

REQUEST FOR BID

FOR

MRGCD DRAIN OUTFALL SAMPLING AND ANALYSIS PLAN
SUMMER/FALL 2018
99255/92685



DEADLINE FOR RESPONSE:

APRIL 30, 2018
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 BID (RFB)

The Middle Rio Grande Conservancy District (MRGCD) is inviting Qualified Bidders to provide a Sampling and Analysis Plan for Summer/Fall 2018 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 SUMMER/FALL 2018**" 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 bid was filed.

Bids can be mailed, but to be considered must be received by or before 11:00 a.m. April 30, 2018 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 Bid shall encompass this RFB, Scope of Work Exhibit "A" and "B" and 6 Appendices. Should any amendment to the RFB 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 RFBP 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 Bid	MRGCD	April 12, 2018
Deadline for Acknowledgement of Receipt Form	Bidder	April 19, 2018
Deadline to Submit Bid	Bidder	April 30, 2018
Bid Evaluation	MRGCD	May 1-2, 2018
Board Recommendation/Approval	MRGCD	May 7, 2018
Notice of Award	MRGCD	May 8, 2018
Protest	Bidders	May 23,2018

B. EXPLANATION OF EVENTS

1. Issue of RFB: This RFB is being issued by the Middle Rio Grande Conservancy District.

2. Acknowledgement of Receipt Form: Potential Bidders should hand deliver, fax, or e-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 company, dated, and returned by close of business **Thursday April 19, 2018**. Failure to return the Acknowledgement of Receipt form shall constitute a presumption of receipt and rejection of the RFB, and the potential Bidder’s organization name shall not appear on the distribution list.

3. Deadline for Bids: **ALL BIDS MUST BE RECEIVED FOR REVIEW AND EVALUATION BY MRGCD NO LATER THAN 11:00 AM MONDAY APRIL 30, 2018**. Bids received after this deadline will not be accepted. The date and time will be recorded on each bid. Bids must be addressed and delivered to Ms. Bustamante, and labeled **MRGCD Drain Outfall Sampling and Analysis Plan Summer/Fall 2018**. Bids submitted by facsimile will not be accepted.

4. Bid Evaluation: MRGCD will analyze all bids and award the contract to the bidder which is determined to be most advantageous to the District. MRGCD reserves the right to award all Schedules in whole or individually.
5. Recommendation to the Board: Evaluation Committee will submit to the Board an informal recommendation for their review and approval.
6. Notice of Award: MRGCD will notify all bidders of the awarded bid.
7. Protests: In accordance with Section 13-1-172 NMSA 1978, any offeror who is aggrieved in connection with the award of a contract can protest to the MRGCD. The protest must be submitted in writing within fifteen (15) calendar days after notice of award to:

Ms. Jeanette Bustamante, Procurement Manager
Middle Rio Grande Conservancy District
1931 2nd Street SW
Albuquerque, NM 87102
505 247-0235 ext. 1329
jeanette@mrgcd.us

Protests must include the name and address of the protestant, the name of the solicitation, and a statement of grounds for protest, including appropriate supporting exhibits. Protests received after the deadline will not be accepted.

**SECTION III
MANDATORY REQUIREMENTS**

A. PRICING

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

B. NUMBER OF COPIES

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

C. BID 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 bid may be requested by the District following the opening.

D. WITHDRAWAL OF BIDS:

Bids 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 bids 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 bid 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:

Bids 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)

H. PERMITS:

Potential Bidders MUST possess and include with their bid 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 bid will not be in compliance with the mandatory requirements and shall be deemed non-responsive.

I. SCOPE OF WORK:

SEE EXHIBIT “A” and “B” (Page 13 to 19 Below)

EXHIBIT “A”:

Middle Rio Grande Conservancy District Drain Outfall Sampling and Analysis Plan

EXHIBIT “B”:

Technical Support for Adaptive Management to Address Middle Rio Grande 2018 Drought and ESA Compliance

The purpose of this study is to assess the habitat suitability of drain outfalls as refugia for Rio Grande Silvery Minnow (RGSM) and other fish species and to evaluate fish utilization of these areas during summer drying events. This study seeks to expand on the information gained from previous studies.

J. EVALUATION OF BIDS:

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

Evaluation criteria as follows:

1. References	5%
2. Bid Amount	35%
3. Scope of Work, Mandatory Requirements and Terms and Conditions	45%
4. Mandatory Forms	15%

**SECTION IV
COST RESPONSE FORM:**

REQUEST FOR BID

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



SEALED BIDS, subject to the conditions below, and will be received at this Office until 11:00 a.m. April 30, 2018, and then publicly opened, for furnishing the following supplies, and / or services.

ITEM NO.	ARTICLE OR SERVICES	UNIT (EACH or HOURLY)	PRICING	
			UNIT COST	TOTAL
1.	SAMPLE FISH IN THE DRAIN OUTFALLS/WASTEWAYS AND THE ADJACENT RIVER TO MONITOR FISH COMMUNITIES, AND SPECIES RELATIVE ABUNDANCE. THE METHOD OF SAMPLING WILL BE BEACH SEINES IN COMBINATION WITH BACKPACK ELECTROFISHING IN COMBINATION WITH SEINES, DIPNETS, AND/OR FYKE NETS. A MINIMUM OF 3 DRAINS WILL BE MONITORED A MINIMUM OF 4 TIMES.	PER DRAIN OUTFALL AND RIVER SITE	\$	\$
2.	SAMPLE FISH FROM THE CONFLUENCE OF DRAIN/WASTEWAYS AND THE RIVER DOWNSTREAM AT THREE DISCRETE 200M LOCATIONS FOR UP TO A MILE. SAMPLING TO BE CONDUCTED PRIOR TO AND DURING ADJACENT RIVER CHANNEL DRYING AND AFTER THE ADJACENT RIVER CHANNEL RECONNECTS. SURVEYS WILL BE CONDUCTED A MINIMUM OF 4 TIMES ANNUALLY. MONITORING CAN BE COMBINED WITH ITEM 1.	PER DRAIN OUTFALL AND RIVER SITE	\$	\$
3.	IF RGSM ARE DETECTED, LOCATION, A STANDARD LENGTH MEASUREMENT, VISUAL ASSESSMENT OF HEALTH, AND MARKED OR WILD FISH WILL BE DOCUMENTED.	PER DRAIN OUTFALL AND RIVER SITE	\$	\$
4.	A MINIMUM OF 3 WATER QUALITY MEASUREMENTS WILL BE COLLECTED FROM EACH DRAIN OUTFALL/WASTEWAY AND THE ADJACENT MAIN CHANNEL. WATER QUALITY MEASUREMENTS WILL INCLUDE TEMPERATURE, PH, SPECIFIC CONDUCTANCE, DISSOLVED OXYGEN AND TURBIDITY.	PER DRAIN OUTFALL AND RIVER SITE	\$	\$
5.	HABITAT TYPE, WATER DEPTH AND FLOW VELOCITY OF ALL TRANSECTS WITHIN ALL	PER DRAIN OUTFALL		

	SAMPLING LOCATIONS WILL BE DOCUMENTED.	AND RIVER SITE		
6.	PROVIDE DATA ANALYSIS AND A DRAFT REPORT WITHIN 60 DAYS OF PROJECT COMPLETION AND A FINAL REPORT WITHIN 30 DAYS OF COMMENTS RECEIVED. PROVIDE TWO HARD COPIES AND AN ELECTRONIC COPY OF THE FINAL REPORT.			
7.	PRESENT REPORT AND FINDINGS AT A SYMPOSIUM FOR THE MIDDLE RIO GRANDE ENDANGERED SPECIES COLLABORATIVE PROGRAM IN EARLY 2019.			
	OPTIONS			
1.	CONDUCT A MINIMUM OF ONE DEPLETION SAMPLING AT ONE OF THE DRAIN OUTFALL/WASTEWAY MONITORING SITES.	PER DRAIN OUTFALL	\$	\$
2.	COLLECT EGGS AS AVAILABLE AND NECESSARY, FOR TRANSPORT AND REARING AT THE ALBUQUEURQUE BIOPARK.	HOURLY		
3.	SALVAGE SILVERY MINNOW AS NECESSARY DURING RIVER RECESSION, IN COOPERATION WITH THE U.S. FISH AND WILDLIFE SERVICE	HOURLY	\$	\$
4.	TASK SPECIFIC SUMMARY REPORTS 14 DAYS AFTER TASK IS COMPLETED		\$	\$
5.	A FINAL REPORT TO INCLUDE ALL INFORMATION COLLECTED			

In compliance with foregoing invitation for bids, and subject to all conditions below, the undersigned offers and agrees, that pricing for this bid shall be good for _____ days from date of the opening, to furnish any or all of the items, at the price set opposite each item, and, unless otherwise specified.

Discount of _____% will be allowed for payment within 10 days.

BIDDER _____ DATE _____

ADDRESS: _____ CITY _____ STATE _____

ZIP CODE: _____ PHONE # _____ E-MAIL _____

BID CONDITIONS

1. The District reserves the right to reject any and all bids, to waive any informality in bids and, unless otherwise specified by the bidder, to accept any item in the bid. In case of error in the extension of prices in the bid, the unit prices will govern. Bids will only be considered on each item separately unless otherwise specified by the district.
2. Time, in connection with discount offered, will be computed from date of the delivery of the supplies to carrier when final inspection and acceptance are at point of origin, or from date of delivery at destination or port of embarkation when final inspection and acceptance are at those points, or from date correct bill or voucher properly certified by the contractor is received in the latter date is later than the date of delivery. Discounts will be based on invoice price unless otherwise specified on bid.
3. In case of default on the contractor, the District may procure the articles or services from other sources and hold the contractor responsible for any excess cost occasioned thereby.
4. No director, officer or employee of the District shall be admitted to any share or part of this contract or to any benefit that may arise therefore, directly or indirectly, unless it is made with a corporation for its general benefit.
5. Time is an important factor in the placing of this order and the District reserves the right to cancel all items not shipped within period agreed by bidder.

INSTRUCTION TO BIDDERS

1. Samples of items, when required, must be furnished free of expense, prior to the opening of bids, and, if not destroyed will upon receipt, be returned at the bidder's expense.
2. Prices should be stated in units of quantity specified with packing included.
3. Time of proposed delivery must be stated in definite terms. If time varies for different items the bidder shall so state.
4. If the items bid has a trade name or brand, such trade name or brand must be stated in the bid.
5. To insure prompt payment, bills should be certified as follows: "I certify that the above bill is correct and just, and that payment therefore has not been received."

NOTE: In general this form is adaptable for use whether a formal contract is required or not.

**REQUEST FOR BID
COMPLIANCE**

IN THE INTEREST OF FAIRNESS AND SOUND BUSINESS PRACTICES, IT IS MANDATORY THAT YOU STATE ANY EXCEPTIONS.

IF BID DOES NOT MEET OR EXCEED THE REQUIREMENTS OF THE RFB OR ANY DEVIATIONS EXIST, BIDDER MUST DETAIL EXCEPTIONS BELOW. (USE A SEPARATE SHEET IF NECESSARY):

DOES MEET REQUIREMENTS _____ DOES NOT MEET REQUIREMENTS _____

MUST CHECK (✓) ONE

NAME: _____

TITLE: _____

NOTICE
TO ALL BIDDERS/OFFERORS

THIS IS A REMINDER THAT THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT IS NOT RESPONSIBLE FOR RECEIPT OF UNTIMELY BIDS 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 BIDS OR PROPOSALS IN BY THE DEADLINE DATE AND TIME AS DESIGNATED ON THE BID OR PROPOSAL.

EXHIBIT “A”

SCOPE OF WORK

MIDDLE RIO GRANDE CONSERVANCY DISTRICT DRAIN OUTFALL SAMPLING AND ANALYSIS PLAN

SUMMER/FALL 2018

PROJECT OVERVIEW

This Sampling and Analysis Plan for summer and fall 2018 fisheries monitoring of select wasteway and drain outfalls in the Isleta Reach 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. This study is intended to add to the knowledge about habitat suitability and fish use of the drain outfalls.

PROJECT GOALS AND OBJECTIVES

Fisheries monitoring of wasteway and drain outfalls to be conducted during summer and fall 2018 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) fish are utilizing and depth and velocity of areas sampled.
- Document water quality as a measure of habitat quality for native fish.

PROJECT METHODOLOGIES

SITE SELECTION

Three primary sites, two of which have been sampled in previous years, have been selected for fisheries monitoring during summer and fall 2018 (Table 1). All three sites will be sampled a minimum of 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 2018 Fisheries Monitoring.

Primary Sites	River Mile
Los Chavez Wasteway	157
Lower Peralta # 2	145
Sabinal Drain Outfall	139
Alternative Sites	
Peralta Wasteway	153
Lower Peralta #1	150
Alejandro Wasteway	167

FISHERIES SAMPLING

The Los Chavez, Lower Peralta 2, and the Sabinal 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 summer and early fall of 2018. A minimum of four sampling events will occur annually. Each site will be sampled once during the months of July, August, 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 an 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 and or another of the selected wasteways will be sampled.

If the density of silvery minnow in a wasteway and the adjacent main channel exceeds four 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 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.

Exhibit B

Scope of Work

Technical Support for Adaptive Management to Address Middle Rio Grande 2018 Drought and ESA Compliance

PROJECT OVERVIEW

On an as needed basis, SWCA will provide support to the MRGCD in this work order to conduct adaptive management activities associated with reproduction and survival of the endangered Rio Grande silvery minnow (*Hybognathus amarus*, silvery minnow) including silvery minnow egg and larval monitoring and collection, fish salvage and relocation, and fish monitoring.

Based on the March 1, 2018 forecast the State of New Mexico is moving into severe drought conditions with sparse precipitation and very little snow in the Rio Grande watershed. Therefore, a very low to nonexistent spring runoff hydrograph is forecast and reservoir storage will need to be used much earlier in the summer than usual. Spring runoff is the trigger for silvery minnow reproduction and overbank habitats are needed for successful spawning and larval fish habitats. With some of the highest fish densities recorded since 1995 (23 fish/m²), adaptive management must focus on strategies that seek to improve survival of the adult fish through 2018, so that this short-lived fish can reproduce in the spring of 2019, hopefully under more favorable conditions. As needed, SWCA will be available to collect fish in MRG reaches that typically dry in low water years (San Acacia Reach) and move them to parts of the river more likely to remain wet, such as below diversion dams and the Albuquerque reach.

Although reproductive success (to adult size fish in October) is extremely limited during low runoff years it has been found that small changes in flow can produce a spawning event. The semi-buoyant eggs during such flow events are easily transported downstream and a relatively high number of these eggs can be collected. Eggs collection is desirable (and required under the 2016 BO) to provide broodstock for the native fish hatcheries and also for rearing until released as young-of-year fish. As needed, SWCA will be available to monitor and collect silvery minnow eggs in a collaborative effort led by one of the silvery minnow hatcheries at the city of Albuquerque Biopark.

Understanding how to provide good habitat for eggs and larval fish is critical for compliance with the 2016 BO and for long term recovery of the silvery minnow. Because of the high variability of spring runoff and increasing demands on the water supply, understanding the fate of eggs and larvae when overbank inundation is not available is just as essential in adaptive management as understanding how floodplain inundation improves silvery minnow fish densities. Can water management and operations be adjusted to improve retention of eggs and survival of larval fish? Can other actions be provided such as introduction of large woody debris or construction of low water backwaters to assist with production and survival goals? Further, understanding how low spring flows affect summer density and hence, cohort strength that leads to silvery minnow density for the October census is critical for compliance with the 2016 BO. The proposed work is expected to be conducted in collaboration with other water management agencies and Collaborative Program signatories and their staff. This work order is structured so that as needs arise, SWCA can provide the technical support requested by the MRGCD. Depending on timing, hydrological condition, and available funding, some of these tasks may not be fully implementable and others may need to be modified, as necessary.

PROJECT GOALS AND OBJECTIVES

The purpose of this project is to provide the means for the MRGCD to respond to drought conditions as they develop in the Middle Rio Grande through technical support from SWCA. The objectives of the study, as needed and requested by MRGCD, are to:

1. Collect eggs, as available and necessary, for transport and rearing at the Albuquerque BioPark;
2. Salvage silvery minnow, as necessary during river recession, in cooperation with the U.S. Fish and Wildlife Service;

TASK DESCRIPTION

Tasks will be requested by the MRGCD to address drought conditions and adaptive management efforts as needed. SWCA will provide a task description, estimated cost, and a schedule and activity memorandum for each MRGCD request. The tasks anticipated under this work order are to address the issues described above: Egg Monitoring and Collection for Captive Propagation and Adult Silvery Minnow Salvage and Relocation before or during river recession (under USFWS direction). Work order management and administrative costs will be included in each task description.

ESTIMATED SILVERY MINNOW TAKE

SWCA will provide an estimated take of silvery minnow to the USFWS as a condition of SWCA's TE permit. The total numbers of Rio Grande silvery minnow expected to be taken during this study are:

- Eggs during egg collection: Eggs collected will be provided for processing to the City of Albuquerque Biopark using their protocols. Incidental mortality of eggs will depend on the number of eggs collected by SWCA and is estimated for one week collection to be 1,000.
- Adults during pre- and post-recession collections (salvage): Adults collected during the pre and post-recession salvage are expected to have low mortality. SWCA will transfer custody of the fish to USFWS at the collection location. Therefore, it is estimated that incidental mortality will be < 10 fish.

TIME PERIOD OF WORK

The expected period of service for this work order is from the NTP through June 30, 2018.

DELIVERABLES

- Per task requested: Sampling and Analysis Plan (SAP) to include description of work, schedule, and budget.
- Task specific summary reports 14 days after task is completed.
- A Work Order Closure report to include all information collected including photographs, videos, summary report with appendices, presentations, meeting notes and data will be submitted to the NMISC at the end of the work order via electronic copy.

LITERATURE CITED

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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 bid 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 bid or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive bid.

“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 bids and ending with the award of the contract or the cancellation of the request for bids.

“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 bid process set forth in the Procurement Code or is not required to submit a competitive sealed bid 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)”

(Derrick Lente, John Kelly, Karen Dunning, Joaquin Baca, Beverly Dominguez Romero, Valerie Moore, and Glen Duggins)

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 Bidder pursuant to this procurement process is a “covered transaction,” as defined by 45 C.F.R. Part 76. MRGCD’s contract with the successor Bidder shall contain a provision relating to debarment, suspension, and responsibility substantially in the form contained in Article 39 of Attachment D. All Bidders must provide as a part of their bid a certification to MRGCD in the form provided below. Failure of a Bidder to furnish a certification or provide such additional information as requested by the Procurement Manager for this RFB will render the Bidder non-responsible. Furthermore, the Bidder shall provide immediate written notice to the Procurement Manager for this RFB if, at any time prior to contract award, the Bidder 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 Bidder 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 Bidder knowingly rendered an erroneous certification, in addition to other remedies available to MRGCD, MRGCD may terminate the contract resulting from this request for bids for default.

The certification provided by the Bidder in paragraph (a), below, will be considered in connection with a determination of the Bidder's responsibility. A certification that any of the items in paragraph (a), below, exists may result in rejection of the Bidder's bid for nonresponsibility and the withholding of an award under this RFB. If the Bidder's certification indicates that that any of the items in paragraph (a), below, exists, the Bidder shall provide with its bid a full written explanation of the specific basis for, and circumstances connected to, the item; the Bidder's failure to provide such explanation will result in rejection of the Bidder's bid. If the Bidder'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 Bidder if the requested exception is not granted for the Bidder.

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

- (i) The Offeror/Bidder 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 bid, 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 bid, 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/Bidder is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

BIDDER: _____

SIGNED BY: _____

TITLE: _____

DATE: _____

APPENDIX 3

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

(As per NMSA 1978 13-1-22)

RESIDENT BUSINESS CERTIFICATION

Bidder's Company Name: _____

Resident Business Certificate Number: _____

Expiration Date: _____

Bidder "must" include a copy of Resident Business Certificate with their bid

RESIDENT VETERAN'S BUSINESS CERTIFICATION

Bidder's Company Name: _____

Resident Veteran's Business Certificate Number: _____

Bidder must include copy of Resident Veteran's Business Certificate with their bid.

Bidder'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 bid or bid. 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 bid 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, Bidder agrees to be bound by the terms stated in this form:

Signature of Bidder: _____ 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 bidder, 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 bid 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/bid 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 BID

2018 MRGCD DRAIN OUTFALL SAMPLING AND ANALYSIS

In acknowledgement of receipt of this Request for Bid 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 April 19, 2018 only potential Bidders who elect to return this form completed with the intention of submitting a bid 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 RFB, and the potential Bidder'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 Bid.
Firm Does / Does Not intend to respond to this Request for Bid.

(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