

SUMMARY OF THE OFFERING

The Mobile Bay National Estuary Program seeks a qualified environmental planning, engineering, natural resource planning or other similar firm to prepare a Comprehensive Watershed Management plan for the watersheds of D'Olive Creek, Tiawasee Creek and Joe's Branch in Baldwin County Alabama. A Request for Qualifications (RFQ) process is being used to select a firm who can develop such a conceptual engineering master plan based on available data. The objectives of this plan are to: reduce upstream sediment inputs into D'Olive Bay, Lake Forest Lake, the D'Olive/Tiawasee Creek system; remediate and restore past effects of these sediment loads; reduce outgoing sediment loads into D'Olive Bay and the Mobile Bay Estuary; and identify opportunities to mitigate future impacts of development in the watersheds where feasible.

The firm selected must be able to develop a concept that maximizes public benefit by improving water quality, lessening erosion and accelerated sedimentation into certain waters of the United States while preserving a lake that exists as an amenity on private property. It is our intent that the firm selected will develop a concept and plan, assist in identifying financing options, and coordinate and later manage implementation of the plan developed.

Today, Growth and development in an approximately 14-square mile area in the D'Olive Creek, Tiawasee Creek, Joe's Branch, and Yancey Branch watersheds encompassing the City of Daphne, the City of Spanish Fort, and associated unincorporated areas of Baldwin County on the Eastern Shore of Mobile Bay has intensified problems with nonpoint source polluted runoff. Increased volume and velocity of storm water runoff as well as changes to local drainage patterns, have exacerbated erosion, sediment, and other nonpoint source pollutant impacts to D'Olive Bay and its and its tributaries, and "The Lake" located within the Lake Forest Subdivision near Daphne, Alabama.



Lake Forest Property Owners desire the restoration of their artificially created lake and elimination of sedimentation impacts at their marina and Yacht Club on D'Olive Bay. Local agencies and environmental organizations want to see elimination or reduction of impacts from increased sediment loadings on D'Olive and thus Mobile Bays.

Local leaders have joined forces to study the situation, develop appropriate data and create a plan of action aimed at satisfying the broader environmental needs as well as addressing property owner concerns. The situation is complicated by decades of inaction, disputes over responsibility and by controversy regarding the extent to which public funds should be used on private property and the degree of public benefit that can be gained by such actions.

This Comprehensive Watershed Management Plan based on available data is now considered an essential first step in convincing state and federal agencies and our congressional delegation that both private and public objectives can be achieved and that the public benefit to undertaking a solution is overwhelming.

The subject watershed and tributary streams exist in Baldwin County, Alabama on the Eastern Shore of Mobile Bay in the City of Daphne, the City of Spanish Fort and unincorporated Baldwin County. It consists of approximately 15 square miles and encompasses the watersheds of the following tributary streams: D'Olive Creek, Tiawasee Creek, Joe's Branch, and to the extent that it contributes to the ecological degradation of D'Olive Bay, Yancey Branch.

A Watershed Working Group currently exists led by the Mobile Bay National Estuary Program to facilitate stakeholder involvement in the planning process and has been effective in furthering much needed data collection about the watershed system through scientific studies carried out by authoritative agencies. A summary of the activities of this Working Group can be found at the Mobile Bay National Estuary Program Website: www.mobilebaynep.com.

The most current RFQ document is available at the MBNEP website (above). A pre-submittal Conference will be held on December 15, 2008 and Statements of Qualifications are due by February 16, 2008. Potential respondents interested in this RFQ should contact the MBNEP and request placement on the RFQ mailing list to ensure receipt of amendments and other relevant information. Inquiries should be directed to: Ms. Roberta Swann at rswann@mobilebaynep.com or by phone at 251-431-6409.

1. The Project

The purpose of this Request for Qualifications is to solicit and select an environmental planning, engineering, natural resource management/planning, or other firm or team who are capable of comprehensive planning to create a Comprehensive watershed Management Plan for the subject watersheds. The plan will include in its objectives: arresting accelerated erosion, reducing increased sediment loadings, restoring Lake Forest Lake, and devising strategies to restore water quality in impaired streams and mitigate the impacts of continued urban growth in the subject area on waters of the United States. It is our intent that the firm selected to create the CWMP may also be identified to manage future implementation or construction of the elements of the plan without further competition subject to completion of a satisfactory CWMP and appropriate future contract negotiation.

Henceforth in this RFQ, the term "Planner" will be used to denote any of the categories of firms or teams noted (engineering, environmental planning or natural resources management) or others who by virtue of experience, technical capability and interest consider themselves to have the capacity and demonstrated experience to successfully handle all aspects of the concept development and planning process including: planning, designing, stakeholder involvement, identification and facilitation of necessary public-private partnerships, identification and structuring of potential financing sources, and construction management.

A strong coalition of federal, state and local agencies, county and local governments, property owners, developers, and commercial interests are providing local and regional support to guide the development a Comprehensive Watershed Management Plan (WMP) for D'Olive Bay. Development and implementation of a holistic watershed-based plan usually provides the most technically sound and economically efficient means of addressing water quality problems. The WMP will address real and on-going sources and causes of nonpoint source impairments, as well as future threats, in order to assure the long-term health of the D'Olive Bay, and ultimately to Mobile Bay.

The MBNEP working in concert with, and acting as agent for, the stakeholders and local governments represented on the D'Olive Bay/Lake Forest Working Group through development of a Comprehensive Watershed Management Plan has the following objectives:

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- reduction of upstream sediment inputs into the Lake Forest/D'Olive/Tiawasee system
- reduction of outgoing sediment loads into D'Olive Bay and the Mobile Bay Estuary,
- remediation and restoration of past effects of these sediment loads including Lake restoration,
- mitigation of future impacts of development in the watersheds where feasible.

The Planner is also responsible for identification and discussion of:

- Financing strategies and options including revenue sources necessary
- Creation of necessary public private partnerships
- Changes to local regulatory framework that may be necessary

The MBNEP and the Working Group also seek to ensure that the resulting plan reflects a commitment to the following stakeholder values:

- Supporting a regional approach to storm water runoff and nonpoint source pollution management
- Maintaining the ecological integrity of the watershed
- Protection of threatened, endangered, or otherwise “at-risk” flora and fauna
- Preservation of archeologically sensitive sites (if any)
- Preservation and enhancement of wetlands, particularly as they relate to flood protection and treatment of storm water runoff
- Protection of the watershed such that no further degradation occurs as a result of implementation of any Construction or management practice

Components of the WMP will be based upon Clean Water Act Section 319 nonpoint source grant guideline “a-i” elements for developing and implementing watershed-based plans (<http://www.epa.gov/owow/nps/Section319/319guide03.html>). The Plan will also incorporate data and information derived from an, “*Analysis of Sediment Loading Rates and Land-Use Change on the D'Olive and Tiawasee Creek Watersheds, Baldwin County, Alabama,*” as reported in 2007 by the Geological Survey of Alabama (GSA). Empirical chemical and biological assay data collected by the GSA as part of a Comprehensive Watershed Assessment will also be referenced to characterize potential water quality protection issues and best management practice implementation sites and needs. Providing ample opportunities for local citizen input is expected to be a major component of the plan development process. The WMP will not include specific engineering design specifications. However, it will provide sufficient detail, maps, sketches, and information for stakeholders to be able to conceptualize potential engineering needs (dams, sumps, retention structures, stream restoration, etc.); address political issues (land disturbance ordinances, jurisdictional boundaries and cooperation); direct land use planning (zoning actions/changes, establishment of buffer zones; easements, coastal zone enforcement/regulations, watershed management, etc.), and to base overall watershed management decisions upon. Historical and recent science-based research data and information will be used to provide conceptualized engineering designs, present modeled data, and to plan for future actions. The WMP will be of adequate quality to definitively identify and categorize watershed/water quality issues and problems, reasonably ascertain the magnitude of restoration potential, identify human and financial capital needed to implement best management practices, and engineering or other actions, institute reasonable implementation timelines, and document and measure success.

The WMP will also be used as a definitive reference or “needs” document to secure political interest and human and financial capital to implement best management practices needed to protect water quality and achieve state water quality standards. Detailed and specific timelines and resource needs will be identified to assure management measures are effectively, efficiently, and expeditiously implemented in order to achieve short and long-term water quality protection goals and objectives.

The WMP will impact approximately thirteen (13) linear miles of streams (D’Olive Creek, Tiawasee Creek, Joe’s Branch, and unnamed tributaries to D’Olive Creek and Tiawasee Creek), eighty to one hundred (80-100) acres of open water habitat (The Lake at Lake Forest Subdivision), and three hundred and twenty (320) acres of estuarine open water. The whole of Mobile Bay will ultimately benefit as a result of reduced sediment and pollutant loadings. It will also address the source (development) and cause (siltation) of nonpoint source pollution to D’Olive Creek, Joe’s Branch, Tiawasee Creek and associated unnamed tributaries of Hydrologic Unit Code 03160204-0505 (watershed boundary dataset), as listed on the 2008 Clean Water Act Section 303(d) List of Impaired Waters.

This specific project is within the ambit of objectives and plans published in the Comprehensive Conservation and Management Plan developed by the Mobile Bay National Estuary Program, submitted by the Governor of Alabama and approved by the Administrator EPA on 22 April 2002.

The goal of Action HU-B2 contained in Volume Two (*The Path to Success*) of the CCMP is “Restore to more natural Hydrological conditions, where feasible, MBNEP waters that have been adversely impacted by artificial structures.” Action HU-B2-85 is specific to D’Olive bay and calls on “The USACE, ADCNR, and ADEM will conduct a comprehensive biological, hydrologic, and engineering study of D’Olive Bay to determine existing conditions and make recommendations for improvements. This will include finding determinations of pre-modification water quantity and quality conditions and development of a stepwise strategy to return the area to a more natural hydrologic condition, to the extent possible.”

The MBNEP intends to select a Planner with a demonstrated record of accomplishment in watershed –scale environmental planning, restoration , remediation ,engineering design and/or construction management.

A RFQ process is being used to select a planner instead of a more traditional RFP, in recognition of the need for sustained collaboration between the selected planner, municipal and county officials, local stakeholders and the MBNEP in order to develop a concept for a feasible project to successfully achieve the stated wide range of objectives. Implementation funding is not currently identified in local state or federal budgets or from other sources. Development of a financing strategy must be included in the Planners approach.

The planner must assemble resources and a team that is also capable of the design, market, finance and/or construction management activities necessary to implement the concept and that is acceptable to various regulatory agencies.

Background:

Since the early 1970’s, D’Olive Bay has been considered by many as a “poster child” illustration of the harmful effects of accelerated erosion in the D’Olive and Tiawasee Creeks watersheds. Storm water runoff from the cities of Daphne and Spanish Fort have increased sediment inputs into D’Olive Bay, and thus to Mobile Bay. These pollutant loadings present a major threat to submerged aquatic vegetation along the upper eastern shore, fish and shellfish populations, and

threatened and endangered species. In addition, sedimentation continues to impact the area economically through risks of increased flooding and loss of recreational value and aesthetic benefits.

In 1971, construction of a housing subdivision began in the hilly terrain between D'Olive and Tiawasee Creeks in Daphne on what was to become at one point, Alabama's largest housing subdivision. Construction included a sediment retention lake that was later "sold" as an amenity to prospective homeowners. Aerial photography from the University of Alabama (<http://alabamamaps.ua.edu/aerials/counties/Baldwin/index.html>) from as early as 1938 (Bridgehead Quadrangle) and 1960 (D'Olive Bay), provide photographic documentation of conditions in the area prior to the boom in construction. The Alabama Water Improvement Commission's Mobile Field Office (Carlton and Gail, 1980) conducted a Special Study of this area in response to continuing concerns about sediment loadings and degraded conditions in D'Olive Creek, Tiawasee Creek and D'Olive Bay in 1979-1980. More recently, a January 8, 1999, Special Report to the Mobile Press Register by Staff Reporter Daniel Cussack entitled, "Birders, Boom Boxes, and Bachman's Sparrow." described some of the history associated with construction of the subdivision and resultant watershed/water quality degradation. Although the article itself cannot be considered an authoritative scientific source, reference is made to several such sources. These include the, "Sedimentological Study of D'Olive Bay." conducted for the U.S. Army Corps of Engineers in 1981 by Dr. Wayne Isphording of the University of South Alabama. The Cussack article cited Dr. Isphording as indicating that, "*Diamondhead allowed about 44,000 tons of loosened clays to flow into D'Olive watershed each year between 1971 and 1974, much of it from Lake Forest's unpaved roads and poorly buffered home clearings.*" The article also quotes Dr. Isphording as saying, "*The life of that bay (D'Olive) was reduced by 500 years. It would have taken 500 years to occur naturally what they did in about 10 years in Lake Forest.*"

One positive outcome of local public/private sector partnering efforts was the development and inclusion of "Action Plans" in the MBNEP - Comprehensive Conservation Management Plan (CCMP). The Action Plans represent the culmination of work begun in 1995 when the MBMEP was first established. The CCMP (April 2002) is a watershed-based plan presenting a broad range of strategies to be pursued by federal, state, local and private organizations to restore, protect, and sustain coastal resources of the Mobile Bay. The Action Plans are overviews of specific actions that can be implemented by MBNEP Work Groups to address priority issues affecting the Mobile Bay Estuary. Volume 1 of the CCMP provides a basic overview of the Action Plans - literally highlighting "what" will be done. Detailed information about the steps involved, time frame for implementation, coordinating agencies, and expected costs for each item are covered in the full Action Plan descriptions that comprise Volume 2 of the CCMP. In July 2003, and as a result of inclusion of the many Action Plans in the CCMP, the MBNEP began a process of providing a community forum for discussion of erosion, sedimentation, and flooding issues in the impaired watersheds; established a baseline understanding of human and natural processes at work; and identified perceived problems, causes, and contributors to impairments. The process included representatives of 14 federal, state, and local groups; but lacked the necessary political and property-owner support to implement meaningful restoration actions - and thus failed.

Although local concern remains high and several anecdotally-based solutions have been offered by various entities to address erosion problems, no substantive actions have been taken to address on-going sedimentation issues. Restoration and remediation actions have been of a "general" nature since 1974 and include improved subdivision development regulations and enforcement of Clean Water Act regulations. More recently, a Dave Rosgen (Applied River Morphology. Wildland Hydrology) channel stability analysis on a stream segment of Tiawasee Creek was performed as part of a natural channel design Stream Restoration Workshop presented by ADEM, ADCNR and MBNEP. The analyses, conducted as part of the Rosgen based Workshop and a subsequent tour of the watershed, revealed a number of hydromodification problems including: encroachment of residential development on the stream; sanitary sewer lines located within flood prone areas; active erosion on dirt roads and other exposed soils; mechanical disturbance of soils near the stream bank;

active bank erosion and deposition of sediment within the stream channel; and the application of unusual engineering practices within the stream channel. A survey of the stream was conducted and data developed to classify the stream type, assess problems, and make recommendations for protection. The recommendations were provided to the Lake Forest Property Owners Association for their consideration.

Current Activities:

Rapid growth and development throughout the watershed, and indeed, on-going construction in the Lake Forest Subdivision itself, continues unabated. In late 2005, after recognition that a solution to the problems affecting the watershed required a regional approach; local political and property owner representatives requested the MBNEP to assume an active leadership role in addressing problems common to the impaired watershed, the Lake Forest Subdivision, and Mobile Bay. As a result of this request, the MBNEP has since been actively involved in coordinating a Task Group to establish a systematic and scientifically-based approach to addressing water quality and nonpoint source pollution management issues.

During years 2005-2006, and after gaining an understanding of the magnitude, possible causes, and range of solutions to this long-standing environmental challenge, the Work Group began to systematically address erosion and sedimentation issues associated with three contributing creeks/tributaries, as well as the partially-filled, condition of “the lake” located in the Lake Forest Subdivision. Where previous consideration was primarily given only to sedimentation impacts on the lake; there is now a widespread recognition that erosion throughout the watersheds of D’Olive Creek, Tiawasee Creek, and Yancey Branch, as well as the loss of the lake as part of a functioning sediment retention system, are all potential contributors to the increased sediment loadings into Mobile Bay. Systematically addressing this larger regional problem is therefore expected to result in more localized polluted runoff solutions.

The Geological Survey of Alabama (GSA) conducted a suspended and bed load sedimentation study of the D’Olive Bay watershed, to include D’Olive Creek, Tiawasee Creek, Joe’s Branch, and Yancey Branch. The results of this study offer the most comprehensive data regarding sources and amounts of sediment loads carried by the subject streams. The final study report is available on the website of the Mobile Bay National Estuary Program at www.mobilebaynep.com and from the GSA.

The Alabama Department of Conservation, State Lands Division, Coastal Section also contracted with the GSA to conduct a two-year duration comprehensive watershed study (September 2007 - Fall 2008). The study was designed to provide data on sediment inputs into the drainage system and measure biological and geochemical parameters such as nutrient loading, bacteriological data (total coliform and E. coli), and chemical data including metals, nitrogen, and phosphorus. The GSA will also perform a biological assessment to document the status of aquatic species and habitats in the watershed. GSA biologists will use a relatively pristine reference site to ascertain best attainable conditions for improving impaired streams/sites.

The USDA-Natural Resources Conservation Service and the Baldwin County Soil and Water Conservation District have installed best management practices using funding from the Emergency Watershed Protection Program to help protect the watershed from erosion and sedimentation. Projects included the clean-out of selected stream segments in the Lake Forest Subdivision and two projects with the City of Spanish Fort to correct erosion problems.

Additional Task Group efforts are paying environmental dividends. The Task Group has reviewed short and long-term proposals to: conduct a comprehensive review of ordinances affecting land use, drainage, wetlands, and land disturbance with deliberation given to adopting stronger standards; continue the identification of specific sites for remediation;

provide education and outreach workshops for builders and developers; develop requirements for green space, restore streams using natural channel design criteria; support limited openings in the Mobile Bay Causeway to improve flow/flushing in D'Olive Bay; and the dredging of portions of "the lake" in the Lake Forest Subdivision to return it to a functioning sediment retention system and local recreational asset.

Local governments and organizations are also implementing management measures to improve watershed health. These include the establishment of a Site Containment Inspector position with enforcement authority by the City of Daphne; establishing a substantial increase in the deposits required by builders in Lake Forest and forfeiture of the deposits if site storm water run-off is not contained; and county zoning and land-use planning in unincorporated areas.

Increasing interest is being expressed in establishing limited openings in the Mobile Bay Causeway at Shellbank. The idea is a subject of a Draft Preliminary Restoration Plan compiled by the United States Army Corps of Engineers (USACE) in 2002 under local sponsorship of the Alabama Department of Transportation. The ecological feasibility (and/or desirability) of breaching the causeway and potentially improving flow and flushing in D'Olive Bay is part of a multi-year study being conducted by Dr. John Valentine of the Dauphin Island Sea Lab. This study was funded by a consortium of local interests including the MBNEP, ADCNR, Gulf of Mexico Program, and others pursuant to another related CCMP action plan. The study began in 2004 and preliminary results are available.

The Alabama Department of Environmental Management placed D'Olive Creek, Joe's Branch, Tiwasee Creek, and several tributary segments of the D'Olive Bay watershed on the 2008 CWA Section 303(d) List of Impaired Waters. The development of a Total Maximum Daily Load for these water bodies is expected to be completed in 2013. However, the "impaired" listing may rouse increased impetus for local stakeholders to take more direct and urgent action and begin implementation of more immediate restorative activities.

2. The Setting

The Eastern Shore of Mobile Bay in the area of these watersheds is a vibrant, fast growing area where increasing urbanization is supplanting traditional rural agricultural and low density residential land uses. The site is centered within a mile of the intersection of Interstate I-10 and U.S. Highway 98. It includes three primary municipalities of which only two are of concern in this project: the Cities of Daphne and Spanish Fort. The Lake Forest Subdivision lies entirely within the city limits of Daphne. Other land areas of concern are the immediately surrounding unincorporated portions of Baldwin County. Tourism is important, but retail sales are the driving economic force on the Eastern Shore. Large and expanding retail shopping centers are present in both Daphne and Spanish Fort.

Spanish Fort has experienced rapid growth since incorporation a scant 15 years ago in 1993. Major residential development in the western area of the city later led to the opening of the Eastern Shore Centre, in 2004. The Malbis area along highway 181 has seen major development due to this and other related projects. According to the U.S. Census Bureau, the city of Spanish Fort has a total area of 11.1 square miles (28.8 km²), of which, 6.4 square miles (16.6 km²) of it is land and 4.7 square miles (12.2 km²) of it (42.23%) is water. As of the census of 2000, there were 5,423 people, 2,035 households, and 1,518 families residing in the city. The population density was 844.2 people per square mile (326.1/km²). There were 2,164 housing units at an average density of 336.9/sq mi (130.1/km²). The racial makeup of the city was 93.64% White, 4.37% Black or African American, 0.37% Native American, 0.74% Asian, 0.26% from other races, and 0.63% from two or more races. 0.94% of the population were Hispanic or Latino of any race.

There were 2,035 households out of which 35.2% had children under the age of 18 living with them, 67.1% were married couples living together, 6.0% had a female householder with no husband present, and 25.4% were non-families. 22.9% of all households were made up of individuals and 14.5% had someone living alone who was 65 years of age or older. The average household size was 2.61 and the average family size was 3.10.

In the city the population was spread out with 26.2% under the age of 18, 5.2% from 18 to 24, 26.2% from 25 to 44, 24.7% from 45 to 64, and 17.7% who were 65 years of age or older. The median age was 41 years. For every 100 females there were 90.8 males. For every 100 females age 18 and over, there were 88.6 males.

The median income for a household in the city was \$56,699, and the median income for a family was \$67,844. Males had a median income of \$50,240 versus \$30,273 for females. The per capita income for the city was \$27,081. About 2.7% of families and 2.8% of the population were below the poverty line, including 2.8% of those under age 18 and 6.1% of those age 65 or over.

European visits to the area of Daphne may date to the middle of the 16th century and the period of Spanish Exploration. A community was established in the area in 1763, known simply as "the Village." The town of Daphne was officially established in April of 1874 when the Post Office for Daphne was opened. As of the census of 2000, there were 16,581 people, 6,563 households, and 4,670 families residing in the city. The population density was 1,230.5 people per square mile (475.3/km²). There were 7,222 housing units at an average density of 536.0/sq mi (207.0/km²). The racial makeup of the city was 85.33% White, 12.35% Black or African American, 0.30% Native American, 0.61% Asian, 0.01% Pacific Islander, 0.43% from other races, and 0.97% from two or more races. 1.53% of the population were Hispanic or Latino of any race.

There were 6,563 households out of which 34.2% had children under the age of 18 living with them, 58.6% were married couples living together, 9.8% had a female householder with no husband present, and 28.8% were non-families. 24.6% of all households were made up of individuals and 5.5% had someone living alone who was 65 years of age or older. The average household size was 2.50 and the average family size was 3.01.

In the city the population was spread out with 25.6% under the age of 18, 6.9% from 18 to 24, 31.6% from 25 to 44, 25.6% from 45 to 64, and 10.3% who were 65 years of age or older. The median age was 38 years. For every 100 females there were 94.9 males. For every 100 females age 18 and over, there were 92.4 males.

The median income for a household in the city was \$52,603, and the median income for a family was \$61,563. Males had a median income of \$46,576 versus \$29,052 for females. The per capita income for the city was \$25,597. About 2.6% of families and 4.5% of the population were below the poverty line, including 4.5% of those under age 18 and 7.0% of those age 65 or over.

3. The Site

General Area of D'Olive Bay and Lake Forest from USGS 7.5' Quadrangle Maps

Note: Numerous Land Use Changes have occurred since map compilation date



Although a misnomer, “Lake Forest Watershed” is used on this map to include the watersheds of D’Olive Creek, Tiawasee Creek and Joe’s Branch



Specific area of Concern- D’Olive Bay and Lake Forest Lake Watershed*

The site encompasses the entirety of the watersheds of several small streams that feed into D'Olive Bay. These streams include: Tiawasee Creek, D'Olive Creek and Joe's Branch. This area, the watersheds of the tree named streams, has also been locally termed "the Lake Forest Watershed" since both D'Olive and Tiawasee Creeks both flow into and through the Lake Forest Subdivision Lake before reaching D'Olive Bay. Joe's Branch is a tributary of D'Olive Creek, but entering it below the Lake Forest Dam. It is recognized that the term Lake Forest watershed is not strictly correct but it is descriptive and has gained a local understanding. An additional stream impacting D'Olive Bay but not included in the Lake Forest Watershed is Yancey Branch. Although not included in sediment loading or water quality and biological studies of the "Lake Forest Watershed, its impact on sediment loadings in D'Olive bay should be addressed. Topographically, the area displays some of the highest relief in the Alabama coastal zone and is comprised of easily erodable soils.

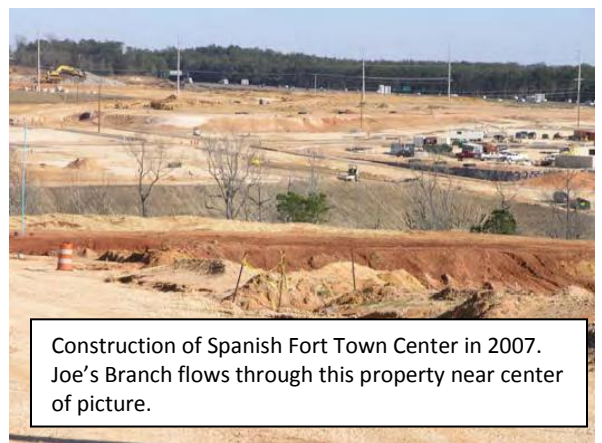


D'Olive Bay, Daphne Al



Shops at Eastern Shore Center

The surrounding municipal areas contain stately waterfront homes alongside expansive, modern construction. Apartments and multiple family dwellings are increasing and single family home subdivisions are being constructed continually. Roads and other necessary urban infrastructure are under construction and expanding. There remain some pockets of undeveloped area such as Blakely State Historical Park in Spanish Fort. There remains operating farms in the



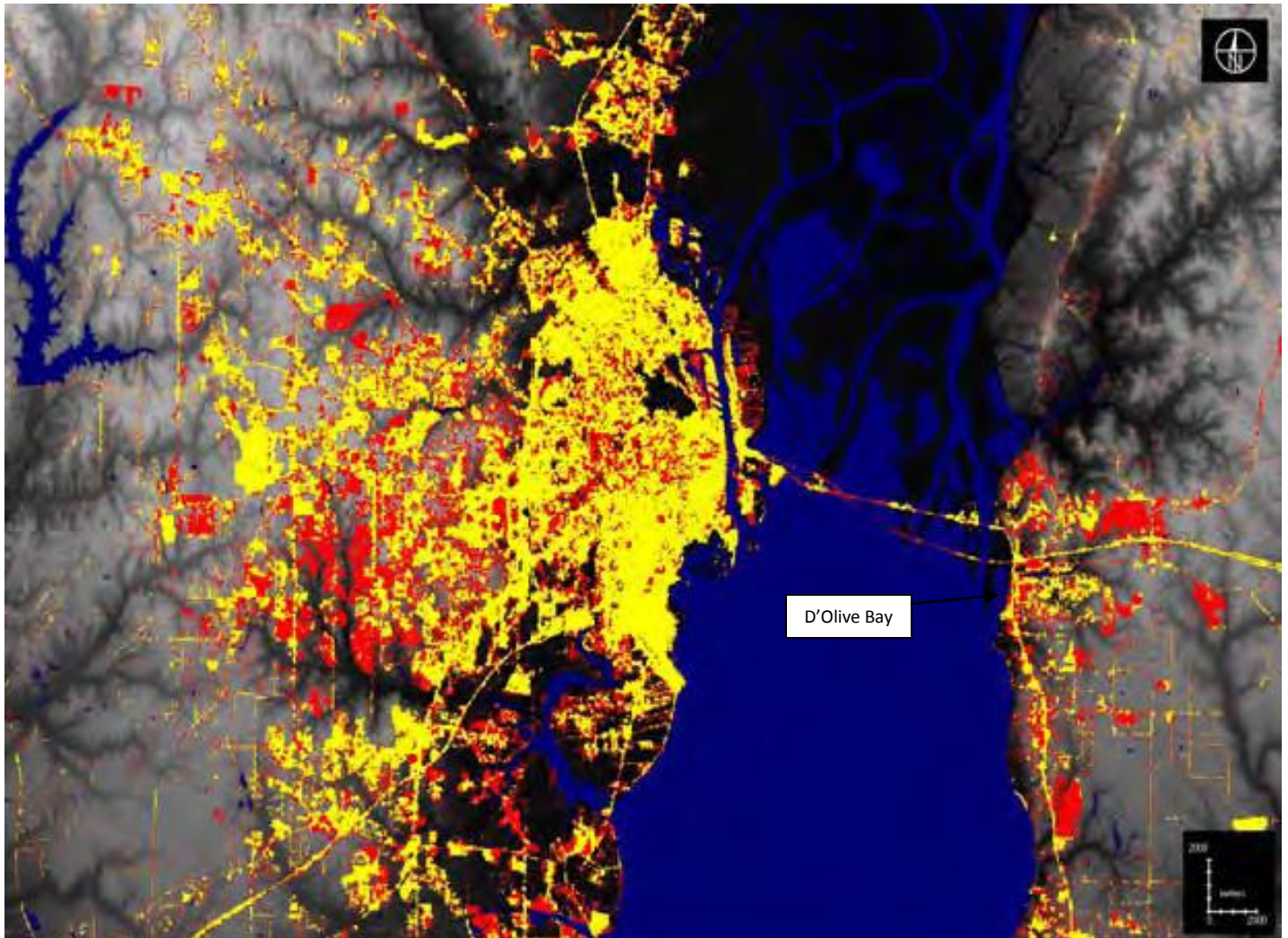
Construction of Spanish Fort Town Center in 2007. Joe's Branch flows through this property near center of picture.



US Hwy 98 Expansion -Daphne Al

unincorporated areas of the county surrounding these urban centers and fields of row crops such as corn, cotton, soybeans alongside pecan orchards and pasturelands with cattle remain common sights. However, such farmlands and pine forests are being developed and vanishing at a rapid pace. The area is the site of Alabama's largest subdivision (Lake Forest) containing over 3000 households. The surrounding area is one of explosive urban growth and development with major retail and residential centers completed or under construction. Some recent developments include: the Eastern Shore Center in Spanish Fort, the Spanish Fort Town Center, and Jubilee Square Center, Malbis and Timber Creek subdivisions and others.

This NASA product derived from Land Sat imagery compares urbanized area from 1974 (shown in yellow) to the increase by 2008 (shown in Red) and shows clearly the growth and development changes being experienced in this coastal area.



4. Planner Responsibilities

The responsibilities of the planner selected will be defined in the agreement negotiated between the MBNEP and firm or individual selected. An overview of the anticipated responsibilities of the Planner is described below and includes but is not limited to:

- a. A Comprehensive Watershed Management Plan will be developed. The Plan will be based upon guidance presented in the, “Handbook for Developing Watershed Plans to Restore and Protect Our Waters.” [EPA document number: EPA 841-B-08-002 (May 2008)], or downloadable at: http://www.epa.gov/owow/nps/watershed_handbook/ The Plan will address Clean Water Act Section 319 nonpoint source grant guideline “a-i” elements for developing and implementing watershed-based plans. The EPA “a-i” watershed plan components are presented at: <http://www.adem.state.al.us/Education%20Div/Nonpoint%20Program/Guidance/Components2004.doc> or <http://www.epa.gov/owow/nps/Section319/319guide03.html>. Although specific engineering designs will not be directly included as a component of this WMP, implementation of engineered elements may be necessary to achieve long-term WMP goals and objectives. It is expected that respondents to this request will propose and include engineering or construction actions in addition to those elements usually contained in watershed management plans.

The WMP will provide citations of information and data references/sources, maps, engineering sketches of proposed structures, diagrams, stream flow and sediment load calculations in the body of the Plan or as addendums. Sufficient detail, maps, sketches and information will be required to demonstrate the potential effects of proposed engineering projects (dams, sumps, retention structures, stream restorations etc.), political subdivision actions (land disturbance ordinances, cross-jurisdictional cooperation, etc.) and land use planning (zoning actions or changes, establishment of buffer zones etc.) and other actions recommended. Discussion of the feasibility of dredging (or otherwise restoring) the lake to functionality as both a potential retention structure and a homeowner amenity is a required component of any plan developed in response to this request. Expected or anticipated lake longevity, future maintenance, potential water quality and/or pollutant considerations and other relevant information regarding the feasibility of such a restoration should be described.

Details and design of the aforementioned site-specific engineering actions will be considered a part of implementation activities and addressed separately to the development of this WMP. Implementation of engineering designs will be based on input gathered at public/private stakeholder meetings - during and after WMP development and completion. Funding strategies, options, and sources, as well as real or perceived changes needed to enhance the local regulatory framework may also be addressed concurrently during these stakeholder meetings.

- b. Additional WMP information will include, but not be limited to:
 - *An Examination of the Regulatory Framework:* A thorough review of applicable federal, state, and local rules, regulations, laws, statutes, and ordinances regarding erosion, sediment containment, storm water management, stream restoration, etc., shall be conducted and cited in the WMP if relevant to any WMP goal or objective. Authorities and responsibilities granted to local, state, and

federal entities to address erosion and sediment control and storm water runoff will be discussed in the WMP if especially applicable to the D'Olive Bay watershed. If an enforcement or mitigation role or responsibility can be attributed to a particular resource agency under an existing authority, the agency/action should also be described.

- *Literature Review:* A literature search for relevant court cases; federal, state or local planning documents; scientific studies and publications; or other documents that may contain information relevant to calculating and gaining understanding of streambed sediment loading, stream flows, water use/restrictions, etc. for tributaries to D'Olive Bay will be conducted. Sources will be cited in the WMP. A careful examination of Lake Plans from the Lake Forest Property Owners Association will also be performed and summarized in the WMP.
- *On-Site Inspections:* The listing and descriptions of management actions should be based upon on-site examinations of trouble spots. The likelihood of BMP implementation success/failure rates should also be described. Written summaries and photo-documentation of the general condition/health of impaired and threatened sites will be included in the WMP. No detailed surveys are required, but on-site visits are expected to be conducted by the Plan developer/contractor of particular known problem areas throughout the D'Olive Bay watershed.
- *Recommendations:* Based on recent sediment loading data and the results of a comprehensive watershed assessment conducted by GSA (and any other authoritative sources), the WMP will describe specific action items calculated to protect and improve water quality, reduce volume and velocity of storm water runoff; reduce upstream erosion and sediment loading to the D'Olive and Tiawasee Creek (Lake Forest) drainage system, and outgoing sediment transport and deposition into D'Olive Bay and the Mobile Bay Estuary. Recommendations may include drawings, maps, sediment load reduction estimates; descriptions of proposed traditional/innovative best management practices or other engineered solutions; and expectations of effectiveness, longevity, and maintenance requirements of those practices that may be required to remediate or mitigate current and future water quality impacts. A generalized schedule identifying critical path components or action item implementation will also be a part of the WMP.
- *Cost estimates:* A (rough order of magnitude) cost estimate will be provided for elements contained in the WMP (e.g., best management practice implementation; planning design/activities, education and outreach, etc.). Real estate/ right-of-way acquisition should be based on current market value with application of best economic assumptions consistent with the lack of design specifications.
- *Implementation Finance Options:* A broad range listing or discussion of potential implementation financing alternatives should be provided. Options may include summary dialogues related to public-private partnerships, issuing bonds or tax-based financing, use of state revolving funds, and seeking Congressional and State appropriations. The firm or team selected as the Planner will assist in developing and implementing a financial strategy and plan.

- *Construction/Construction Management:* It is intended that the Planner selected through this RFQ will have future responsibility for overall management and detailed design for implementation options and proposed in the plan without further competition
 - *Community Relations:* The contractor will be expected to attend and participate in continuing D'Olive Bay/Lake Forest Working Group Meetings. If requested, the contractor will meet with local communities, leaders, governments and legislators to coordinate assistance and support for actions developed proposed in the plan. There are usually many varied and often conflicting opinions expressed during management plan development. This diversity of public opinion is largely attributed to the inherent complexity of the scientific and sociological issues involved with management issues, but is also intensified by human bias and self-interests. Differences among user groups regarding perceptions of environmental health can be expected with no clear understanding or consistent prioritization of the environmental concerns about the watershed among the many and varied stakeholder groups. The inherent complexity involved in developing a WMP requires that measures be taken to guarantee that consistent, factual information is presented to all citizens, with great care to ensure that the message is understandable.
- c.) Limited numbers of printed (hard copies) of the WMP will be distributed. Electronic copies will be made available on the Internet for review/download to interested watershed stakeholders. Notices of any revisions or updates will also be provided.

5. Knowledge of RFQ and Site Investigation

Planners who submit a Statement of Qualification (Statement) are responsible for becoming fully informed regarding all circumstances, information, laws and any other matters that might, in any way, affect the Respondent's roles and responsibilities in the project. Any failure to become fully knowledgeable of any other matters that might in any way affect the project shall be at the Respondent's sole risk. MBNEP, participants on the D'Olive/Lake Forest Working Group, Federal, state or local agencies, Baldwin County, local municipalities and individuals assume no responsibility for any interpretations made by respondents on the basis of information provided in this offer or through any other sources. Any inspection or other on-site investigation of facilities during this RFQ process must be coordinated through Ms. Ashley Campbell, Sediment Containment Official of the City of Daphne. Ms. Campbell can be contacted at 251-621-3080 or agcampbell@bellsouth.net. Respondents acknowledge that they have acquainted themselves with the available information and have investigated conditions affecting the Project. Except as specifically identified, the MBNEP, participants on the D'Olive/Lake Forest Working Group, Federal, state or local agencies, Baldwin County, local municipalities and participating individuals make no representations about the environmental conditions or the presence or absence of contaminated materials at the site(s) referenced in this solicitation.

6. Submittal Instructions and Content

This RFQ is conducted under applicable provisions of Alabama Bid Law. Please note that Statements in response to this RFQ are sought only from experienced planners and developers of large scale environmental planning and construction projects. Respondents are asked to carefully review the RFQ. Inquiries should be directed to Ms. Roberta Swann at the Mobile Bay National Estuary Program. Ms. Swan can be reached at: 251-

431-6409 or at rswann@mobilebaynep.com. The mailing address is: 4172 Commanders Drive, Mobile, Alabama 36615.

Potential responders interested in this RFQ should contact this office and request placement on the RFQ mailing list or attend the pre-response conference in order to ensure receipt of amendments or other relevant information. Respondents to the RFQ should limit their submissions to no more than 20 pages, excluding illustrative materials explaining planner's ability and experience to develop the proposed concept. All proprietary information should be identified as such by the respondent. One original and 12 copies of the Statements should be submitted. The Mobile Bay National Estuary Program reserves the right to cancel or amend this RFQ, and will announce revisions to it by amendment. Statements should be sealed, marked and addressed as directed in the Statement Form. Statements may be mailed or delivered in person to the MBNEP at: 4172 Commanders Drive, Mobile, Alabama 36615 no later than 3 p.m. (local time) on February 16, 2009.

Respondents are advised that the MBNEP, its employees, and/or agents shall not be liable at any time for any costs associated with or related to the Project, which are incurred by any submitter during any phase of this RFQ or subsequent amendment or cancellation. The schedule of activities for this solicitation is:

Solicitation Issue/Advertising Date	November 7, 2008
Pre-Submittal Conference	December 15, 2008
Statement Inquiry Deadline	January 2, 2009
Statement Receipt Closing Date	February 15, 2009
Shortlist Interviews	April 1-7, 2009
Award Exclusive Negotiating Right	April 30, 2009
Completion and Delivery of CWMP	February, 2010

A pre-submittal conference will be conducted at 9:00 AM:30 p.m. on December 15, 2008, in the Daphne Civic Center located at 2603 U.S. Highway 98, Daphne, Alabama. Attendance at the pre-submittal conference is not mandatory, but is strongly recommended. Statements submitted in response to this RFQ shall include a complete response to the requirements in this Section in the order presented. The information should be presented in 8.5" X 11" size and should have tabs keyed to the requirements outlined in this Section. Statements should be a straightforward delineation of the Respondent's capability to satisfy the intent and requirements of this RFQ, and should not contain redundancies and conflicting statements. An officer authorized to make a binding commitment for the Planner making the Statement shall sign the Statement Form.

Contents

Statements must include the following to be deemed responsive for evaluation: [for the following items (6A-E, please refer to Section 7 for the evaluation criteria that correspond to the following submittal items)]:

A. Cover Letter – The Statement must include a cover letter transmitting the Statement and acknowledging receipt of any and all amendments to the RFQ issued. The letter should be addressed to: Ms. Roberta Swann, Interim Director, Mobile Bay National Estuary Program, Ms. Swan can be reached at: 251-431-6409 or at rswann@mobilebaynep.com. The mailing address is: 4172 Commanders Drive, Mobile, Alabama 36615.

The letter should also introduce the Planner's project team. The Project Team is defined as the lead plus any key team members such as engineers, environmental experts, economists, contractors, bankers, etc. who are

critical for consideration by the evaluation team State. Provide complete information that explains the relationship between team members and their respective roles and contributions. An organization chart would be an appropriate attachment to the cover letter. Please identify the existing commitments of the Project Team to other projects, as measured by the number and type of projects. Discuss how the team members would manage the additional work that would result if the team is selected for exclusive negotiations by the MBNEP. Please provide the names and phone numbers of public agency references for at least two completed projects for which the Project Team acted as Planners and that may be considered comparable to the project envisioned in this RFQ. For each reference, indicate the contact person's role in the completed project and the time period of their involvement. The cover letter should include the statement that the Project Team is willing to complete the Project as defined in this RFQ. Respondents are also advised to include a statement that the Project will conform to all applicable Federal, State and County laws and ordinances, and that they accept responsibility to ensure compliance with applicable Federal, State and County laws. The cover letter must also include a statement that the firm is not in arrears in the payment of any obligation due and owing to the State of Alabama, including tax payments and employee benefits and that it shall not become so during the term of the agreement if selected; a statement that the proposing Planner will negotiate in good faith with the MBNEP and appropriate local entities, and a statement that the firm grants to the MBNEP a non-exclusive right to use, or cause others to use the contents of its Statement, or any part thereof, for any purpose.

B. Conceptual Approach & Methodology – Respondents are requested to demonstrate their understanding of this program by submitting a conceptual approach and methodology for project implementation. This narrative of no more than 20 pages should articulate the Respondent's methods and approach of engaging both partners and area stakeholders to create a feasible watershed management plan and conceptual design that advances the goals stated in this RFQ. The Respondent should discuss their approach and methods to ensure a project design that is sensitive to adjacent neighborhoods, includes due regard for threatened and endangered species, all applicable environmental regulations and BMP's, preservation and creation of "greenspace" and public access". The narrative must include information regarding an approach and methods to involve the Stakeholders in the design and construction of the Project, an approach to community and stakeholder collaboration, and an approach to pre-development activities and phasing, and construction.

C. Experience and Background – Given the unique nature of the Project and its importance to local residents and political subdivisions, it is essential to fully understand the experience and capabilities of all key members of the Project Team.

1. Provide a summary of the lead planner's experience in complex environmentally sensitive projects that required interaction with a broad range of interested parties from both the public and private sectors.
2. The following information is required for each key member of the Project Team and respondents are requested to highlight projects where members of the Project Team have previously collaborated:
 - a. Description of experience within the most recent ten-year period related to: watershed and regional scale engineering and planning projects relating to storm water management, site preparation, stream modification and diversion or environmental restoration.
 - b. Demonstration of experience in completing projects of the scale and complexity envisioned in this draft RFQ on budget and on schedule.
 - c. Extent of the experience of specific individuals on the Respondent's proposed project team in public/private development projects, including water supply, waste disposal, storm water management environmental restoration.

3. Resumes of all key Project Team members to be involved in the Project are required and should include: education and professional licensing qualifications, relevant experience, and details regarding the specific role proposed for the Project.
4. Projects included for reference should be described only once and the description should include: Project size in total land and building area; project scope; project location; development value; project length from inception to completion; roles of Project Team member or members during project execution, and client reference name, phone number and authorization to contact given references.
5. Respondents should identify with specificity any other relevant organizational, consultant or other available resources that will be committed to the Project.

E. Financial Capability – Given the complex nature of the Project, the Evaluation Team and MBNEP must understand the Planner’s financial capability to undertake and successfully complete the Project.

1. Describe the Project Team’s experience (if any) in obtaining private equity and debt for public/private developments similar in scale.
2. Indicate the source(s) of both debt and equity financing for each reference project stated above and describe the Respondent’s commitment and capability to provide capital for this Project.
3. Indicate the amount of immediately available financial resources to fund the costs associated with negotiation of development agreements, obtaining entitlements and other approvals, and other pre-development activities.
4. Please provide the names and phone numbers of two commercial bank references, and two financial partner references.
5. Under separate cover and marked confidential, provide a most recent audited financial statements of the respondent and principal participants in the business entity proposing this project.

7. Selection of Planner

Statements will be reviewed by an Evaluation Committee composed of representatives from the MBNEP, state and federal agencies, the Cities of Daphne and Spanish Fort, Baldwin County, and other stakeholders. The MBNEP reserves the right to contact respondents with requests for clarification or additional information, or to arrange other follow up activities it deems appropriate. Selection of a Planner will be based on: the quality, clarity and thoroughness of the submitted Statement and its compatibility with the RFQ’s stated objectives, statements of intent, and submission requirements, plus the results of information gathered from interviews with shortlisted respondents and client reference checks.

The following criteria, corresponding to the categories of the required submittal contents as set forth in Section 6, will be used to evaluate Respondents’ Statements. The weighted score for each category is indicated in parentheses:

A. Cover Letter / Comprehensive Project Team (5%)

1. Completeness of information on proposed project team, and explanation of relationships between members that clearly depicts the roles and contributions of various members.
2. Availability of project team members, and the effectiveness of their plans for balancing the workload associated with a potential project with other existing commitments.
3. Recommendations provided by references for the Respondent.

B. Approach to Implementation (10%)

1. Narrative demonstrating the potential to create feasible watershed management plan and conceptual design that advances the goals stated in this RFQ.

C. Conceptual Approach & Methodology (25%)

1. Narrative outlining Respondent's approach to satisfying the following four requirements: "reduce upstream sediment inputs into D'Olive Bay, Lake Forest Lake, D'Olive/Tiwassee Creek system, remediate and restore past effects of these sediment loads, reduce outgoing sediment loads into D'Olive Bay and the Mobile Bay Estuary, and identify opportunities to mitigate future impacts of development in the watersheds where feasible."

2. Narrative outlining Respondent's experience and proposed approach and methods to working with multiple stakeholders, including State and City agencies, private citizens, business owners, and institutions, as well as managing the development process, in a manner that advances the goals stated in the RFQ.

3. The narrative must detail the Respondent's approach to ensure a project design is sensitive to adjacent neighborhoods, includes due regard for threatened and endangered species, all applicable environmental regulations and BMP's, preservation and creation of "greenspace" and public access". The narrative must include information regarding an approach and methods to involve the Stakeholders in the design and construction of the Project, an approach to community and stakeholder collaboration, and an approach to pre-development activities and phasing, and construction.

D. Experience and Background (40%)

1. Demonstrated experience as a Planner working with public entities to structure and implement watershed and regional scale engineering and planning projects relating to storm water management, site preparation, stream modification and diversion or environmental restoration.

2. Demonstrated experience in completing projects of the scale and complexity envisioned, on budget and on schedule.

3. Extent of the experience of specific individuals on the Respondent's proposed project team in public/private development projects of similar nature.

1. Demonstrated ability in previous projects of the scale envisioned, to obtain private equity and debt for development via public/private partnerships.

E. Financial Capacity (20%)

2. Quality of documentation of available financial resources and ability to obtain private equity and debt, through audited, references, or other sources. Once it has completed this solicitation process, the MBNEP will be available to debrief Planners who have submitted statements. The MBNEP will not share information from Statements made by other respondents.

8. Shortlist Consideration

The MBNEP, acting as agent for the D'Olive Bay/Lake Forest Working Group, reserves the right to accept, reject, and/or interview any or all qualified respondents. The MBNEP intends to select a limited number of respondents for interviews. Qualified respondents shortlisted for interview include those responsible respondents who submit Statements initially judged by the Contract Officer and Evaluation Committee to be reasonably susceptible of being selected for award. Shortlisted Respondents selected for interview shall be notified of the time, date and location for oral presentations. Upon completion of the interview process, the MBNEP reserves the right to immediately enter into negotiations with a selected respondent

9. Agreement and Schedule

Respondent(s) recommended for award as a result of this solicitation will enter into a written development agreement with the MBNEP. Standard contract provisions required in any negotiated agreement will include:

- Officials Not to Benefit
- Right-of-Entry
- No assignment without MBNEP prior approval
- Dispute Resolution
- Default and Termination Provisions
- Contamination
- Applicable Terms and Conditions of the solicitation and any Amendment
- Applicable Flow Down Provisions

10. Indemnification

The Planner awarded a contract for the Project will save and keep harmless and indemnify the MBNEP and its agents or their officers, agents and employees against any and all liability, claims, and cost of whatsoever kind and nature (including reasonable attorney fees and court costs) arising or alleged to have arisen from injury, including personal injury to or death of person(s), and for loss or damage to any property, occurring in connection with or arising out of activities to be performed under the contract, and any acts of selected Planner in connection with activities to be performed under the contract resulting in whole or in part from acts, errors, or omissions of the Planner by its employees, agents or representatives, and any Project Team subcontractors of the selected Planner and their employees. The selected Planner shall be responsible for and must make good at its own expense all damage caused by its acts, or those of its employees, subcontractors or subcontractors' employees in connection with the contract.

11. Insurance

The selected Planner shall carry and maintain in full force and effect for the duration of the contract, and any supplements thereto, the insurance coverage and any other covered specified by the MBNEP in amounts designated in the contract documents. The Planner shall submit to MBNEP a certificate of insurance indicating the existence of coverage required by this provision. An insurance company authorized to do business in the State of Alabama Maryland shall issue policies. The MBNEP reserves the right to review the foregoing insurance requirements as they relate to specific site development(s) and make necessary adjustments including but not limited to adding requirements for pollution legal liability.

12. Disclosure and Use of Data

Issuance of this RFQ places no obligation on the MBNEP to proceed with any offering. Respondents under this RFQ should clearly identify any proprietary or confidential commercial data that they do not want disclosed, duplicated or used outside of the MBNEP for any purpose other than to evaluate the Statement. If a contract is awarded on the basis of the Statement, the MBNEP shall have the right to duplicate, disclose and use Statement information.

13. Order of Preference

Any changes to this RFQ will be made by addenda issued by the MBNEP. The addenda will be considered part of the RFQ document and will prevail over inconsistent or conflicting provisions contained in the original RFQ

document. Addenda will be available for download from the www.mobilebaynep.com website. All firms that have previously registered will be notified that an addendum is available for download. In the event of an inconsistency between the provisions of this solicitation, the inconsistency shall be resolved by giving precedence in the following order: Request for Qualifications, and Appendices, and contract terms and conditions whether incorporated by reference or otherwise. Incorporation by reference includes terms and conditions of the solicitation and any amendments thereto; all provisions of Respondent Statements in response to the solicitation and amendments thereto; all applicable State, County and federal laws, statutory and regulatory provisions and orders, are incorporated by reference and made a part of contracts recommended for award as a result of this solicitation.

14. Protest Policy

Protests relating to this solicitation or the award of a contract must be filed in accordance with applicable Alabama State Law regarding such matter.

15. Owner Limitations

The MBNEP reserves the right to terminate a selected Planner for the following reasons:

- Bankruptcy declaration by the selected Planner or any individual or entity holding ownership interest in the project;
- Failure to receive prior written approval from the MBNEP to alter the ownership structure of the selected Planner that include altered percentages of ownership by approved individuals or entities or a change in the ownership that results in replacing approved individuals or entities;
- Failure to receive prior written approval from the MBNEP to alter the Project Team structure of the selected Planner that includes key individuals or team members that results in replacing approved individuals or entities;
- Willful misrepresentation of any material fact in the selected Master Developer's Statement.

16. Books and Records

The selected Planner shall be required to permit access at reasonable times and places by State staff, or any duly authorized representative, to any books, documents, papers and records including certified financial statements of the Planner which are directly pertinent to an awarded contract. The purpose of this access is to audit, inspect, examine, excerpt, copy and transcribe documents. The selected Planner shall retain all records, for three (3) years after submission of any statement required for determining the Planner's obligations under an agreement.

17. Laws and Regulations

All respondents to this solicitation shall be responsible to fully inform themselves of the applicable State of Alabama, Federal and jurisdictional laws and regulations governing the services to be provided under a negotiated contractor agreement.

18. Drug Free Work Place Certification and Affirmation Regarding Debarment

All Respondents will complete and forward a certification of a drug free workplace a statement affirming that it nor its officers and principals have ever been suspended or debarred by any public entity when requested by the MBNEP.