

# REQUEST FOR STATEMENTS OF INTEREST, AVAILABILITY, QUALIFICATIONS, AND COST QUOTATIONS

**Project Title:** “Desert Tortoise Recovery Planning Situation Assessment”

**Project Location:** Imperial, Kern and San Bernardino Counties, California

## PROJECT SUMMARY

The U.S. Institute for Environmental Conflict Resolution is soliciting expressions of interest, assurances of availability, statements of qualifications, and cost quotations from teams of highly skilled environmental conflict resolution (ECR) practitioners to provide independent and impartial neutral services related to assessing the feasibility of pursuing a collaborative approach to recovery planning, using the structure of a Regional Working Group, for the threatened Mojave Population of the Desert Tortoise (*Gopherus agassizii*) in Imperial, Kern and San Bernardino Counties, California (southern California region). The U.S. Institute will be conducting separate but coordinated parallel concurrent assessments for the Nevada and the Utah/Arizona regions. **Proposals submitted in response to this Request should address only the situation assessment in the southern California region.**

Depending on the outcome of the feasibility assessment, availability of future funding, and concurrence of the parties, the contracted ECR practitioners may also be asked to then assist the U.S. Institute in designing, convening, and facilitating the proposed Regional Working Group process.

It is currently envisioned that governmental and nongovernmental stakeholder representatives would be invited to participate on Regional Working Groups that would focus on collaboratively developing broadly supported recommendations to the U.S. Fish and Wildlife Service regarding regional recovery actions to benefit the Mojave Population of the Desert Tortoise. Recommendations developed by the Regional Working Groups would be integrated with advice and expertise provided by the Service’s designated Science Advisory Committee. The overall goal of the recovery planning process is the development of a revised Recovery Plan for the Mojave Population of the Desert Tortoise that is scientifically sound and based on broadly supported recovery actions, which have a high likelihood of being implemented. The Service’s Desert Tortoise Recovery Office, which has responsibility to produce the final revised Recovery Plan, will provide staff support and coordination between the Regional Working Groups and the Science Advisory Committee.

## PROJECT BACKGROUND

The U.S. Fish and Wildlife Service (FWS) listed the desert tortoise, *Gopherus agassizii*, as a threatened species in 1990, after determining that populations had been declining since the 1970s and that there were both continuing and increasing threats to its survival. These threats include disease, predation, expanding development, off-highway vehicles, invasion of non-native grasses and weeds, fire, collection, poachers, sheep & cattle grazing, mining, and drought. The

Endangered Species Act mandates the development of Recovery Plans, which should identify "threats" to the species, suggest actions that will reduce or eliminate these threats so the species can fully recover and be "de-listed," and recommend ways to ensure the population remains stable. FWS completed an initial Recovery Plan for the desert tortoise in 1994. In 2002, the U.S. General Accounting Office completed an audit of recovery actions for the desert tortoise and recommended that FWS pursue an adaptive management approach by linking land management decisions with the results of a coordinated research strategy. This recommendation was reiterated in a Desert Tortoise Recovery Plan Assessment completed in 2004, by a committee of scientists empanelled by FWS, which also recommended establishing a Desert Tortoise Recovery Office (DTRO) to coordinate research, monitoring, recovery plan implementation, and associated recovery permitting.

The Endangered Species Act also requires FWS to review and update recovery plans. FWS has now formally initiated the process of revising the 1994 Recovery Plan, which will be based on regional recovery action plans. The ultimate objective of the process is to develop a scientifically credible recovery plan with realistic prospects for implementation and success, given the various missions of the participating agencies, private property concerns, and the needs and interests of affected communities and stakeholders. A Science Advisory Committee, made up of seven scientists with diverse expertise relevant to desert tortoise recovery, has already been designated. It is FWS's desire to develop recovery action plans collaboratively through interaction between Regional Working Groups – which would include stakeholder representatives – FWS's DTRO, and the Science Advisory Committee.

The Regional Working Groups would be expected to identify desert tortoise recovery actions that are implementable within their respective regions. They would interact with the Science Advisory Committee to prioritize recovery actions based on threat severity, management feasibility, stakeholder acceptability, and anticipated effectiveness. They would also document any constraints to the implementation of proposed recovery actions and identify information gaps to help guide future research priorities. The DTRO will integrate the regional recovery action plans into the revised recovery plan according to designated recovery management areas, whose specific geographic delineations would be based on the best available scientific information. The Regional Working Groups might also have a role in coordinating with land managers, stakeholders, scientists, and partners across jurisdictional boundaries to assist in implementing desert tortoise recovery, monitoring, and research actions.

Desert tortoise recovery issues have been controversial, especially in southern California. Since the early 1990s, lawsuits have been filed against FWS, as well against the Bureau of Land Management (BLM) – the major federal public lands manager in the region. Parties to litigation have included environmental advocacy organizations, county governments and off-road vehicle groups.

Managers from agencies with land management or regulatory responsibilities in the southern California desert region have recently formed the "Desert Managers Group" with the aim of coordinating their activities with interested and affected parties throughout the Mojave and Colorado deserts and surrounding areas to provide a consistent ecosystem approach. The role and

contribution of the Desert Managers Group in the recovery planning process will be one of the issues to be explored during the assessment.

The Desert Tortoise Management Oversight Group (MOG) includes state and federal managers in all four states and is the primary mechanism for coordinating range-wide tortoise issues. The MOG facilitates information exchange and progress reviews for the entire recovery effort.

## **TEAM PROPOSALS REQUESTED**

Proposals are requested from two-person teams of ECR practitioners. A designated team lead would be expected to serve as the coordinator of the team's efforts and as the primary Contractor with the U.S. Institute. Proposals from teams will be evaluated in the context of available funding and the combined qualifications and added value provided by each team member.

## **PROPOSED SCOPE OF WORK**

Although the following Scope of Work is currently being proposed, the contracted team of ECR practitioners will be encouraged to modify and adapt the tasks, as appropriate, in developing an effective design for the feasibility assessment, within budget constraints.

A decision as to whether to proceed in convening the proposed Regional Working Groups will depend on the outcomes of the feasibility assessments and availability of funding. For purposes of this Request for Statements of Interest, proposals should focus only on conducting the feasibility assessment for the southern California region.

The Institute will provide project management, oversight and consultation to the contracted team of ECR practitioners. Because concurrent assessments will be conducted by the U.S. Institute in the Nevada and Utah/Arizona regions, close coordination of efforts will be essential.

## **Tasks and Milestones**

The currently anticipated tasks associated with this project are listed below:

### **PHASE I – Organizational Meeting and Stakeholder Assessment**

#### **I-1 Organizational Meeting**

The selected third party neutral Contractor team will participate with the Institute's assigned Project Manager and assessment team in an initial 1.5-day organizational meeting with FWS and members of the Desert Tortoise Management Oversight Group (MOG). The purpose of the meeting will be to establish clear and mutual understanding of the following:

- purpose and need for the proposed Regional Working Group process;
- substantive and geographic scope and focus of the proposed Regional Working Group process;
- legal, policy, and procedural parameters of the proposed Regional Working Group process, including resolution of any FACA-related issues or concerns;

- roles and responsibilities of the Contractor team and their different team members, the Institute's assigned Project Manager, Senior Mediator and assessment team members, FWS Desert Tortoise Recovery Office, the Desert Tortoise Management Oversight Group, and the Science Advisory Committee;
- key relevant background information, including the status of associated litigation as well as current political considerations;
- likely areas of conflict and controversy regarding development of recovery action plans in the different regions;
- relative priority for FWS of key issues likely to be identified during the Regional Working Group process;
- anticipated distribution of efforts among the different regions;
- the full range of stakeholder interests, as well as key groups and organizations who represent stakeholders likely to be interested or affected by desert tortoise recovery planning in the different regions;
- criteria for inviting individuals to participate in the stakeholder assessment process and on the Regional Working Groups;
- preliminary recommendations of specific individuals to engage in assessment interviews and to potentially invite to participate on the different Regional Working Groups;
- issues to explore during the stakeholder assessment;
- elements to address in developing proposed ground rules for the Regional Working Group process;
- how to describe the stakeholder assessment and the Regional Working Group processes to others;
- process for ongoing communication, planning, and coordination among those responsible for guiding the Regional Working Group process;
- proposed schedule for conducting stakeholder assessment interviews;
- overall timeline for the Regional Working Group process, if the conclusion of the assessment is to proceed;
- proposed schedule for completing the stakeholder assessments, making a final decision about whether to proceed with a Regional Working Group, completing the process design, selecting and inviting Regional Working Group participants, and convening the initial meetings of the different Regional Working Groups;
- immediate next steps and assignments.

**I-1a Travel to Organizational Meeting in Las Vegas, NV**

The Contractor team will travel to Las Vegas, NV to participate in the initial organizational meeting, currently scheduled for March 29-30.

**I-1b Document Results of Organizational Meeting**

The Contractor team and the U.S. Institute will document the results of the organizational meeting, including anticipated next steps, milestones and schedule. Upon review and mutual agreement, this meeting summary will serve as a common reference point for shared expectations in working together as the project proceeds.

## **I-2 Review Background Information**

The Contractor team will review relevant information provided to them by FWS, the U.S. Institute, and from other relevant sources as appropriate and available.

## **I-3 Stakeholder Assessment**

The Contractor team will conduct a Stakeholder Assessment in southern California in coordination with other assessments being conducted in Nevada and Utah/Arizona, to determine receptivity and potential support in the southern California region for a collaborative process to develop regional recovery action plans that would be integrated into a comprehensive revised Recovery Plan for the desert tortoise. The assessment process will be used to evaluate the feasibility and likelihood of successful Regional Working Group processes in each of the different regions, reveal any key obstacles that would need to be addressed before convening the process, clarify important factors to consider in the specific design of Regional Working Group processes in the different regions, and identify willing, available, and appropriate individuals to invite to participate on the different Regional Working Groups.

### **I-3a Identify Individuals to be Interviewed**

The Contractor team and the U.S. Institute's assessment team will work closely with FWS and its partners to identify a prioritized list of key parties who are likely to have a strong interest in desert tortoise recovery issues in the different regions. Since parties may initially be identified as individuals, organizations, groups, tribes, government agencies, or by potential roles, the facilitation team may need to consult with initially identified points of contact to determine the most appropriate individuals to speak with in conducting the Stakeholder Assessment. The assessment team may also need to develop different approaches, as appropriate, for different stakeholder groups. Funding and time constraints will likely not allow all identified stakeholders to be interviewed, necessitating some prioritization.

### **I-3b Interview Protocol and Letter of Introduction**

The Contractor team and the U.S. Institute's assessment team will develop an interview protocol to help prepare interviewees and to ensure relevant information is consistently collected. The Contractor team and the U.S. Institute's assessment team will also develop a Letter of Introduction to interviewees to introduce them to the team and to the Stakeholder Assessment process, as well as to provide them with some background on the proposed Regional Working Group and recovery planning process.

### **I-3c Conduct Stakeholder Interviews**

Based on the information gained from the Organizational Meeting and from Task I-3a, the Contractor team will schedule and conduct approximately 25-50 confidential interviews with a prioritized set of identified representatives of the various stakeholder interests in the southern California region. Interviews will be conducted primarily by telephone; however, it may be appropriate – within budget

constraints – to conduct some interviews in person.

After providing a clear orientation to the context and purpose of the proposed Regional Working Group process, interview questions would likely explore such issues as:

- interviewee's interest in desert tortoise issues, as well as their past and current involvement and role(s);
- issues of highest importance to them;
- interviewee's perception of the key interests of other stakeholders;
- perceptions of which issues are in dispute and what are the areas of controversy;
- views on the credibility and usefulness of existing scientific and anecdotal information to identify and evaluate threats to the survival of the desert tortoise;
- confidence in existing technical methods for evaluating both beneficial and undesirable impacts of different recovery action options;
- information and expertise needed by the proposed Regional Working Groups to develop well-informed recommendations on implementable recovery actions;
- identification of important stakeholder interests that should be invited to participate on the Regional Working Group in their region to ensure the process is broadly representative and viewed by all parties as legitimate;
- feedback on possible design options for the Regional Working Group process in their region;
- potential willingness and availability to participate on a Regional Working Group;
- any constraints on participation;
- any assurances needed before being able to agree to good-faith participation in the Regional Working Group process, as currently envisioned; and
- previous experience with collaborative processes.

**I-3d Travel to Conduct In Person Interviews**

Anticipating that some interviews may be more appropriately conducted in person, travel for two (2) round trips is anticipated in the budget.

**I-3e Assessment Memo (to be determined)**

Different options will be considered for reporting the results of the Stakeholder Assessment as more is learned about the situation. The goal will be to enhance the likelihood of successfully convening a collaborative Regional Working Group process, or to minimize any negative impacts if FWS decides to pursue a different approach, based on the results of the feasibility assessment, or if adequate funding cannot be secured. At the present time, it is anticipated that the Contractor team and the U.S. Institute's assessment team will prepare a written memo to the FWS and to those who participated in the stakeholder assessment interviews. Other possible options might be a more formal Stakeholder Assessment Report, or a less

formal PowerPoint presentation. A verbal briefing with FWS by the assessment team regarding the likely conclusions from the assessment process will precede the development of the memo. It is possible that separate follow-up memos to stakeholders interviewed in the different regions may be more appropriate than a single memo, especially if significantly different approaches are being recommended for each region.

The assessment memo(s) would likely 1) summarize the scope of relevant issues and concerns that were identified; 2) clarify and neutrally describe the range of perspectives and concerns related to these issues; 3) evaluate the feasibility of a productive Regional Working Group process; 4) identify the different categories of stakeholder interests that should be represented on the Regional Working Groups in the different regions; 5) recommend steps that should be taken to help enhance the likelihood of a successful process; 6) recommend process design options for the Regional Working Group process; and 7) propose draft operating protocols and ground rules for a productive Regional Working Group process.

**I-3f Public Workshop(s) to Present Assessment Findings (to be determined)**

It is possible that conducting one or more public workshops to discuss the Assessment findings with interested stakeholders in the southern California region, may be advantageous in helping to broaden and strengthen the engagement of additional stakeholders who were not able to participate directly in the assessment process, in refining a proposed design for the Regional Working Group process, or in creating more favorable conditions for initiating the participant selection and convening of the Working Groups.

**I-3g Travel to Assessment Workshop**

Assuming that an Assessment Workshop would be conducted in the southern California region, travel for one round trip is provided.

**I-3h Meeting to Consider Outcomes of Assessment Process and Determine Next Steps**

The U.S. Institute's assessment team and the Contractor team will meet with FWS and other partnering agencies to consider the outcomes of the assessment process, including the feedback received at the assessment workshops, in terms of their implications for moving forward with the Regional Working Group process. Different conclusions may be reached regarding how to approach working with stakeholders on recovery action planning in the different regions. A possible conclusion, depending on what is learned from the assessment process, is to not proceed as originally envisioned. It's also possible that additional groundwork may be needed to create more favorable conditions for a successful collaborative process in some regions. It's also possible that some key parties may not be presently willing to participate in the proposed collaborative process. Judgments may have to be made about proceeding without a key stakeholder interest represented, at the risk of jeopardizing the perceived legitimacy of the process and reducing the likelihood of successful implementation, or perhaps deciding to

spend more time to create better incentives for their participation. The key outcome of the meeting should be an overall plan and schedule for proceeding and clear immediate next steps.

### **I-3i Travel to Assessment Outcomes Meeting**

#### **ESTIMATED HOURS, AVAILABLE BUDGET, AND BILLABLE EXPENSES**

It is anticipated that approximately 300 hours of contracted professional services will be required to complete the proposed Scope of Work for Phase I of this project. The available budget for the contract to conduct the southern California assessment is approximately \$57,000, which would include both labor and other direct costs. Billable expenses can include professional labor, administrative support, project-related direct costs, and travel expenses. Travel will be compensated at actual costs and the federal per diem rates established for the location of the meetings.

#### **CONTRACT**

The successful team will perform the requested services under contract to and with oversight by the U.S. Institute.

**NOTE:** The Institute will solicit feedback from participants in the assessment process to evaluate the performance of the Contractor team at the conclusion of Phase I. Authorization to proceed with additional work on subsequent phases will be contingent on the outcome of the assessment process, availability of funding, satisfactory performance of the Contractor, and concurrence of the funding agencies and the participating stakeholders.

#### **DESIRED QUALIFICATIONS**

The successful team of ECR practitioners should collectively have substantial experience and exceptional expertise in successfully assessing, designing, facilitating, mediating and documenting complex multi-stakeholder conflict resolution and collaborative environmental problem-solving efforts related to endangered species issues in situations that are highly polarized. The Contractor team lead should have senior level experience at least equivalent to the minimum entry criteria required for the U.S. Institute's National Roster of Environmental Dispute Resolution and Consensus Building Professionals. If the members of the selected team are not currently on the Institute's roster, they will be expected to apply within 90 days after award of the contract. Information about the Institute's Roster of Environmental Conflict Resolution Practitioners can be found at <http://www.ecr.gov/roster.htm>.

#### **SPECIFIC SELECTION CRITERIA**

Proposals will be evaluated based on the provision of all requested information and the degree to which each team collectively meets the following criteria in comparison with the qualifications of other teams also submitting proposals:

- a) Demonstrated experience and expertise working as an environmental conflict resolution practitioner in crafting joint solutions to technically complex and highly contentious endangered species issues.
- b) Demonstrated experience and expertise assessing the feasibility of productive multi-stakeholder collaboration, especially in situations where there is a high level of scientific uncertainty.
- c) Demonstrated expertise, acceptability, and effectiveness in working with a wide range of stakeholders in conflict resolution or agreement-seeking processes ideally involving federal, tribal, state, and local agencies and governments, nongovernmental stakeholders (including ranchers, environmental and conservation organizations, and recreational users of public lands), scientists and technical consultants, and local elected officials.
- d) Availability of team members to begin the projects immediately upon award of the contract and to participate in all currently scheduled meetings. Ability and willingness to make this project your priority commitment from April through June of 2006.
- e) Total cost and hours of professional service to be provided to complete the proposed Scope of Work.
- f) Demonstrated ability of the team members to work together efficiently and effectively.
- g) Geographic proximity, travel time and costs from base of operations to the Southern California region.
- h) Member of the U.S. Institute's National Roster of Environmental Conflict Resolution and Consensus Building Professionals or equivalent experience.
- i) Past performance on other U.S. Institute projects (if applicable).

**PROJECT SCHEDULE**

The project will begin as soon as possible following award of the contract. The following schedule of milestones for the project is anticipated:

<b>Milestone</b>	<b>Date</b>
Deadline for Submission of Statements of Interest	February 17
Final Candidates Notified and Invited for Interviews	March 1
In-Person Interviews of Final Candidates with Stakeholders at Redlands Institute in Ontario, CA	March 8
Selection of Contractor by U.S. Institute	March 15
Establish Contract with U.S. Institute	March 24
Organizational Meeting with Desert Tortoise Management Oversight Group in Las Vegas, NV	March 29-30
Conduct Situation Assessment	April 2006

Distribute Assessment Memo (TBD)	May 2006
Conduct Public Workshop on Assessment Outcomes (TBD)	May 2006

\* **Please tentatively reserve all dates listed above, should your team be selected, since availability is a factor in selection process.**

## SUBMISSION OF PROPOSALS

**NOTE:** Proposals that fail to specifically address each item listed below will be competitively disadvantaged. Total submission package should total **no more than 15 pages**. Submissions longer than 15 pages may be competitively disadvantaged. Brevity and succinctness will be appreciated. Please do not submit any additional supplemental materials. All information submitted should be considered non-confidential, including cost information, as proposals will be provided to stakeholders participating in the selection process.

### **Candidates should include the following information in their submissions:**

1. Clearly indicate Contractor team lead and division of hours and responsibilities among team members.
2. A combined statement of qualifications for the team (listed by each team member) addressing each of the specific selection criterion listed above.
3. A list and brief description of projects previously conducted by team members that are especially relevant to the requirements for this project, along with 3-4 project references with current contact information. References should include participants having a range of different stakeholder interests and perspectives.
4. Description of anticipated approach to accomplishing the proposed Scopes of Work. Include any important strategic considerations, as well as an explanation of the advantages of the proposed approach.
5. Statement clearly describing your billing policy regarding project related travel time.
6. Statement of availability of each team member to work on this project between April 1 and June 30, 2006, specified in available hours per month for this project. Specifically confirm availability of each team member for the specific dates listed above for Project Milestones. If team members are not available for these specific dates, please indicate alternate dates around the same timeframe when they would be available. List any known specific dates from April through June that team members are not available.
7. A description of any constraints, limitations, or potential perceived conflicts of interests that may be relevant to this project.
8. **In a separate spreadsheet**, provide the hourly rates to be charged for each team member and list estimated hours required to complete each task of the proposed Scope of Work, distribution of hours among team members to complete each task, and total estimated cost by task to complete the Scope of Work, as well as total hours for each team member and total labor cost. Please identify as specific line items by tasks, the estimated billable labor hours for any project-related travel. In addition, provide estimated travel costs associated with relevant tasks, along with any anticipated other direct costs to be charged to the project.

## PROCESS FOR SELECTING CONTRACTOR

The U.S. Institute will evaluate all submissions according to the Specific Selection Criteria identified above and completeness in providing the requested information. It is important that every listed criterion is addressed and all requested information is provided. The Institute will extend invitations to a set of final candidates and will facilitate in-person interviews with a panel comprised of FWS representatives of FWS and other governmental and nongovernmental stakeholders. **Interviews are scheduled to take place all day March 8<sup>th</sup> at the Redlands Institute in Ontario, CA.** The U.S. Institute will consider the panel members' assessments of the candidate teams and their recommendations regarding the most appropriate match for the anticipated requirements of the project. The U.S. Institute will make the final selection decision and then contract for services with the selected team of ECR practitioners.

## SUBMISSION DEADLINE

To be considered, submissions must be received by **5:00 PM (MST) on Friday, February 17, 2006.**

**Please submit information to:** Pat Lewis, Project Manager  
U.S. Institute for Environmental Conflict Resolution  
130 South Scott Avenue  
Tucson, AZ 85701  
(520) 670-5299  
Fax: (520) 670-5530  
Email: [lewis@ecr.gov](mailto:lewis@ecr.gov)

**Electronic submissions via email are required.** Please include the following exact wording in the subject heading of your email message: **Desert Tortoise Recovery Planning Situation Assessment**. Due to the sometime unpredictable nature of SPAM filters, you are highly encouraged to call Pat Lewis and confirm that your proposal has been received by the U.S. Institute by the deadline. Preferences for final interview time slots will be offered according to the order in which proposals are received.

## ADDITIONAL INFORMATION

- Information about the U.S. Institute can be found at: <http://www.ecr.gov/>
- U.S. Fish and Wildlife Service's Desert Tortoise Recovery Office: [http://www.fws.gov/nevada/desert\\_tortoise/dtro.html](http://www.fws.gov/nevada/desert_tortoise/dtro.html)
- California Desert Managers Group: <http://www.dmg.gov/documents.php>
- Quadstate County Government Coalition: <http://www.quadstate.org/>
- Center for Biological Diversity: <http://www.sw-center.org/swcbd/species/tortoise/index.html>
- California Off-Road Vehicle Association: <http://www.corva.org/>