

September 24, 2015

**CONTRACT NO. 4400006822**  
**STATE PROJECT NO. H.004985.2**  
**FEDERAL AID PROJECT NO. H004985**  
**I-12 TO BUSH MITIGATION**  
**ROUTE LA 3241**  
**ST. TAMMANY PARISH**

**Questions & Answers:**

Q1. We have professional engineers on staff experienced with wetland mitigation projects, but they are not registered in Louisiana. If our project does not involve complex construction for hydrologic restoration – we anticipate mostly culvert removal and creating low water crossings, cutting plugs in small dirt berms, filling or plugging of ditches – may we use our engineers on staff rather than secure a subcontract with one registered in LA?

**A1. DOTD requires plans to be stamped by a licensed engineer. The Consultant may partner or sub with a licensed engineer that meets this qualification.**

Q2. The Consultant is experienced in land acquisition and has a strict protocol for performing due diligence. The Consultant is the largest land-based conservation organization world-wide and is accredited through the Land Trust Association for quality policies and procedures. Does this allow us to meet the qualification for real estate professional?

**A2. The Consultant needs to submit the qualifications/resume in the 24-102 for the person or persons who will be responsible for real estate work such as acquisitions and recordation.**

Q3. Does LADOTD intend to procure mitigation credits, if any, beyond the ~180 direct impact credits DIRECTLY, or instead THROUGH the chosen consultant?

**A3. The DOTD is seeking a mitigation plan which may call for the purchase of available released credits. If purchase of released credits is proposed as part of the plan, the purchase may be made by DOTD or through consultant.**

Q4. If a mitigation bank wishes to respond to this RFQ based on the mitigation bank's ability to service bank credits - which is part 1 of the 2 parts described in the scope - must the mitigation bank meet all the qualifications outlined?

A4. Yes, all qualifications must be met. At the time this ad was written there were no banks with enough available released credits to fulfill the obligation. The Corps has stated that they will not accept the purchase of future credits. Only credits that are released can be purchased as part of the mitigation plan, the remaining balance of mitigation would be met through permittee-responsible mitigation thereby requiring agreements.

Q5) Is the Primary Consultant expected or required to provide tracts that help compensate for indirect impacts for management on existing mitigation banks (Talisheek, Dolly-T, or Bayou Lacombe), or are they only requested to only identify if any of their proposed sites meet this need?

Q6) Does DOTD plan to use credits generated from tracts that help meet indirect impacts on management to count as part of their total direct and indirect wetland mitigation needs as well (i.e., the total 7,450 credits needed?), or will those credits be in addition to the total wetland mitigation credits needed?

A 5 and 6) The number of credits needed to mitigate the impacts to wetlands are 7450 (5526 credits to mitigate direct impacts & 1924 credits to mitigate indirect impacts). In addition to this mitigation, the Corps requires mitigation for the indirect impact to management of existing adjacent mitigation banks. The Corps indicated that a monetary compensation to the escrow accounts to account for the additional cost may be acceptable, but not the only method available to mitigate this type of indirect impact. Applicants are encouraged to identify alternative methods of mitigation that may meet this requirement. A tract may meet multiple needs and provide credits for wetland impacts and provide a means to mitigate for indirect management of an existing mitigation bank. The applicant needs to demonstrate how all such mitigation is accomplished.

Q7.) The RFQ write-up states that "DOTD will provide copies of, or grant access to, reports, maps, surveys, plans, .....and/or any other pertinent information available in its files which may assist the Consultant / Team in performing this work." Will DOTD grant this information *prior* to the September 30 submission deadline, including a copy of the report and any associated information and "products" that were produced and gathered as a result of the work performed under State Project No. H.004985.2, the RFP for which was issued on November 2, 2012, and which included data gathering and research, interviews, document findings, recommendations, etc. relating to mitigation options for the Bush Highway.

A7.) The deadline was extended beyond September 30<sup>th</sup>. See Addendum. DOTD will share file information with selected consultant per Items To Be Provided By DOTD. Environmental documents for the project can be found on DOTD's web site at the following link: [I12 to Bush Documents](#).

Q8.) Can the DOTD provide the GIS shape files for the selective alternative corridor "Q"?

A8.) The project is under design and design information will be shared with the selected consultant per Items To Be Provided By DOTD. The line and grade for alternative Q can be found on DOTD's web site at the following link: [I12toBush Documents](#)

Q9.) It appears that the MCM was utilized to determine the number of credits identified in the RFQ. Is this correct? If so, it is possible to obtain the Excel File/MCM Impact Spreadsheet (s) that was used to arrive at the number of credits required?

A9.) MCM was utilized. The MCM tables for direct and indirect are posted on the web with the other Environmental Documents at the following link: [I12toBush Documents](#)

Q10.) Are the units of credits quoted in the document in terms of MCM credits, or in terms of the interim replacement methodology that superseded the MCM earlier this year?

A10.) MCM credits

Q11.) We are a non-profit organization. Our overhead rate is in compliance with federal guidance but not with FAR, which we understand is geared toward for-profit organizations. Attached is our NICRA letter (Negotiated Indirect Cost Agreement) from the Department of Interior. Will this overhead rate meet DOTD requirements for this project?

A11.) The Audit provision has been clarified. See the addendum for Audit.

Q12.) The advertisement says that an actual cost plus a fixed fee for negotiated man hours contract payment approach will be used for the project, but also suggests that other forms of contracting and payment can be lump sum for tasks where the "scope and effort are well defined." Will DOTD consider awarding a hybrid of both forms of contracting which features an all-inclusive, flat, not to exceed, per credit price, paid incrementally upon the successful completion of milestones, with the consultant at-risk for cost increases?

A12.) Yes, as written, the compensation article allows different compensation structures to be used for different tasks as appropriate, as negotiated with selected consultant. These compensation structures may include per credit pricing.

Q13.) *In minimum personnel requirements,*

Why does DOTD require a Prime Consultant Principal to be experienced in NEPA Documents? Professional mitigation service providers have Senior Staff members fully competent and experienced in the preparation of NEPA Documents, without being a Principal of a firm. We request for DOTD to allow minimum qualifications to be changed to: **At least one Principal, or Senior Staff Member, of the Prime-Consultant must be professionally competent and experienced in the preparation of NEPA Documents.....**

A13.) The minimum personnel requirements have been clarified. See addendum for Minimum Personnel Requirements.

DOTD defines Principal as individuals assigned with the legal responsibility for management of the firm. They may be owners, partners, corporate officers, associates, administrator, etc.

DOTD defines Responsible Member as individuals assigned with the Responsible Charge as defined in R.S. 37:682. It shall mean individuals with the direct control and personal supervision of engineering work or land surveying, as the case may be.

You must identify in the 24-102 all personnel meeting the requirements specified in the Minimum Personnel Requirements.

*Q14.) In compensation,*

Can compensation be modified to be an **either/or** between cost + fixed fee and lump sum pricing? Mitigation service providers do not typically have the required federal audits on indirect and overhead costs because they provide services on a “per credit” basis for both mitigation banks and PRMs. Would DOTD be opposed to alternative pricing of \$X/per credit delivered for mitigation of the entire project? This would give certainty to DOTD on the overall pricing of the project through use of a turnkey full service provider.

A14.) As written, the compensation article allows different compensation structures to be used for different tasks as appropriate, as negotiated with selected consultant. These compensation structures may include per credit pricing.

*Q15.) In contract requirements,*

If DOTD would still require the audit provisions for the overhead rate, is this required prior to bidding, or can it be obtained and provided after an award? Similarly, if labor rates haven’t been provided historically to DOTD, would those be required pre-bid or post-award?

A15.) The Audit provision has been clarified. See the addendum for Audit. Labor rates and supporting documents can be submitted post award.