proposal.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this _____ day of _____, 2024, at

_____, California.

Name of Firm

Print Name and Title of Authorized Agent

Signature of Authorized Agent

Authority: Public Contract Code 7106, CCP 2015.5

ATTACHMENT B
CERTIFICATION FOR RESTRICTIONS ON LOBBYING
(To Be Executed by Consultant and Submitted With Proposal)

Consultants who apply or bid for an award of \$150,000 or more shall file the certification required by 40 CFR Part 34, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient.

As required by federal regulations, "New Restrictions on Lobbying", at 40 CFR Part 34, I certify to the best of my knowledge and belief that for each bid for an award \$150,000: I hereby certify: 1) No State, Federal, or local appropriated funds have been paid or will be paid, by or on behalf of _____, to any person for influencing or attempting to influence an officer or employee of any local, State, or Federal agency, a Member of the State Legislature or United States Congress, an officer or employee of the Legislature or Congress, or any employee of a Member of the Legislature or Congress in connection with the awarding or making of this Agreement, or with the extension, continuation, renewal, amendment, or modification of this Agreement; and 2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding or making of this Agreement, the CONSULTANT shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than ten thousand dollars (\$10,000) and not more than one hundred thousand dollars (\$100,000) for each such failure.

Signature & Title of Authorized Official

Date

ATTACHMENT C
DISADVANTAGED BUSINESS ENTERPRISE
(To Be Executed by Consultant and Submitted With Proposal)

_____ hereby certifies that all good faith efforts required by 40 CFR Section 33.301 have been made to secure maximum disadvantaged business enterprise (DBE) participation in this Agreement.

BY: _____
Signature of Authorized Official

Print Name and Title of Authorized Official

Date: _____

Please include on a separate sheet the names, addresses of all DBEs contacted or that will participate in the Agreement, the scope of work, dollar amount of for each participating DBE. Also describe all efforts which have been made to secure maximum DBE participation.

All participating DBEs must complete the DBE affidavit, attached.

**ATTACHMENT C-1
DBE AFFIDAVIT**

(To Be Executed by DBE and Submitted With Proposal)

Affidavit of Disadvantaged Business Enterprise

I hereby declare and affirm that _____ is a qualifying Disadvantaged Business Enterprise as defined in 40 CFR 33.103 and that I will provide information to document this fact.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT, AND THAT I AM AUTHORIZED, ON BEHALF OF THE ABOVE FIRM, TO MAKE THIS AFFIDAVIT.

BY: _____
Signature of Authorized Official

Print Name and Title of Authorized Official

Date: _____

ATTACHMENT D
CERTIFICATION OF PRIMARY PARTICIPANT REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

(To Be Executed by Consultant and Submitted With Proposal)

CERTIFICATION OF PRIMARY PARTICIPANT REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

_____ hereby certifies to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three-year period preceding this 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) transaction or contract under a public transaction, a violation of Federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. 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 (2) of this certification; and
4. Have not within a three-year period preceding this proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

If consultant is unable to certify to any of the statements in this certification, it shall attach an explanation to this certification.

THE CONSULTANT, _____
CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 *ET. SEQ.* ARE APPLICABLE THERETO.

BY: _____
Signature of Authorized Official

Date

Typed Name and Title of Authorized Official

ATTACHMENT E
FIRST MILE HORIZONTAL LEVEE PRELIMINARY DESIGN REPORT

ATTACHMENT F
FIRST MILE HORIZONTAL LEVEE 30% DESIGN DRAWINGS

ATTACHMENT G
FIRST MILE PROJECT HABITAT ASSESSMENT

ATTACHMENT H

SUMMARY OF FIRST MILE PROJECT COMMUNICATIONS WITH THE BAY RESTORATION REGULATORY INTEGRATION TEAM (BRRIT)

ATTACHMENT I
PIVOT POINTS GRANT WORK PLAN

ATTACHMENT J
SAMPLE CONTRACT

ATTACHMENT K
EPA GENERAL TERMS AND CONDITIONS
EFFECTIVE OCTOBER 1, 2022