



The Freshwater Trust preserves and restores freshwater ecosystems. Using science, technology, and incentive-based solutions, we're changing the course of conservation on a timeline that matters.

---

## Request for Proposal (RFP) – Mid-Snake Cultural Resources

**Project Name:** Mid-Snake Coordinated Runoff Reduction Program

**Project Area:** Malheur River basin

**Issue Date:** October 28, 2024

**Addendum Issue Date:** November 12, 2024 (See pages 10-11)

**Deadline for Responding:** November 30, 2024

### All communications concerning this RFP must be directed to:

The Freshwater Trust

Hilary Cosentino, Initiatives Program Manager

PO Box 9205

Portland, OR 97207

[Hilary@thefreshwatertrust.org](mailto:Hilary@thefreshwatertrust.org)

### Purpose of Request for Proposal

The Freshwater Trust (TFT) seeks a cultural resources consultant (“Consultant”) to assist with NRCS-funded cultural resources review, survey, and documentation of agricultural lands within the Snake River watershed of eastern Oregon and western Idaho in Q4 2024 and Q1 2025. This initial RFP is only for approximately 20 on-farm irrigation modernization projects in the Malheur priority area of the overall Mid-Snake project area. The work performed under this initial engagement will be treated as a pilot phase for the larger-scale effort to modernize irrigation systems on agricultural lands throughout the Mid-Snake basin (the Owyhee and Malheur watersheds in Oregon, and the Payette, Weiser, and Lower Boise watersheds in Idaho). TFT therefore seeks a consultant who is prepared to deliver on this initial pilot effort in the Malheur but who is also interested in partnering with TFT to scale and sustain a larger programmatic effort over the next decade. TFT envisions using this pilot to test out “bundled” cultural resources reviews and reporting, in a manner that allows for significant efficiencies, including economic efficiencies.

### Introduction

Founded in 1983, The Freshwater Trust (TFT) is a nonprofit conservation organization committed to accelerating the pace and scale of watershed restoration through the design and implementation of data-driven, science-based, performance-based solutions. TFT has a track record using insight-driven approaches to help design, develop and deploy watershed-scale solutions to some of the nation’s biggest water challenges. Further information about these programs can be found at [www.thefreshwatertrust.org](http://www.thefreshwatertrust.org).

### Project Background

The Mid-Snake watershed has a significant methylmercury water quality challenge. Methylmercury is easily absorbed by fish and can lead to brain disorders and heart disease in humans who consume fish. Accumulation in fish tissue has



forced downstream tribes to place a moratorium on eating culturally significant white sturgeon. Robust scientific analysis in the region has identified upstream runoff as a key driver of methylmercury production (phosphorus from fertilizer runs off agricultural land, fuels aquatic plant growth, depletes oxygen creating anoxic conditions, which converts inorganic mercury into toxic mercury). Large-scale conversion of agricultural fields from gravity-fed flood irrigation to pressurized sprinkler or drip irrigation will reduce runoff, including the inorganic mercury and phosphorus load driving methylation, reduce groundwater nitrate percolation, and minimize greenhouse gas production.

In 2023, TFT received \$5.6M in EPA funding to organize the funders, procurement system, project prioritization analytics, and supply chain into a leveraged regional funding and implementation effort that aims to deliver ~\$225M to priority irrigation upgrade projects in the Mid-Snake (see attached Figure 1 for an overview map). Over a 10-year period, we anticipate implementing ~2,000 projects across the Mid-Snake (roughly 25% in each of four sub-basins: Malheur, Owyhee, Payette/Weiser, and Lower Boise). We expect these projects will be funded with a mix of highly leveraged USDA, private, and other state and federal sources.

Because NRCS funding is a critical part of the leveraged funding stack, TFT must ensure that all projects are designed and implemented consistent with NRCS standards. In 2024, TFT and Oregon NRCS entered into a Technical Assistance (TA) Agreement to conduct the outreach, screening, design, cultural resources, and compliance on irrigation upgrades in the Malheur/Owyhee to build up a large queue of funding-ready, high-impact projects ready to implement. To perform on this TA Agreement, TFT is working with irrigation supply companies to help drive outreach/recruitment efforts, and have contracted NRCS-certified Technical Service Providers (TSPs) to help design NRCS-compliant projects.

One critical piece in scaling up and operating at this level is cultural resource services. Within each of these basins, there could ultimately be 50-75 individual projects implemented each year, with most likely 40 to 160 acres in size, all on privately owned lands and likely under different ownership. It is anticipated that ground disturbance will be limited to trenching pipelines through existing row-crop agricultural fields to a center pivot location. This means that the Area of Potential Effect (APE) on each project is expected to be relatively small. In some cases, more intensive surveying may be required (e.g., if new electrical lines require digging, a historic ditch crossing is required, or a sufficient volume of cultural objects, resources, or historic structures are found).

The current scope is limited to approximately 20 projects within the Malheur Basin, Oregon (see Figure 2 for initial priority area). Together with Oregon NRCS, our objective is to develop a queue of 20 implementation ready projects by April/May 2025, so that Oregon can request supplemental funding. To achieve this goal, we must have largely completed cultural resources work on these projects by then. As we work through this pilot group of projects in the Malheur, TFT's larger objective is to identify efficient approaches that can cost-effectively scale up with volume. Ultimately, TFT desires to work with a single or small group of archaeological firms and bundle and contract for multiple project locations at once.



## Scope of Work

### Project Description

Cultural resources review compliant with Section 106 of the National Historic Preservation Act of 1966, as amended (54 USC 300101 et seq.), and its implementing regulations at 36 CFR Part 800, of agricultural fields in the Malheur Basin, Oregon, for implementation of on-farm irrigation modernization projects. A total of 20 projects is anticipated. Fields converted from flood to pressurized irrigation are expected to range in size from approximately 40 to 160 acres per project, though ground disturbance will be limited to the project construction footprint. Archaeological reports will be bundled based on geographic proximity. NRCS will be reviewing bundled archaeological reports under Section 106. TFT's intent in recruiting geographically concentrated groups of projects is to minimize cultural resource mobilization costs and help move multiple projects through the process together. Accordingly, TFT will need to secure time and cost efficiencies in performing this work. As we scale up project volume, TFT will not be able to pay per-project hourly fees, as doing so will both prove cost-prohibitive and not reflect the increasing economies of scale that are expected from this concentrated, bundled approach. As such, contractual approaches with cultural resource providers that better scale will be necessary.

### Project Tasks

1. Initiate Section 106 process consistent with 36 CFR § 800.3, including but not limited to determining if the projects have the potential to cause effects to historic properties, coordinating Section 106 review with other statutory reviews, determining what entities should be consulted, planning for public involvement, and documentation of efforts to identify and invite consulting parties.
2. Identify historic properties consistent with 36 CFR § 800.4, including but not limited to identification of the Area of Potential Effects (APE), evaluation of the appropriate level of effort to identify historic properties within the APE, identification of historic properties within the geographic area(s) that could be affected by the undertaking and, if present, evaluating whether they could be affected by the project(s). Perform field work as necessary to evaluate potential cultural resources impacts, with consideration given to whether a Memorandum of Agreement to defer final evaluation for purposes of batching and efficiency is appropriate.
3. Assess adverse effects, where applicable, consistent with 36 CFR § 800.5.
4. Resolve adverse effects, where applicable, consistent with 36 CFR § 800.6.
5. Write professional cultural resources report(s), bundled by geographic areas, to appropriate SHPO and any other relevant standards.

### Project Timelines

TFT anticipates the cultural resource evaluation to begin in winter 2024 (likely December), and for this scope of work to be completed by April/May 2025 (ideally including both concurrence cycles with tribes and SHPO and at a minimum including field surveys and initial findings). The larger project work that will be addressed through future RFPs and scopes of work is anticipated to continue through 2031.



### **Required Consultant Qualifications**

The consultant should be a cultural resources management (CRM) firm, organization, or team with demonstrated experience completing successful Section 106 cultural resources reviews for the contemplated project types (e.g., upgrades from furrow to sprinkler irrigation on private agricultural land). The consultant should also provide the following items as part of their proposal for consideration:

- 1) Letter(s) from Oregon State Historic Preservation Office stating Oregon Qualified Archaeologist for those personnel that may work on field projects in Oregon.
- 2) Knowledge of the State of Oregon cultural resource laws, processes, and compliance requirements.
- 3) Knowledge of federal cultural resources laws, processes, and compliance requirements.
- 4) General knowledge of the potential cultural resources in the area of interest.

### **Proposal Submission**

#### **Submission Instructions**

This RFP represents the requirements for an open and competitive process. Proposals will be accepted until 5:00 p.m. (Pacific Daylight Time) on November 30, 2024. Any proposals received after this date and time will not be considered. All proposals must be signed by an official, agent, or representative of the Consultant submitting the proposal. Proposals should be provided in Microsoft Word format (except writing samples may be provided in PDF) attached to an email to Hilary Cosentino at [Hilary@thefreshwatertrust.org](mailto:Hilary@thefreshwatertrust.org). The subject line should read: Response to Mid-Snake Cultural Resources RFP.

#### **Submission Requested Information**

For evaluation purposes, proposals should provide sufficient information to assist TFT in determining the most qualified consultant for the project. Consultants interested in bidding should submit a written proposal that includes the following elements:

1. Please provide the name, mailing address, phone number and email of Consultant and designated point of contact.
2. Name and qualifications of Principal Investigator and proposed staff, including education and experience, and license numbers for Oregon and Idaho.
3. Specific responsibilities of team members for this project.
4. Brief overview of team structure, including reporting and approval chain.
5. Please include whether you will need to hire additional staff to meet the project needs, or if you will want TFT to hire additional staff to meet your needs, in which case include a description of what those needs are. If the Consultant submitting a proposal must contract out any of the work to meet the requirements, this must be



clearly stated in the proposal. Any proposals which call for contracting work to a third-party subcontractor must include the name and description of the person or third-party subcontractor.

6. A short narrative that responds to the scope of work as described in this RFP, which demonstrates the consultant's proposed approach to the project and capability to accomplish the desired goals. In particular, include how you intend to approach projects in this geography.
7. A proposed budget that includes hourly labor rates of project personnel and the number of hours required to complete each task or product, and any necessary and appropriate project travel or supply costs. Alternatively, and preferred, provide a proposed budget that provides a project bundle-based cost approach detailing the work included in each budget item. Costs included in the proposals must be all-inclusive and include any third party subcontracted work. Keep in mind the need for cost efficiencies through bundling as you prepare this budget. At the initial project volume for the Malheur, a time and materials based approach is allowable, but as we scale up in volume, it will be financially infeasible for TFT to pay for cultural resources work on each project location at consulting rates. This pilot will be an opportunity to develop a working relationship and payment structure that allows your business to comfortably scale but does not compound unsustainable per-project costs (e.g., bulk pricing, contracting for direct expenses and a portion of your FTE costs plus margin, retainer pricing, TFT directly hiring technicians that support the scaling of your services but do not pass on those hours to us at market rates).
8. An explanation of how you intend to meet the proposed project schedule.
9. A description of your business type (large or small, disadvantaged, woman-owned, etc.) and how many archaeologists are on your team.
10. A brief description of projects of a similar nature (within the same geography; cultural resource reviews on working lands; and federally funded work, particularly through USDA conservation programs). Please highlight success in meeting schedules, budgets, and deadlines.
11. A list of references (at least three (3), but not more than five (5)) that may be contacted.
12. Two writing samples (shared in PDF format), preference is for a professional report similar to what would be prepared under this scope of work.

Final Consultant terms and conditions will be negotiated upon selection of the winning bidder for this Project. All contractual terms and conditions will be included in a Master Services Agreement subject to review by TFT's legal department and will include scope of work, budget, schedule, and other necessary items pertaining to the Project.



## **Contract Evaluation and Award**

TFT appreciates your proposal, and your support of our efforts to restore watershed health. We will review all responses submitted by the deadline and may pursue discussions with one or more entities responding to this RFP to discuss further.

TFT will evaluate your proposal based on relevant criteria, including the following:

- Responsiveness of the proposal to the project's purpose and scope of work.
- Qualifications of Principal Investigator and other key personnel.
- Knowledge of the Section 106 cultural resources review process.
- Proposed budget, including willingness/interest to scale with our larger programmatic effort.
- Experience producing professional cultural resources reports.
- Ability to meet deadlines and successfully complete contracts of this type.
- Past performance, writing samples, and references.

TFT encourages minority businesses, women's business enterprises, and labor surplus area firms to submit a proposal.

## **Proposal Terms and Conditions**

- A. TFT reserves the right to reject any and all proposals, and to waive minor irregularities in any proposal.
- B. TFT reserves the right to request clarification of information submitted, and to request additional information from any consultant.
- C. TFT shall not be responsible for any costs incurred by consultants in preparing, submitting, or presenting its response to this RFP.

## **Confidentiality**

Consultant acknowledges and agrees that all information obtained or produced in relation to this RFP is considered TFT's confidential information, regardless of whether marked as "CONFIDENTIAL," and shall not be released or disclosed to any person or entity for any purpose nor used for any purpose other than providing a response to TFT, without the express written consent of TFT. Consultant agrees it will take affirmative steps to protect and safeguard TFT's confidential information and at a minimum use the same degree of care it uses to prevent the unauthorized use, dissemination, or publication of its own confidential information and, in any event, not less than the level of care standard in Respondent's industry.

The confidentiality obligations under this section will not apply to TFT confidential information that: (a) is or becomes publicly known or available other than by the Respondent's act or fault or the Respondent's breach of this section; (b) is rightly received by the Consultant from a third party who was authorized to disclose such information and who is not subject to similar confidentiality obligations; (c) is proven by written evidence to have been independently developed by the Respondent; or (d) is approved for disclosure by written authorization from TFT. Additionally, TFT's confidential



information may be disclosed by Consultant pursuant to law or any governmental or court order, provided that Consultant shall first give notice to TFT of such order and give TFT a reasonable opportunity to obtain a satisfactory protective order.

Consultant agrees to limit disclosure of TFT's confidential information to its officers, directors, employees, or subcontractors of Consultant who need to know such information to assist Consultant in providing a response hereunder ("Representatives") and will notify anyone with access to TFT's confidential information in writing that it is confidential. Consultant will be responsible for any breach of this section by any of its Representatives.

Consultant agrees not to make any public comments or disclosures, including statements made for advertising purposes, regarding the RFP to the media or any other party without the prior written consent of TFT. In the event Consultant receives any inquiries regarding the RFP from the media or any other Party, said inquiries shall be forwarded to TFT.

Consultant shall specifically designate and clearly label as "CONFIDENTIAL" any and all material(s) or portions thereof that are provided to TFT pursuant to this RFP that Consultant deems to contain its own proprietary information.

### **Questions**

Consultants are invited to submit written questions requesting clarifications or explanations of the information contained in this RFP.

Please direct all proposal or contract-related questions to Hilary Cosentino, TFT Initiatives Program Manager, at [Hilary@thefreshwatertrust.org](mailto:Hilary@thefreshwatertrust.org).





**CONTRACTOR CERTIFICATION AND SIGNING OF PROPOSAL:**

The undersigned certifies that s/he has examined and is familiar with this RFP package, including the addendum, and the attachments listed herein; that s/he has checked all figures shown and understands that The Freshwater Trust will not be responsible for any errors or omissions on the bidder's part in preparing this Proposal.

If the bidder takes exception to any part of this RFP, the bidder shall itemize those exceptions and submit them with this Proposal with the heading: **"EXCEPTION(S) TO RFP PACKAGE."**

**The undersigned acknowledges conditions of this Proposal:**

Date \_\_\_\_\_

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

in the capacity of \_\_\_\_\_

(Company Title)

\_\_\_\_\_

\_\_\_\_\_

(Address)



**Figure 1: Overall Mid-Snake map**

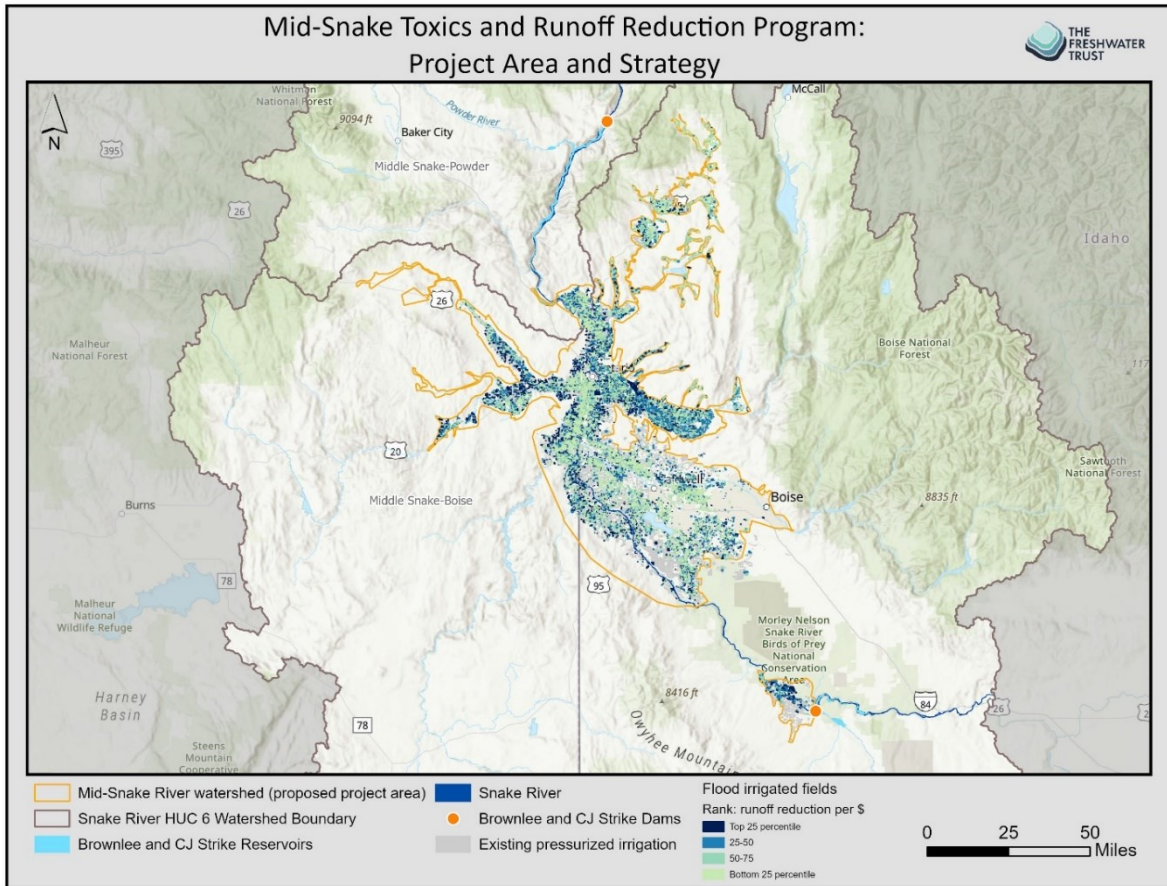
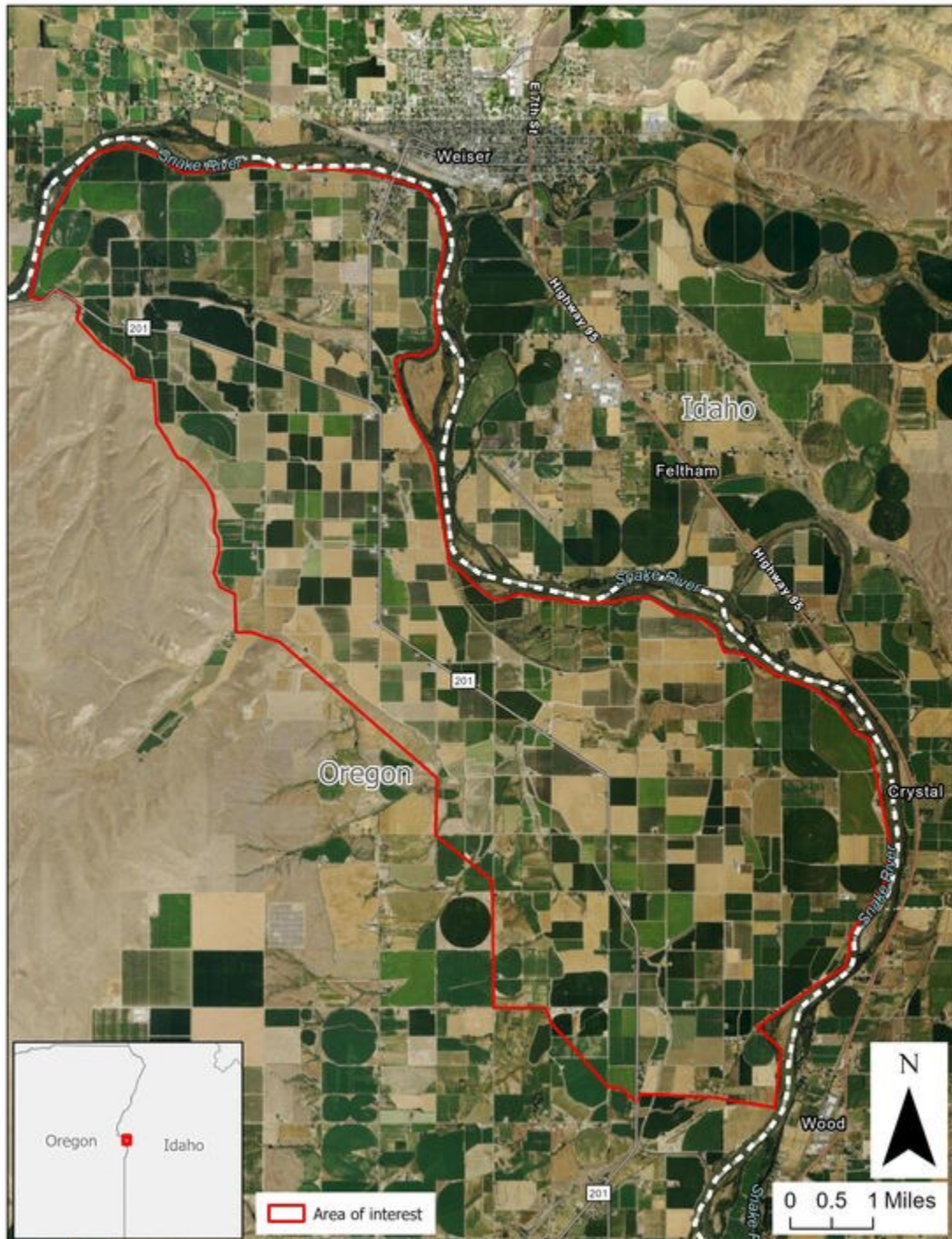


Figure 2: Initial priority area: Malheur River Basin





## Request for Proposal (RFP) – Mid-Snake Cultural Resources

### ADDENDUM #1

**Project Name:** Mid-Snake Coordinated Runoff Reduction Program

**Project Area:** Malheur River basin

**RFP Issue Date:** October 28, 2024

**Addendum Issue Date:** November 12, 2024

**Deadline for Responding:** November 30, 2024 (no change)

### All communications concerning this RFP must be directed to:

The Freshwater Trust

Hilary Cosentino, Initiatives Program Manager

PO Box 9205

Portland, OR 97207

[Hilary@thefreshwatertrust.org](mailto:Hilary@thefreshwatertrust.org)

### BACKGROUND

On October 28, 2024, TFT issued a Request for Proposals (RFP) to solicit a consultant to perform cultural resources review. TFT is issuing this Addendum based on additional information from stakeholders that may alter how you respond to the RFP. The changes are set forth below.

### ADDENDUM

The Freshwater Trust provides additional information that may be helpful to assist respondents in developing their budgets. Please note the following modifications to the RFP:

<b>Section</b>	<b>Action</b>	<b>New Information/Specifications</b>
Project Background; SOW Project Description	Change	Average project size is expected to be between 40-100 acres depending on how fields get rearranged into projects.
Project Background	Change	The most common components requiring assessment would be supply pipelines, pivot bases, electrical lines, pumping plants/delivery modifications.
Project Background; SOW Project Description	Addition	Major ground disturbance components are expected to be pivot pipeline ranging 500-1200 ft trenches, 2-3 ft deep. 12 ft x 12 ft pad with 2-3 ft deep footings per pivot point. Any electrical/water deliver needing to be run to site.
Figure 2	Change	See updated Figure 2 map on next page.



Updated Figure 2: Updated Initial Project Area

