

REQUEST FOR PROPOSALS

# CEDARVIEW RESERVOIR PIPELINE INSTALLATION



UTE INDIAN TRIBE  
PO Box 190  
FORT DUCHESNE, UT 84026

*Submitted by:*



Natural Resources Consulting Engineers, Inc.

**May 11, 2022**

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# Introduction

The Ute Indian Tribe (Tribe) owns the off-channel, 3,500 AF Cedarview Dam and Reservoir (Reservoir). The Cedarview Canal (Canal) diverts water from Cottonwood Creek and supplies water to the Reservoir. The Tribe desires to remove the Canal and construct a pipeline (Pipeline) along the current route of the Canal and replace diversion structures (Project), as shown in Figure 1. The purpose of this document is to solicit proposals from a suitably qualified and experienced engineering firm and Contractor (Team) to prepare engineering design drawings and specifications, conduct construction oversight, and construct the Project. This Project will be a design-build contract, so the Team will need to be qualified to provide both the design and construction of the Project.

The Cedarview Reservoir, also known as John Starr Reservoir, is located high in the Uinta River basin about ten miles northwest of Neola. In 2013 and 2014, Natural Resources Consulting Engineers Inc. (NRCE) conducted investigations of the Cedarview Reservoir on the Uintah and Ouray Indian Reservation to determine the reason for the low water levels in the Reservoir. One of the main reasons for low water levels in the Reservoir was the Canal's poor operating condition.

The Reservoir is located at latitude 40.5583, longitude -110.1333, in the northeast of Section 20, Township 2 North, Range 2 West, Uintah Special Meridian (NE Sec 20 T2N R2W US).

The work summarized below and detailed in the Requirements section must be performed to the complete satisfaction and approval of the Ute Tribal Business Committee (UTBC) and NRCE.

**The UTBC will receive proposals via email to NRCE until 3:00 pm MST Tuesday, June 21, 2022.** Proposals submitted after that time will not be considered. NRCE, on behalf of the UTBC, reserves the right to disqualify any proposal deemed incomplete. Proposals will become the property of the UTBC and NRCE and will be kept confidential. Proposals should be submitted by email to [rmcbride@nrce.com](mailto:rmcbride@nrce.com). The email subject should be:

## CEDARVIEW RESERVOIR PIPELINE INSTALLATION

A mandatory pre-proposal meeting will be held **at 10:00 am on May 25, 2022**. The meeting will be held at the Tribal Fish and Game Department. The pre-proposal meeting will include a visit to the site.

Questions regarding the proposed work may be submitted by email to the project manager. **Questions must be received no later than 5:00 pm MST Thursday, June 16, 2022.** Answers to timely submitted questions will be provided within 48 hours from when they are received and sent to a proposer mailing list. To be included on this mailing list, contact the project manager. Proposal evaluation will begin immediately following the proposal submission deadline. Evaluation factors include technical capability, understanding of project requirements, ability to perform the project requirements, past performance, and cost. NRCE anticipates notification of the successful proposal award by July 20, 2022. The UTBC and NRCE reserve the right to reject any and all proposals for

any reason deemed to be within the UTBC's or NRCE's interest. For questions about the proposed work, please direct your questions to:

**Project Manager:**

**Ryan McBride, MS, PE.**

*Senior Engineer*

Natural Resources Consulting Engineers, Inc.

131 Lincoln Avenue, Suite 300

Fort Collins, CO 80524

[www.nrce.com](http://www.nrce.com)

[rmcbride@nrce.com](mailto:rmcbride@nrce.com)

Ph: 970-224-1851

Fax: 970-224-1885

## Project Schedule

Item	Date
Bid Advertising Start Date	May 11, 2022
Pre-Proposal Meeting	May 25, 2022
Questions Due Date	June 16, 2022
Proposals Due Date	June 21, 2022
Award by Date	July 20, 2022
Project Completion Date	October 31, 2023

## Compliance with Tribal Laws and Policies:

The successful bidders will be responsible for ensuring compliance with Tribal laws and policies by all persons entering the Uintah and Ouray Reservation (Reservation) to carry out the terms of their agreement. This includes Managers, Staff, Employees, or Subcontractors engaged by the Team. In addition, the bidder must obtain a Tribal business license, access permit, and Ute Tribe Employment Rights Office (UTERO) permit prior to commencing construction.

As part of the access permit application process, the Team is required to provide a list of employees that plan to enter the Reservation and a list of vehicles and equipment to be used on the Project. All-terrain vehicles (ATV) or ultra-terrain vehicles (UTV) are not allowed on the Reservation. Animals are also not permitted to be in the field with their owner.

Please review the following items which will affect the successful bidder:

**Business License:** All persons engaging in business activities within the Uintah and Ouray Reservation are required to apply for and purchase a Business License appropriate to the type and term of their business activity. The bidder must obtain an access permit as part of the business license. If you are caught on the Reservation without an access permit, you may be fined and

escorted off the Reservation. The bidder should allow sufficient time to obtain the necessary Tribal license and permits. Application for the Business License, which includes information on the access permit, can be obtained by calling the Tribal Energy & Minerals Department at (435) 725-4950 or by clicking on the following link:

<https://www.utetribes.com/business-permit-forms.html#>

**Ute Tribe Employment Rights Office (UTERO):** The Ute Tribe Employment Rights Office will provide successful bidders with information relevant to their obligations under this Request for Proposal. Please use the links below to find contact information and regulations related to UTERO obligations:

[http://www.utetribes.com/images/Departments/UTERO/UTERO\\_Application\\_Checklist.pdf](http://www.utetribes.com/images/Departments/UTERO/UTERO_Application_Checklist.pdf)

**Sovereign Immunity, Applicable Law/Jurisdiction:** Any and all disputes arising under any contract to be negotiated hereunder or out of the proposal submitted in response to this RFP shall be governed by the laws of the Tribe. Successful bidders will be required to agree to submit to the jurisdiction of the courts of the Ute Indian Tribes to enforce the provisions of any contract entered into.

Nothing within this RFP shall be construed as a waiver of the sovereign immunity of the Ute Indian Tribes or its enterprises, officers, agents, and employees, and the successful bidder shall be bound by the same terms under any agreement negotiated as a result of their response to the RFP.

## **Tribal Member Preference**

Whenever proposals are solicited, an award shall be made to the resident Tribe member proposer making the lowest bid if such bid is not more than five percent (5%) higher than that of the lowest responsible nonresident Tribal member and provided that proposals are not of inferior quality to those offered by competitors that are not Tribal members. Resident Tribal members will be required to show proof of Tribal membership.

## **Warranty Period**

If after the approval of final payment and prior to the expiration of one year after the date of Final Completion or such longer period as may be prescribed by law or by the terms of any applicable special guarantee, the Team shall promptly, without cost to the Tribe and in accordance with the Tribe's written instructions, either correct such defective work or, if it has been rejected by the Tribe, remove it from the site and replace it with non-defective work. If the Team does not promptly comply with the terms of such instruction, the Tribe may have the defective work corrected or the rejected work removed and replaced, and all costs incurred, therefore, including compensation for additional professional services, shall be paid by the Team and its sureties. The remedies provided in this section are in addition to all other remedies available to the Tribe under applicable laws and shall not be construed as exclusive of any other legal right or remedy available to the Tribe.

## Background

Cedarview Reservoir (Reservoir) was built in 1928 by the Dry Gulch Irrigation Company to supply water to irrigation lands to the south along Cottonwood Creek. The Reservoir's 50-foot high, 600-foot-wide dam can store 3,500 acre-feet (AF) of water, and the Reservoir occupies around 210 acres of land when full. The Reservoir is supplied with water from the 1.83-mile long Cedarview Canal that carries water east into the Reservoir, as well as natural snowmelt and runoff from the roughly 1,200-acre natural basin that contains the Reservoir. The Reservoir is permitted by Utah State water right number 43-3230, which allows 2,500 AF of water use annually from the East Fork of Cottonwood for the supplemental irrigation of 2,840.6 acres between March 1 and November 30, with year-round storage in the Reservoir with a priority date of February 11, 1938.

Approximately one-third (0.66 mi) of the Cedarview Canal is lined with Corrugated Metal Half-Pipe (CMHP), with the remaining two-thirds (1.17 mi) of the Canal being unlined (Figure 2). The lined CMHP portion currently fills with debris, potentially damaging the Canal and reducing the ability to convey water to the Reservoir (Figure 3). The unlined sections of the Canal are also in poor condition (Figure 4). Heavy vegetation exists in many unlined sections of the Canal, potentially reducing or preventing water from reaching the Reservoir. In addition, coarse-grained sediment and cobbles cover many sections of the unlined Canal, preventing water from reaching the Reservoir due to seepage of water beneath the coarse-grained sediment and cobbles and into the soil below.

The Cedarview Canal has two diversion structures that divert from Cottonwood Creek. The northern diversion structure diverts water from Cottonwood Creek into the beginning of the Canal (Figure 5). About a third of the way down the Canal, the southern diversion structure diverts water from Cottonwood Creek into the Canal. The diversion dams frequently fill with sediment and cobbles, which decrease their effectiveness in diverting and controlling water into the Canal and require periodic cleaning with an excavator. In addition, visible signs of cracks and damage to the structures' concrete can be seen. The southern diversion is the second opportunity for the Tribe to divert water into the Canal. With the construction of a pipeline and the northern diversion structure, the benefit to the southern diversion may be minimal. The primary benefit would be if creek flow were diverted into the Canal at the northern diversion. Then, if a significant amount of water were to collect in Cottonwood Creek between the diversions, it could be diverted into the Canal at the southern diversion. The likelihood of this scenario is dependent on the hydrology of the watershed. Therefore, it may be desirable to keep both structures for future water management purposes.

## Project Summary

The main purpose of this Project is to replace the two diversion structures and install a Pipeline to capture and transport water from Cottonwood Creek to the Cedarview Reservoir. The Pipeline will follow the existing route of the Cedarview Canal. NRCE's preliminary design recommends a Pipeline with an inside diameter of 15 inches. At full capacity, the preliminary design Pipeline would be able to convey about 17.7 cfs. This is sufficient for capturing approximately 90% of the estimated runoff. The Team should confirm the pipe size and material by conducting a watershed

analysis to estimate the runoff during dry, average, and wet years. NRCE recommends that a plastic pipe material such as High Density Polyethylene (HDPE) pipe or PVC pipe be used for the Project.

NRCE recommends replacing the northern diversion structure due to its poor condition. The Team should use the information gathered from the watershed study to determine if the southern diversion structure should be replaced. A stilling basin should be constructed to remove sediment from the water at each diversion structure. The primary purpose of these basins would be to remove coarse sediment that could settle in the Pipeline (cobbles, gravel, coarse sand).

The stilling basins should be of sufficient size to settle out finer materials to reduce the sediment load in the Reservoir. Slotted trash racks should be incorporated at the start of the Pipeline to minimize weeds and floating debris from entering the Pipeline. It is also recommended that an outlet structure compatible with the proposed Pipeline designs be placed at the end of the Pipeline. The outlet structure will be designed to dissipate any excess energy from the flow of water. Depending on the upstream settling basins, it may also be desirable for a settling basin to be constructed at the outlet for sediments to settle out before water enters the Reservoir. The Pipeline should include necessary thrust blocs, air vents, access points, and cleanouts. Any required surveying would be the responsibility of the Team.

There is currently a cutthroat flume at the end of the Canal before the water enters the Reservoir. The flume should be replaced to ensure that accurate water measurements can be made. The flume should be retrofitted with a stilling basin and pressure transducer to allow the Tribe to continually monitor the flow.

Environmental permitting/clearances from the Tribal cultural and historic preservation office, Tribal Fish and Wildlife Department, EPA, and the US Army Corps of Engineers may be required for the Project. NRCE will work with the Team and regulatory agencies as necessary to ensure that all permits are obtained before construction begins.

To complete the Project, NRCE recommends the following steps:

#### Permitting and Clearances

- Obtain necessary federal and state permits (The Project should qualify as an agricultural exemption project from the US Army Corps of Engineers).
- Coordinate with the Tribal Fish and Wildlife Department and the Tribal Historic Preservation Officer to get proper Tribal clearances for Project.

#### Engineering Design

- To confirm pipe size, perform watershed analysis to estimate watershed yield in dry, average, and wet years.
- Complete 10% drawings, 60% drawings, and final design drawings and specifications.

#### Construction

- Perform construction oversight
- Remove the existing Corrugated Metal Half-Pipe (CMHP)
- Excavate and install Pipeline in the new Canal
- Backfill and cover Pipeline

- Replace the northern diversion structure and excavate a settling basin upstream of the structure.
- Replace the southern diversion structure, if necessary, based on the watershed study.
- Install an outlet energy dissipation structure and channel protection at the southern end of the Canal
- Replace existing cutthroat flume and stilling well (Figure 6).
- Restore disturbed areas with native seed mix that is approved by the Tribe. Any access roads created for construction should be restored. The access road to the diversion structure should remain.

## Retainage

The Tribe reserves the right to retain up to 10% of the contract amount, payable upon final acceptance of project by WGFD.

## Deliverables

The consultant shall provide 10% conceptual drawings, 60% drawings, and final construction drawings. In addition, a design report shall be provided that explains the assumptions and parameters used in the design. The design report should also include special provisions and specifications. The consultant should allow the Tribe and NRCE to comment on the 10% conceptual and 60% drawings. The final report shall be provided in the digital form of Adobe Acrobat (pdf). The final plans shall be provided in pdf and AutoCAD format.

The Team will provide adequate construction oversight for the Project. For bidding purposes, the Team should plan on providing 30 days of construction oversight for the Project. The number of construction oversight days may be adjusted at the time of construction.

For design bidding purposes, the Team should plan on meeting at the Tribal Fish and Wildlife Department (FWD) for four meetings. In addition, the Team should plan on meeting on-site three times with FWD staff (not including the pre-proposal meeting).

The following deliverables will be provided for the Project.

1. Report of watershed study to estimate the watershed yield during dry, average, and wet years to confirm pipe size.
2. Engineering design report.
3. 10% drawings, 60% drawings, and final design drawings and specifications.
4. Copies of regulatory permits and clearances for the Project.
5. Weekly construction reports.
6. Upper and lower (if necessary) diversion structures replaced to divert water from Cottonwood Creek to the new Pipeline.
7. Adequately sized Pipeline constructed to convey water from the diversion structures to the Cedarview Reservoir.

8. Flow measurement device at the end of the Pipeline retrofitted to allow for automated measurements.
9. Energy dissipation structure and channel erosion protection at the Pipeline outlet to the Reservoir
10. Digital files of all data in pdf format and AutoCAD format.

## Payment Schedule

The Team shall submit invoices to

Ute Tribe Fish and Wildlife Department  
 Attn: Kelly Cambridge  
 PO Box 190  
 Fort Duchesne, UT 84026

Payment will be made at the following milestones:

Milestone 1: Regulatory permitting, watershed study, and 10% conceptual drawings completed.

Milestone 2: 60% drawings, final drawings, specifications, and design report are completed.

Milestone 3: One (1) mile of Pipeline is constructed.

Milestone 4: The Pipeline, diversion structures, flow measurement device, and energy dissipation structures are constructed. Site has been restored to the satisfaction of the Tribe.

## RFP Fee Schedule

The breakdown of the fee schedule broken up by Task is shown below.

**Table 1: RFP Fee Schedule**

Task No.	Item Description	Lump Sum
<b>Task 1</b>	Engineering Design (Watershed study, regulatory permitting, surveying, 10% plans, 60% plans, final plans, specifications, design report, 4 meetings, 2-site visits)	
<b>Task 2</b>	Construction (1.83-mile pipeline, diversion structures, stilling basins, measuring device, energy dissipation structure, and construction oversight (30 days)	
<b>Total</b>		

# Submission of Proposals

Interested Teams are to provide the UTBC and NRCE with a thorough proposal, including the following sections:

- **Cover letter** – summarizing key elements of the proposal and signed by an individual authorized to contractually bind the Subcontractor. The letter must stipulate that the proposal price will be valid for a period of at least 180 days.
- **Company Information** – submitting a general statement about the organization and qualifications of the Subcontractor, including but not limited to:
  - Company name, business address, email address, website address, telephone number, and fax number
  - Contact person(s) with title(s)
  - Business size and type
  - Professional history and affiliations. Please include a minimum of three example projects of similar scope and complexity to this Project that were successfully completed. Please include a description of the project scope, project location, costs, construction issues if applicable, the name of the project owner, and contact information for reference purposes.
  - Range of relevant professional services capabilities
  - Previous experience with Tribal Communities
- **Project Summary/Background** – describing your understanding of the work and objectives to be accomplished.
- **Methodology and Approach** – providing a detailed description of the approach and methodology to be used to accomplish the requirements found in this RFP, including:
  - Watershed study
  - Permitting
  - Pipeline design (size, material, etc.)
  - Diversion structures design
  - Settling basin design
  - CMHP Removal
  - Pipeline installation (bedding, depth, etc.)
  - Heavy machinery use (tracks or rubber tires, type, etc.)
  - Wetland and environmental protection
  - Measurement device rehabilitation
  - Construction oversight
- **Staffing** – providing a list of personnel who will be working on this Project and their respective functions, qualifications, and their proposed involvement in the work.
- **Financial Stability and Capability** – providing the Team's latest financial statements and financial references to allow the Tribe and NRCE to reasonably formulate a determination about the financial capacity of the Team.

- **Costs** – submitting an itemized cost proposal for each Task according to the Fee Schedule found in Table 1. The cost for each Task shall include all associated/itemized costs to implement the Task, including, but not limited to, a plan to minimize ground disturbance, mobilization, travel, per diem, labor hours, laboratory analysis, field visits, fieldwork, administrative and overhead costs, etc. Proposals shall be valid for a minimum of 180 days following submission.
- **Project Schedule** – providing a detailed schedule of when the proposed tasks will be completed.

## Evaluation Process

The Tribe and NRCE will use the criteria and weighting factors shown in **Table 2** to evaluate proposals:

**Table 2: Evaluation matrix that will be used to review proposals.**

Description	Weight
<b>Qualifications and Experience of Entity, Current or Past Projects, and Personnel</b> – Includes the ability to provide the requested scope of services; the Team's professional capacity; recent experience conducting work of similar scope, complexity, and magnitude for other clients of similar size; references; and qualifications of proposed personnel.	25%
<b>Approach to Providing the Requested Scope of Services</b> – Includes an understanding of the RFP and of the Project's scope of services, knowledge of applicable laws and regulations related to the scope of services, and how the firm will administer its services, Including demonstrating how innovative and/or creative approaches provide additional efficiencies or increased performance capabilities.	15
<b>Ability to meet Schedule and Budget</b> – How the firm has met previous obligations and what technical or business tools will be utilized to perform the work.	10%
<b>Experience working with Tribal communities</b> – Includes previous experience related to projects or services performed for Native American Tribes (preferably work with Ute Indian Tribe).	15%
<b>Cost or Price Proposal</b> – Will be evaluated based on the total price submitted for the tasks. The lowest price will receive a full score (35), and other proposals will be evaluated based on the formula: (lowest price / proposed price) x 35	35%

The Tribal Evaluation Committee will screen and review all proposals according to the weighted criteria set forth above. While price is one basic factor for the award, it is not the sole consideration. Following the conclusion of the screening stage of the evaluation process, the Evaluation Committee will rank all received proposals and make a recommendation for the award and forward

the evaluation results to the Business Committee for review and final approval. Recommendation for award is contingent upon the successful negotiation of final contract terms. Negotiations shall be confidential and not subject to disclosure to competing Teams.

## **Additional Terms and Conditions**

**Protest Procedures:** Failure to comply with the rules set forth herein may result in rejection of the proposal. Protests based upon restrictive specifications or alleged improprieties in the proposal procedure which are apparent or should have been reasonably discovered prior to receipt of proposals shall be filed in writing with NRCE within 5 business days of notification of non-award. The protest must clearly specify the grounds and evidence on which the protest is based.

**Confidentiality:** Proposals will become the property of the Tribe and NRCE to be shared with the Tribe and will otherwise be kept confidential. The information in the RFP is only to be used to develop proposals and is not to be otherwise shared or used.

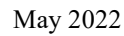
**Certificate of Conflict-of-Interest Form:** Teams and Teams' representatives should not communicate outside the procedures set forth in this RFP with an officer, employee, or agent of the Tribes, including any member of the Evaluation Committee, with the exception of the RFP Facilitator, regarding this RFP until after contract award.

**Conflict of Interest:** The Team warrants and represents that it presently has no interest and agrees that it will not acquire any interest, which would present a conflict of interest.

**Insurance Requirements:** The Tribe and NRCE requires that licensees, lessees, and vendors have an approved Certificate of Insurance (not a declaration or policy) or proof of legal self-insurance on file with the Tribe and NRCE for the issuance of the contract. Within ten (10) consecutive calendar days of award of the contract, the successful Team must furnish NRCE with the Certificates of Insurance proving coverage.

**Standard Terms and Conditions:** The Tribe and NRCE reserves the right to amend or supplement this RFP prior to the proposal due date. All addendums and additional information will be sent to the Teams. The Tribe and NRCE reserves the right to reject any or all responses to this RFP and waive any informalities or irregularities therein. This RFP may be canceled, and no award granted. Any cost incurred by the offeror(s) in preparation, transmittal, or presentation of any proposal or material submitted in response to this RFP shall be borne solely by the offeror(s).

**COVID-19 Requirements:** The successful Team will be required to follow all COVID-19 related requirements of the client, county, and other applicable governing bodies. The successful Team will be asked to submit a safety plan showing planned compliance that adheres to the client's current COVID-19 requirements upon receipt of the contract. Such conditions may include complying with all Centers for Disease Control and Prevention recommended prevention measures, PPE requirements, social distancing and sanitation procedures, restricted number of personnel on-site, post-travel quarantine, and limited vehicle sharing. Requirements are subject to change, and the Subcontractor, along with the prime Contractor, will be expected to comply with the most recent federal, local, and client requirements at the time work commences.



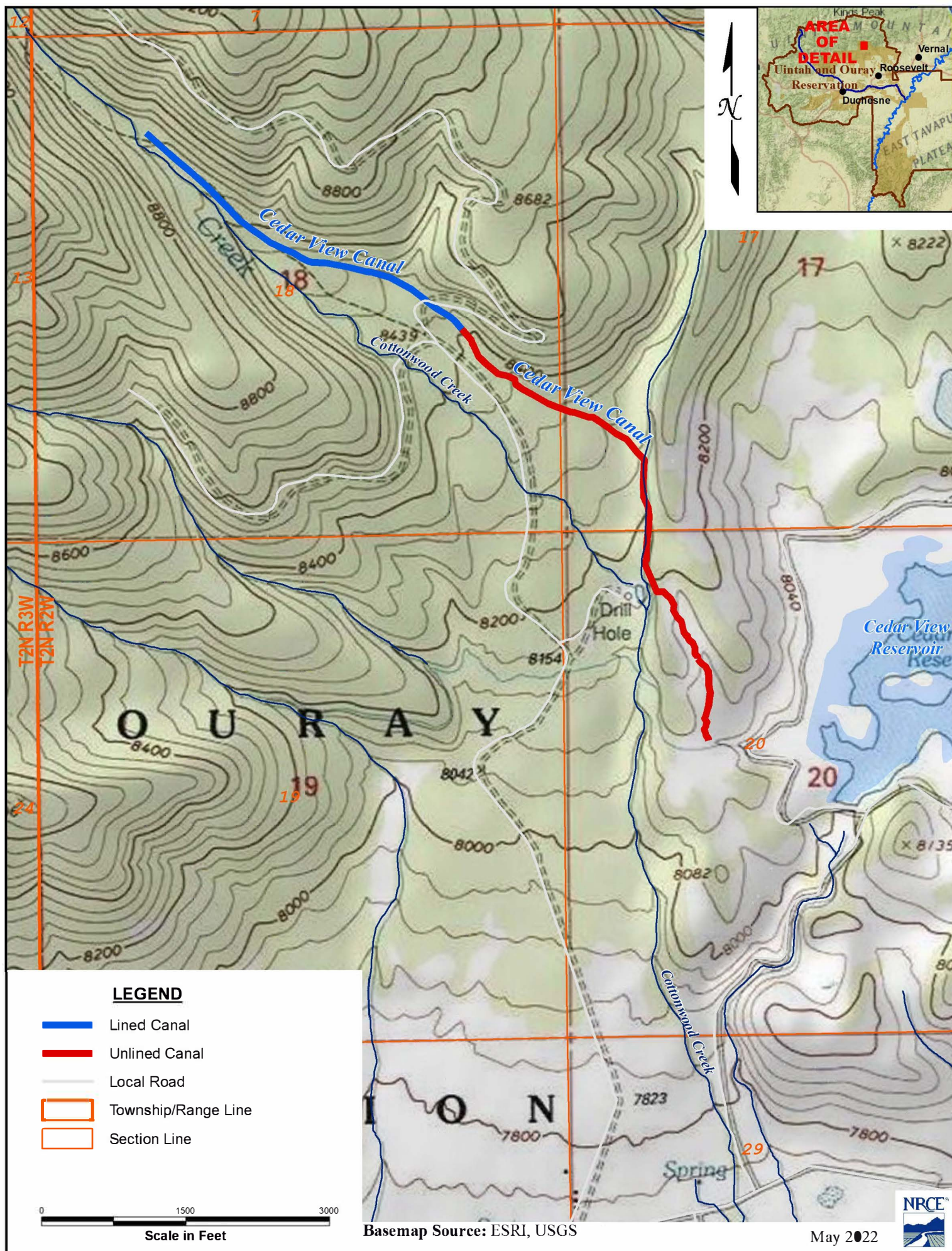


Figure 2: Map showing the CMHP lined and unlined sections of the Cedarview Canal.



**Figure 3: CMHP lined sections of Cedarview Canal. August 5, 2020. (Photos: Brook Watts, Ute Indian Tribe Fish and Wildlife Department)**



**Figure 4: Unlined sections of the Cedarview Canal. August 5, 2020. (Photos: Brook Watts, Ute Indian Tribe Fish and Wildlife Department)**



**Figure 5: Downstream end of the north diversion structure. August 5, 2020.**



**Figure 6: Cutthroat flume and stilling well at the southern end of the Cedarview Canal.  
August 5, 2020. (Photo: Brook Watts, Ute Indian Tribe Fish and Wildlife Department)**