

**Request for Proposals (RFP)**  
**to Prepare a Supplemental Environmental Impact**  
**Statement for**  
**an Incidental Take Permit and Associated Habitat**  
**Conservation Plan**  
**for the Nebraska Public Power District R-Project**

## **1. INVITATION**

The U.S. Fish and Wildlife Service (USFWS) is soliciting proposals for professional services for the preparation of a Supplemental Environmental Impact Statement (SEIS) for an Incidental Take Permit (ITP) application and associated Habitat Conservation Plan (HCP) being revised by the Nebraska Public Power District (NPPD). NPPD is applying for an ITP from USFWS in association with the construction of portions of the NPPD R-Project. The R-Project is a 225-mile-long, 345-kV transmission line that will run from the NPPD Gerald Gentleman Station near Sutherland, Nebraska north to NPPD's expanded substation east of Thedford, Nebraska and then east to connect with an existing transmission line in eastern Nebraska. The R-Project study area lies in Lincoln, McPherson, Logan, Hooker, Thomas, Cherry, Brown, Blaine, Rock, Loup, Holt, Garfield, Antelope, and Wheeler counties. The SEIS will be prepared pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321-4347) and the Department of the Interior (DOI) and Council on Environmental Quality (CEQ) NEPA Implementing Procedures. The SEIS will supplement USFWS's Final Environmental Impact Statement (FEIS) issued in February 2019, which evaluated the potential environmental impacts from USFWS issuing a proposed ITP to NPPD, under the authorities of section 10(a)(1)(B) of the federal Endangered Species Act of 1973, as amended (ESA).

## **2. INTRODUCTION AND OVERVIEW**

### **2.1 Background**

Because the R-Project will cross habitat of the threatened American burying beetle, NPPD sought an ITP under the ESA from USFWS. On June 12, 2019, after a permitting process spanning more than six years, which included USFWS's issuance of the above mentioned FEIS, USFWS issued an ITP to NPPD for the R-Project.

In July 2019, a group of R-project opponents filed a lawsuit challenging USFWS's decision under the ESA, NEPA, and the National Historic Preservation Act. On June 17, 2020, the U.S. District Court for the District of Colorado issued its decision. While the court found in favor of USFWS and NPPD on several counts, it identified certain discrete errors in USFWS's decision-making process. The court thus vacated and remanded the ITP to USFWS for further proceedings consistent with the court's order. On remand, there is a need to prepare an SEIS to address the issues identified by the court ruling and to address new information and changed circumstances, as relevant.

By way of this RFP, USFWS is soliciting proposals for the preparation of an SEIS and related documents and services to address the court's remand decision and any new information, including updates to NPPD's proposed ITP and HCP.

### **2.2 Process Information**

The SEIS will be prepared under a third-party contractor (Contractor) arrangement executed by NPPD and the Contractor. USFWS will select the Contractor, as described below, and will be responsible for providing technical direction to the Contractor during the preparation of the SEIS and related documents. USFWS will continue to serve as the lead federal agency for the NEPA process. The Contract will be executed pursuant to the third-party contracting procedures set forth in 40 C.F.R. § 1506.5(b).

USFWS is soliciting proposals through this RFP for a Contractor to provide the services described in Section 3.0. Interested Contractors and any proposed subcontractor(s) will be required to submit a disclosure statement demonstrating that they have no financial or other interest in the outcome of the R-Project, in compliance with the conflict of interest prohibitions contained in 40 C.F.R. § 1506.5(b)(4). Proposals will be reviewed and evaluated independently by USFWS and NPPD. NPPD will identify its recommendation of the top three proposals to USFWS together with NPPD's evaluation of the competing proposals. USFWS will make the final selection of the Contractor, based on its independent review of the technical, managerial, and personnel aspects of each proposal. Upon selection of the Contractor, NPPD will finalize a Contract with and fund the Contractor for the preparation of this SEIS and attendant activities.

After a Contractor is selected, USFWS staff will direct the activities of the Contractor in the preparation and processing of the SEIS in accordance with the scope identified herein, and will retain sole responsibility for the contents and adequacy of the SEIS. NPPD will neither control nor direct the activities of the Contractor. Appropriate federal, state, and local agencies will be invited and encouraged to participate in the NEPA process, including as provided for by 40 C.F.R. § 1501.8 (federal agency participation as cooperating agencies) and by 40 C.F.R. § 1506.2 (state and local agency cooperation).

### **2.3 Available Data**

Background documents for the NPPD R-Project can be found on NPPD's website at <https://rproject.nppd.com/project-status/u-s-fish-wildlife-service-permit-documents/>. Proposals submitted in response to this RFP should clearly demonstrate an understanding of the extent of that information.

### **2.4 General Schedule**

The general schedule below, and completion periods are tentative and subject to change. The estimated completion periods are dependent on a variety of factors but represent the current best estimate.

<b>Key Milestone</b>	<b>Approximate Completion Period</b>
Award SEIS Contract	Spring 2022
Notice of Intent	Summer 2022
SEIS Public Scoping Meetings <sup>1</sup>	Summer 2022 <sup>1</sup>
Scoping Report <sup>1</sup>	Summer/Fall 2022 <sup>1</sup>
Administrative Draft SEIS (ADSEIS)	Winter 2022/Spring 2023
Public Draft SEIS (DSEIS)	Spring/Summer 2023
Final SEIS (FSEIS)	Fall/Winter 2023
Record of Decision	Winter 2023

<sup>1</sup> The USFWS may deem public scoping on the SEIS necessary, dependent on the extent of updates and new information anticipated in the SEIS and associated HCP and anticipated public interest.

## **2.5 Contractors' Conference**

USFWS and NPPD will hold a virtual Microsoft® Teams Contractors' Conference on **February 2, 2022**, beginning at 10:00 am Central Standard Time. The purpose of this conference will be to answer Contractors' questions about the RFP. During the conference, questions will be answered by USFWS and NPPD. Interested Contractors who provide an email address to NPPD and who do not participate in the conference will be notified of any modifications to the RFP.

All Contractors are strongly encouraged to participate in this Contractors' Conference since it will be the only opportunity to receive responses to questions. Telephone calls, with the exception of the conference call held during the conference, are not permitted; no questions related to this RFP will be answered in any forum other than at the Contractors' Conference. All questions must be answered at the conference or will be provided in subsequent correspondence so that all participants have equal access to the responses.

If you will be participating in the Contractors' Conference, please notify NPPD attention Lynn Guillatt, Senior Procurement Specialist, by email at [l1guill@nppd.com](mailto:l1guill@nppd.com) and Lori Moore, Procurement Coordinator, at [lmoore@nppd.com](mailto:lmoore@nppd.com) by 4:00 p.m. on Monday, January 31, 2022, so a link to the meeting can be provided.

It is preferred that the Contractor provide questions prior to the Contractors' Conference to the attention of Lynn Guillatt at the email address noted above.

## **3. SERVICES REQUIRED**

Contractor will be responsible for coordinating with USFWS staff in conducting the supplemental NEPA review, preparing the SEIS, preparing and managing the administrative record, and completing related work within the agreed-upon schedule and approved budget. It will be the Contractor's responsibility to notify NPPD if the work effort ultimately required by USFWS staff exceeds the work effort on which the proposal was based or the approved budget.

### **3.1 Specific SEIS Tasks**

Appendix A, Scope of Work, identifies the specific tasks that the Contractor will be responsible for completing to the satisfaction of USFWS.

### **3.2 Document Format**

All SEIS-related documents, reports, and notices required by USFWS staff must be provided in Microsoft Word format, or as otherwise agreed to by USFWS staff. Any required databases (such as mailing lists) must be Microsoft Access and/or Excel compatible. The updated DSEIS and FSEIS will be provided as 508-compliant Microsoft Word and pdf files as specified by USFWS staff in addition to hard copy, if needed for Environmental Protection Agency filing.

### **3.3 Scope of the SEIS**

The scope of the SEIS will include the issues remanded by the district court as well as any new information that materially affects the impact analysis of the previous FEIS. The SEIS must meet the requirements of NEPA and its implementing regulations, including those issued by the CEQ, DOI, and USFWS, other applicable federal laws and regulations, and appropriate CEQ, DOI, and USFWS policy guidance.

The SEIS shall include, but not necessarily be limited to, the following sections:

- Cover Sheet
- Executive Summary (including Impact Summary Table)
- Purpose and Need
- Proposed Project and Alternatives
- Affected Environment and Environmental Consequences
  - Resources Not Brought Forward for Detailed Analysis
  - Resources Analyzed in Detail
- Cumulative Impacts Analysis
- Agencies and Sources Consulted
- SEIS Distribution List
- References
- List of Preparers and Contributors
- Appendices and Technical Reports

The SEIS should address in detail the following resource topics:

- Biological Resources (including wildlife, vegetation, wetlands, and special-status species)
- Visual Resources/Aesthetics
- Cultural and Paleontological Resources

The SEIS will likely identify the following resources as not brought forward for detailed analysis, unless new information arises during the NEPA process that materially affects the conclusions of the FEIS.

- Geology and Mineral Resources
- Soils (including erosion control and restoration/revegetation)
- Water Resources (including Wild and Scenic Rivers and surface water and groundwater hydrology and quality)
- Land Ownership, Land Use, and Recreation
- Socioeconomics
- Transportation
- Air Quality
- Noise
- Hazardous Materials and Public Health and Safety

### **3.4 Maps**

NPPD has developed maps for the R-Project that the Contractor may utilize for the SEIS, at the discretion of USFWS. Contractor is responsible for preparing any other maps required by USFWS. The USFWS will work with NPPD on development of all maps requested by the Contractor. The scale of the supporting maps will be determined during the development of the SEIS.

### **3.5 Quality Control**

Contractor will maintain ongoing review of potential environmental issues and assessment of adequacy of overall scope of the SEIS. USFWS staff shall be advised immediately of any potential data gaps or analysis shortcomings. Contractor shall hold biweekly conference calls with USFWS; distribute meeting notes in advance of the call; and submit monthly progress reports that provide an update on the SEIS progress, status, and expenditures to date.

### **3.6 SEIS Process Management**

Contractor will develop and maintain a formal SEIS process management system to allow for weekly or biweekly, as mutually agreed, tracking of schedule and budget status for the prime contractor and any subcontractors.

## **4. PROPOSAL REQUIREMENTS AND RFP SCHEDULE**

Contractors shall submit all RFP materials to NPPD and USFWS. Contractors must provide an electronic copy of the technical proposal and cost estimate. The cost estimate shall remain confidential. It is preferred that the proposal requirements in Sections 4.1-4.7, below be limited to 15 pages (12-point font; space and a half). The proposal should be concise, well organized, and contain the following information in the order presented below. Failure to present the information in the manner requested shall be a basis for considering the proposal nonresponsive. Proposals shall be sufficiently complete to preclude any need on the part of NPPD or USFWS to request supporting materials, yet voluminous information is not desired.

The following table represents the schedule of events associated with the Request for Proposal.

<b>Action</b>	<b>Completion Date</b>
RFP Issued	January 21, 2022
Contractor Conference/Q&A (reference Section 2.5)	February 2, 2022
Proposals due	February 17, 2022
Presentations by select Contractors (by invitation)	Week of March 21, 2022
Award	April 1, 2022

#### **4.1 Introduction**

Explain Contractor's understanding of the NPPD R-Project, the proposed NPPD HCP, and remand process and include a summary of Contractor's qualifications for this SEIS-preparation effort in one or two pages. Qualifications for assessing impacts to the environment in Nebraska should be highlighted, as well as previous work on supplemental NEPA analyses.

#### **4.2 Technical Approach**

Present both an overall technical approach for the preparation of the SEIS and the approach proposed for individual technical areas and tasks. Include any recommendations to improve the scope of work (including rationale) and reflect those recommendations in the cost estimate.

#### **4.3 Organization and Management Approach**

Describe the proposed organization of the SEIS-preparation effort, with an organization chart including positions, responsibilities, and reporting relationships. The senior specialist and/or subcontractor(s) with responsibility for each resource area must be identified and their locations specified. These key personnel shall not be reassigned within this NEPA effort or to other projects without prior written approval from USFWS staff.

Describe the proposed management scheme for the SEIS-preparation effort, with a discussion of where the work will be done and where each key person and subcontractor presently resides. Provide the proposed mechanisms for communication, reporting, technical direction and control, cost control, schedule control, quality control, and quality assurance and control of subcontractors.

#### **4.4 Qualifications and Experience**

Describe qualifications and prior experience in completing similar NEPA compliance projects, particularly supplemental NEPA analyses and NEPA documents for transmission lines and other linear-facility projects, and high-profile and controversial projects. Emphasize prior work experience with USFWS, including any HCP or other endangered-species-related projects; previous coordination with state agencies; work on major relevant construction projects involving significant biological resources; experience with wind energy development projects; and the geographical areas of the work. Emphasize GIS and mapping experience. Discuss Contractor's understanding of USFWS requirements for projects under ESA and NEPA, as reflected in regulation and current policies. Discuss understanding and experience with Section 106 of the National Historic Preservation Act.

Statements of qualifications and prior experience should be provided not only for the Contractor but also for the key personnel and subcontractors that will be assigned to the NEPA process, along with their specific experience with the type of project under consideration.

#### **4.5 SEIS Schedule**

Submit a proposed schedule delineating dates for completion of major work tasks specified in Section 3.1 and Appendix A of this RFP. Contractor's proposal must address the key milestone dates as specified in Section 2.4 of this RFP. Any suggested modifications to this schedule must be presented with reasons for the changes. Note, however, that the ultimate schedule will be determined by USFWS staff.

It is important that Contractors demonstrate to USFWS and NPPD that ample resources exist to meet the NEPA schedule. If a Contractor has multiple NEPA obligations underway concurrently, it must clearly show separate resources or provide convincing evidence that it can meet the schedule.

#### **4.6 References and Work Samples**

List and describe three successfully completed or in-progress projects of a similar nature with the name and phone number of the client's project manager. Additionally, list three client references specifically for the proposed project manager. If available, list other HCP EISs that have resulted in federal ITP permits and/or SEISs for infrastructure projects and provide copies of the documents or links to access the documents online.

#### **4.7 Conflicts of Interest and Critical Energy Infrastructure Information**

Identify possible conflicts of interest that may require investigation by USFWS staff. Include a discussion of all work completed by Contractor for similar work on HCP/ESA-related projects within the last three years. Contractor must sign a disclosure statement specifying that it has no financial interest or other interest in the outcome of the R-Project, as set forth in 40 C.F.R. § 1506.5(b). Pursuant to 40 C.F.R. § 1506.5(b), Contractor selection is based on ability and absence of conflicts of interest. Contractor must also submit a Critical Energy Infrastructure Information Non-Disclosure Agreement for itself and each subcontractor used.

#### **4.8 Resumes**

Resumes may be submitted as an attachment to the proposal or as a separate volume. All resumes should be limited to two pages and must include the institution and date of graduation for all academic degrees, as well as a summary of relevant work experience and the specific dates of performance.

#### **4.9 Cost Estimate**

It is the intent of the NPPD to receive from each Contractor pricing on a time-and-expense basis for the scope of work. Assumptions used must be clearly stated and a total estimated cost must be included. Include estimated number of labor hours for each personnel category required to complete the work. Since the specific dates and number of field teams required are strictly estimates, each Contractor shall submit a daily crew billing rate and expense rate sheet with their proposal. NPPD will compensate the awarded Contractor based upon the actual crews and hours worked. All preparation and processing of documents, NEPA



review, SEIS submission, and any other costs not associated with the daily crew rate shall be submitted as a fixed-price proposal with an attached cost breakdown. NPPD understands that there may be out-of-scope requirements for the completion of this NEPA process and any resultant costs will be handled between the Contractor and NPPD under the provisions of the Contract.

Any limiting assumptions used to prepare the cost estimate should be clearly specified in the proposal. Also include a rate schedule that will apply for any work beyond the scope stated in this RFP. Assume that USFWS, with assistance through NPPD as appropriate, will provide the awarded Contractor with all environmental information available to USFWS, including base maps, air photos, and computerized mailing lists of agencies, officials, community/environmental groups, concerned citizens, affected property owners, and known interested parties at the time that Contract negotiations are completed.

#### **4.10 Sample Contract (provided by NPPD)**

Appendix B to this RFP presents a sample NPPD NEPA third-party contract. Contractors must review this contract and point out any exceptions with contract language in their proposal. USFWS shall not be contacted on any contractual issue. The proposal must indicate the Contractor's review and acceptance of the contract or identify issues that require resolution during negotiations. Issues raised after submittal of the proposal will not be subject to negotiation. The person(s) authorized to negotiate on behalf of the Contractor should be identified. NPPD and USFWS, either separately or in consultation with each other, reserve the right to reject any or all submittals.

#### **4.11 Addresses**

Submit Technical Proposals and Cost Estimates via email to:

U.S. Fish and Wildlife Service  
Mark Porath  
[mark\\_porath@fws.gov](mailto:mark_porath@fws.gov)

Nebraska Public Power District  
Lynn Guillatt, Senior Procurement Specialist  
[llguill@nppd.com](mailto:llguill@nppd.com)

Technical Proposals and Cost Estimates should be submitted by noon Central Time on February 17, 2022.

### **5. SELECTION CRITERIA**

Only those proposals submitted by Contractors prior to the deadline stated herein will be evaluated. The proposals will be reviewed by NPPD and USFWS, and NPPD will recommend its top three proposals to USFWS staff. USFWS will make the final selection of the Contractor, which is not limited to those recommended by NPPD. NPPD will be responsible for answering any questions from Contractors who are not selected.

Criteria for screening to determine the best-qualified proposals will be based on a qualifications appraisal of all proposals submitted.

## **5.1 Qualifications Appraisal**

### **Technical Approach (40 percent)**

The proposal must show:

1. Familiarity with environmental laws and regulations and procedures for satisfying ESA and NEPA and related requirements;
2. Ability to prepare NEPA documentation for projects involving transmission line or other linear facilities, as appropriate;
3. Familiarity with how to proceed in the supplemental environmental evaluation of the proposed federal action and proposed HCP, understanding of the available data, and identification of possible issues;
4. Ability to prepare a complete Work Plan that thoroughly addresses the various parts of the RFP, recognizes any pitfalls or shortcomings, and presents innovative approaches for the tasks presented; and
5. Ability of the Contractor's proposed technical and procedural approach to the preparation of tasks specified in the scope of work to ensure compliance with NEPA and other environmental documentation requirements.

### **Organization Qualifications and Experience (10 percent)**

The proposal must show:

1. Experience in managing major NEPA reviews for large projects, preferably supplemental analyses for the same or similar types of projects;
2. Experience in managing major NEPA reviews for projects in Nebraska;
3. Past record of Contractor's organization in meeting performance and delivery requirements for similar contracts;
4. Resources and facilities available to the organization to fulfill contract requirements, including those of any subcontractor(s) proposed for use;
5. Familiarity with the specialized issues and requirements of proposed facility construction; and
6. Experience in working with federal agencies and state agencies on large construction projects involving listed species.

### **SEIS Management and Personnel (30 percent)**

The proposal must show:

1. Adequacy of Contractor's approach for USFWS staff interface and for planning and scheduling task activities as presented in the RFP;

2. Ability to assign and commit key personnel to the SEIS-preparation effort, and use of appropriate personnel to accomplish specified tasks;
3. Ability to satisfy logistical requirements, such as materials, transportation, office location(s), document production, computer services, and so forth, to ensure an effectively managed program;
4. Experience, education, and location of the Project Manager;
5. Experience, education, and location of the Deputy Project Manager;
6. Experience, education, and location of the Lead Biologist;
7. Experience, education, and location of the Cultural Resources Specialist;
8. For the Project Manager and the Deputy Project Manager, experience in working with federal agencies and state agencies on large environmental/transmission line projects and/or supplemental NEPA analyses;
9. Experience with facilitating meetings for high-profile and/or controversial projects.
10. Experience, education, and location of various key environmental specialists and any subcontractors proposed for use; and
11. Qualifications and experience of the Geographic Information System specialist, facilitation staff, and administrative support personnel.

### **Schedule, Work Plan, and Cost (20 percent)**

The proposal must show:

1. Demonstrated ability to meet schedule requirements using staff and resources separate from (or not conflicting with) other NEPA efforts underway or scheduled for the same time frame;
2. Presentation of a detailed Schedule and Work Plan to perform the tasks as presented in the RFP;
3. Adequate support for any schedule changes;
4. Reasonableness of billing rates and anticipated costs.

### **5.2 Oral Presentation**

Following review of the proposals, USFWS may request oral presentations from certain Contractors. At a minimum, the Project Manager, Deputy Project Manager, and other key technical staff identified in the proposal's organization chart will be required to present their team's capabilities to USFWS and NPPD. If oral presentations are required, the identified Contractors will be contacted with further details regarding the time, location, and presentation requirements.

### **5.3 Selection of the Contractor**

Upon completion of the oral presentation (if required), each Contractor will be ranked using the qualification appraisal, the oral presentation, and the cost proposal. NPPD will provide USFWS staff with its evaluation and ranking of the competing proposals and its rationale for the ranking.

USFWS will then conduct an independent review of the proposals and select the Contractor. Once USFWS staff has notified NPPD of its selection, NPPD will negotiate and fund a Contract with the Contractor. NPPD will keep USFWS staff apprised of the negotiations with the Contractor. Once the Contract has been executed, the Contractor will proceed to work solely under the direction and guidance of USFWS staff. Pursuant to 40 C.F.R. § 1506.5(b), the responsible official (i.e., USFWS staff) “shall furnish guidance and participate in the preparation and shall independently evaluate the [environmental document] prior to its approval and take responsibility for its scope and contents.”