

Dedicated to protecting and improving the health and environment of the people of Colorado

Upper Gunnison River Basin Natural Resource Damages

Solicitation for Project Proposals

October 2021

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Acronyms

CDPHE	Colorado Department of Public Health and Environment
CERCLA	Comprehensive Environmental Resource Conservation and Liability Act
HMWMD	Hazardous Materials Waste Management Division
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act
NRDA	Natural Resource Damages Assessment
OMM	Operation, Monitoring and Maintenance
SOW	Statement of Work
SPP	Solicitation for Project Proposals

Definitions

In-Kind Services

In-Kind contributions are donated time and effort, real and personal property, and goods and services. The worth of the contributed service is the fair market value.

Matching Funds

Matching funds includes in-kind service, partner contributions, or cash funds. Each NRDA dollar is leveraged with at least one non-NRDA dollar or equivalent goods and services. Funds from NRDA cannot be used as in-kind or matching support. Matching funds cannot include Federal or State funds for pre-existing projects.

Partnership Contribution

Partnership contributions can be in the form of cash contributions, the donation of materials or tools, or the contribution of in-kind services, such as volunteer labor and technical expertise. Contributions are restricted to those directly involved in the proposed scope of work, but can include planning and other related activities conducted within one year of the proposed date for the project.

Trustee Council

The Trustee Council is comprised of the State of Colorado three-person committee of representatives of the statutory natural resource trustees.

Hazardous Materials and Waste Management Division Upper Gunnison River Basin, Natural Resource Damages Solicitation for Project Proposals

Offeror Registration Form

All potential Offerors that may be interested in submitting proposals under this request must complete and return this registration form. This will enable the CDPHE to contact all potential Offerors in the event of changes to the SPP, clarification or extension.

Offeror Organization_____

Type of Organization, Status, Registrations (i.e. non-profit, government or

private entity)_____

Name of Official Representative_____

Phone number_____

Fax number_____

Email address

Please return this form by email to:

Ross Davis

Upper Gunnison River Basin NRDA Project Manager Colorado Department of Public Health and Environment Hazardous Materials and Waste Management Division ross.davis@state.co.us

If you have technical limitations and cannot provide this document via email, please call Ross Davis at 720-355-4488 to make alternate arrangements.

This form must be received by January 1, 2022

Upper Gunnison River Basin, Natural Resource Damages Solicitation for Project Proposals

- I. Issue and Timeline Information
- A. Issuing Office: This Solicitation is offered by the Colorado Department of Public Health and Environment's Hazardous Materials and Waste Management Division (HMWMD). HMWMD will be the point of contact regarding this solicitation for projects.
- B. Invitation to submit proposals: The State of Colorado is posting this solicitation so that Offerors who have an interest may submit a proposal in accordance with this solicitation. Please read and be aware of the administrative information included in this document.
- C. Any eligible party wishing to submit a proposal under this solicitation must submit a registration form by January 1, 2022, prior to the Mandatory Offerors Working Meeting for Q&A. The purpose of this registration is to enable the HMWMD to keep all parties informed of changes and/or provide clarification should questions arise regarding this document.

Activity	Date
Initiation of Solicitation for Project Proposal Advertise NRDA SPP	November 1, 2021
Offeror Registration Form Deadline	January 14, 2022
Offerors Written Questions Deadline	February 1, 2022
Responses to Offeror Questions	March 4, 2022
Proposal Submission Deadline	April 1, 2022
Initial Screening Review of Proposals	May 6, 2022
Post Proposals for 30 days - public review	June 22, 2022
Proposed Project Site Visits (if needed)	July 2022

D. Schedule of Activities -

Activity	Date
Evaluation by Trustee Council	July-August 2022
Recommendations to Trustees	September 2022
Contract Award & Notice to Proceed	TBD

Written Inquires, Registration Forms and Proposals shall be directed to:

Ross Davis Upper Gunnison River Basin NRDA Project Manager Colorado Department of Public Health and Environment Hazardous Materials and Waste Management Division 4300 Cherry Creek Drive South Denver, CO 80246-1530 Phone: (720) 355-4488 Email: ross.davis@state.co.us

Obtain the Solicitation for Project Proposal (SPP) from the State of Colorado web page:

https://cdphe.colorado.gov/uravan-uranium-mill-restoration

or

https://coag.gov/office-sections/natural-resources-environment/trustees/damagescases/standard-metals-upper-gunnison

II. Background and General Information

A. Background

The Standard Mine Superfund Site (Site) is located in Gunnison County, Colorado approximately 5 miles west of the Town of Crested Butte. The Site is an abandoned hard rock mine located in Elk Creek Basin in the Ruby Mining District of west central Colorado at an elevation of approximately 10,900 to 11,600 feet above mean sea level.

The Site is located within the boundaries of the Gunnison National Forest and includes approximately 10 acres situated on a combination of both U.S. Forest Service (USFS) land and private mining claims. The Site is remote and is accessed by traveling 1.5 miles through the Mount Emmons Mine Company (MEMCO) private property and then 2.7 miles over Forest Development Road 732.

The mine area drains into Elk Creek, which forms within the Site boundary and flows southward to Coal Creek, the drinking water source for the Town of Crested Butte. Copley Lake and several natural seeps discharge into Elk Creek downstream of the Site. The Crested Butte municipal water intake is located on Coal Creek approximately 2 miles downstream of the confluence with Elk Creek. The MEMCO Water Treatment Plant discharges into Coal Creek downstream of the Elk Creek/Coal Creek confluence and downstream of Crested Butte's drinking water intake.

EPA completed superfund response actions in 2017 that entailed reclaiming the tailings pond, source control work inside the mine and installing a flow-through bulkhead.

The sole potentially responsible party at the Standard Mine Site was the Standard Metals Company (SMC). SMC was also a potentially responsible party at the Bonita Peak Mining District (BPMD) Superfund Site near Silverton, Colorado. SMC settled all liabilities for both sites in a complex settlement process that paid the State for superfund response costs and NRDA funds. Pursuant to the settlement, \$415,000 went to NRDA for both the Standard Mine and BPMD sites. The settlement did not specify how NRDA funds would be distributed between the two sites.

The current NRD account balance for SMC settlement proceeds is approximately \$460,000. The Standard Mine Site is in the late stages of the superfund cleanup process with most response actions complete. As such, the Site and surrounding areas are well suited for NRDA restoration projects. Unlike the Standard Mine, the BPMD site is in early stages of remediation which will likely take many more years to complete.

Trustees have approved a 50%/50% split of SMC settlement NRD funds among the two sites. Approximately \$230,000 is available for the Upper Gunnison River Basin NRDA Recovery fund as noted below in this Solicitation for Project Proposals (SSP).

The purpose of this SPP is to identify environmental restoration projects that will restore, replace, or acquire the equivalent of the injured natural resources.

The preferred boundaries for projects under this SPP are those areas within Gunnison County which is entirely situated within the Upper Gunnison River Basin. Gunnison County is outlined in Figure 1.

B. Funding

Approximately \$230,000 remains available from the NRDA recovery fund (the "Funds") to implement natural resource restoration for the Upper Gunnison River Basin, for which the Trustee Council is soliciting project proposals for at this time. Funds obtained through this solicitation may not be used for planning and administrative purposes, or for responsibilities assumed under other regulatory programs, such as reimbursements or repayments of pre-existing obligations.

The number of projects to be funded and the level of funding will be based on how well each proposal addresses restoration objectives, meets the evaluation criteria, and on the availability of funds.

An Offeror may submit a proposal for more than one project. A proposal may contain a singular project or may be comprised of more than one project in several categories (e.g., one proposal may have both restoration of wetlands project and acquisition of wildlife habitat project). Each proposal will be evaluated and scored separately and ranked accordingly. The Trustee Council will not accept multiple proposals from one Offeror that are substantially similar (e.g., different variations of the same project).

These Funds may be used for proposals which supplement existing or on-going projects. However, the activities funded shall only be used for worked performed and commencing after the date of Notice to Proceed (see Section I.D. above). In such a proposal, the Offeror must state how the activities described in the proposal improve upon the existing activities, are not duplicative of current activities, and address the restoration objectives.

Those Offerors who are proposing to use a mixture of funding sources (matching funds) are responsible for securing all such funds. Should the Offeror fail in attempts to secure matching funds (50% matching funding required), the project may be put on hold for a designated time period (to give the Offeror additional time to secure other funds), or the NRDA funding may be cancelled in total, or the Trustee Council may determine that the NRDA-funded portion of the project can continue.

C. Eligibility

1.

- a. To be eligible, Offerors may include but are not limited to the following:
- A public or private non-profit entity possessing a tax-exempt status under section 501 (c)(3) of the IRS code;
- An institute of higher education; or
- A local, state or federal governmental agency.
- b. Offerors must have the financial and technical capability to successfully complete a restoration project, and must have experience with project management and contracting.
- 2. More than one organization may apply for funding with other organizations. One organization must assume the responsibility of prime contractor. The other organizations in the collaborative effort will possibly be considered

subcontractors to the prime contractor. The relationship between the organizations, the lines of communication, and the responsible parties in each organization must be described in addition to the information required in Section V.B.1. "Description of the Organization".

3. Offerors must show commitments for a **minimum** of 50% of their overall project costs from non-NRDA sources, either with dollars or in-kind services, and the non-NRDA funds must buy down the project cost.

III. State Contractual Requirements

Successful Offeror(s) will be subject to contract negotiations with CDPHE resulting in a contract. An example contract is available at CDPHE website https://cdphe.colorado.gov/cgr.

All potential Offerors are advised to familiarize themselves with the requirements of the example contract, which includes the SPP, Offerors Statement of Work (SOW), project schedule and prices schedule. As a general rule, general and special contract provisions are required by State purchasing regulations and are non-negotiable. Offerors should not submit proposals if they will be unable to fulfill contract requirements. Please note however that in some circumstances (e.g., the purchase of real property or interest in real property), some terms in the example contract may not apply. All questions regarding this process should be submitted to the Upper Gunnison River Basin NRDA Project Manager, Ross Davis no later than February 1, 2022. Questions may be submitted through phone or electronic mail with electronic mail being preferred. The Project Manager reserves the right to answer the question verbally, consult with the Trustee Council, and prepare written responses to be delivered no later than March 1 2022 to those that have submitted the Offerors Registration Form.

Any successful Offeror(s) will carry out the project under a cost reimbursement contract* with the State of Colorado. The contractor will be reimbursed for actual incurred costs, not to exceed the contract amount.

*A cost summary shall be prepared by the Contractor, accompanied by supporting data, indicating costs claimed by cost elements including: labor, equipment, supplies, materials, lab analyses/reports, travel, subcontracts, and other direct and indirect costs. Contractors should also detail those costs that will be claimed as in-kind match, including but not limited to engineering, planning and administration.

The Contractor shall submit an itemized invoice showing the personnel performing the work, work performed, hours worked, contractual per hour rate, and subcontract documents and invoices. The invoice shall reflect the scope of work, work order, and costs identified by major task.

Backup documentation must be available for review by CDPHE. Required documents include, but are not limited to: individual time sheets; travel reimbursement

documentation; purchase orders; invoices or other actual payment records.

The Contractor must obtain all permits, licenses and approvals prior to commencing work under the contract.

IV. Nature of Projects Sought by this Solicitation for Projects Proposals

A. General Scope

The Trustees' objective for the Funds is to select proposals that contain projects that restore, rehabilitate, protect, or enhance areas that are related to, proximal to, or have an ecological nexus to, the natural resources and related services injured as a result of releases of hazardous substances from the Site.

Project duration: The State intends to award contracts in 2022 and negotiate an end date that is mutually agreed to between the parties, not to exceed five years from the effective date of the contract.

The contractor shall be responsible to CDPHE for the ultimate results of the performance under the contract. However, the contractor shall not be subject to the direct control of the CDPHE or the Trustees regarding the means and methods of accomplishing the work.

Note: Projects cannot interfere with ongoing Standard Mine Superfund Site activities.

B. Target Natural Resources

The categories of restoration projects that the Trustees prefer include:

- restoration, rehabilitation, or enhancement of aquatic habitat and associated riparian habitat;
- restoration, rehabilitation, or enhancement of terrestrial habitat (including uplands, wetlands, and riparian);
- habitat protection that may include enhancement, i.e. conservation easement or fee title purchase (including uplands, wetlands, and riparian);
- restoration, rehabilitation, or enhancement of resources to protect water quality; and
- projects that increase public access to natural resources (where appropriate).

In addition, the Trustees also support monitoring projects that provide key data needed to attain restoration goals.

Projects are not limited to addressing resources injured from the Standard Mine Superfund Site operations.

C. Contacts for SPP Process

Primary contact

Ross Davis

Upper Gunnison River Basin NRDA Project Manager Colorado Department of Public Health and Environment Hazardous Materials and Waste Management Division 4300 Cherry Creek Drive South Denver, CO 80246-1530

Email: ross.davis@state.co.us Phone: (720) 355-4488

Alternate contact

Jennifer Talbert Upper Gunnison River Basin NRDA Project Supervisor Colorado Department of Public Health and Environment Hazardous Materials and Waste Management Division 4300 Cherry Creek Drive South Denver, CO 80246-1530

Email: jennifer.talbert@state.co.us Phone: (303) 692-3487

V. Submitting a Proposal

A. Introduction

This section describes the information that must be furnished by the Offeror and it prescribes the format in which it must be presented. The Offeror must clearly and concisely state and discuss how they will accomplish the work described in the Statement of Work. The proposal must include the information as described in the 'Content and Format Required' section below. The proposal must not exceed 20 pages (excluding budget and attachments such as resumes, proof of organizational status and registrations with regard to eligibility requirements, letters of public support, and design documents and maps), and must be double-sided and single-spaced. If any proposals exceed 20 pages in length, only the first 20 pages will be read and the entire evaluation will be based on those 20 pages. Each Offeror must submit an electronic proposal, pdf format not to exceed 15MB, via email to Ross Davis (ross.davis@state.co.us). If you have technical limitations and cannot provide a pdf document, please call Ross Davis at 720-355-4488 to make alternate arrangements.

B. Content and Format Required

1. Executive Summary: (Suggested limit: two pages)

- Proposal Name
- Project(s) Description (including description of target natural resources addressed)
- Project Offeror

- Point-of-Contact Name, Address, Phone, and Email address
- Total Project Cost
- Amount of NRDA Funding Requested
- Matching Fund Sources, Type, Value and Status
- Signature of the Authorized Offeror
- 2. Scope of Work, including maps
 - a. Target Natural Resource(s): (Suggested limit: two pages) State the target natural resource(s) to be affected by or included in the proposal.
 - i. Describe how the proposal will restore, replace or acquire the equivalent of injured natural resources, and how the development, design, implementation and restored site can be made available for public benefit.
 - ii. Provide a detailed description of the area (acreage, linear footage, etc.) of natural resources addressed by the proposal.
 - iii. Provide a map of the area.
 - b. Objectives: Provide clear, measurable, realistic, time-phased, objective(s) for the work proposed.
 - c. Operational Plan: Submit an operational plan that describes the proposal.
 - i. Describe in detail how the work will be implemented.
 - ii. Describe with whom the Offeror will collaborate to accomplish the scope of work. Provide letters of support from those entities and any other letters of support as an appendix to the proposal.
 - iii. Describe the type and name(s) of donors and what they are contributing in equivalent dollar amount of match if in-kind or actual dollar amount if cash.
 - iv. Provide construction designs and drawings, if applicable, maps of proposed restoration location(s), and a schedule and/or timeline for the completion of major project components. For proposals that require an engineering design, prior to construction final design documents must be submitted with appropriate professional engineer stamp or certification of design documents. Following construction as-built survey documents will be required. The submittals shall be provided in electronic *.pdf format.
 - v. Describe the operation, maintenance and monitoring (OMM) requirements and the entity(ies) accepting those responsibilities for the duration of the project and a minimum of 10 years thereafter, if applicable. Describe the plans or methods and schedule for how the project will be monitored to

evaluate whether it is successful in achieving the restoration objectives. Describe the 6 and 12 month warranty inspections which are required following substantial completion of the proposed project. Detail the funding source, cost, and entity responsible for conducting the long- term operation, maintenance and monitoring. This shall include an Annual Report documenting the OMM.

- vi. Permits/Approvals/Certifications: Describe all permits, licenses, approvals, professional engineers stamps of engineering design and asbuilt documents that will be required to complete the project and describe current status/progress towards obtaining these permits/approvals.
- vii. Project Schedule: Provide a timeline which identifies project phases, milestones, midpoint and pre-final inspections.
- viii. Monthly Invoice and Status Report: Describe which activities in the operational plan will be tracked, how they will be counted, and how they will be reported in the monthly invoice.
- ix. Project Documentation and Deliverables: Provide a list of documentation and deliverables that will be supplied for the proposed project and throughout the duration of the project including the OMM phase.
- 3. Budget Spreadsheet: Describe the total dollar amount requested for the project. Break out the total amount requested by budget categories (personnel, fringe benefits, travel, equipment, supplies, contractual, and operating expenses). Detail those costs that will be claimed as in-kind match, including but not limited to engineering, planning and administration. A budget spreadsheet shall be supplied separately for each substantially different proposal component. (For example, land acquisition costs will be presented separately from habitat restoration costs.)

Within the proposal, describe and justify what will be obtained with the funds. List key staff members that will be assigned to the proposed work, how much time they will work on the project (how many hours per week), and brief descriptions of duties. Describe all private and public (local, state, and federal) funds by budget category that may be expended in the completion of this proposal. Detail the type, donors and dollar equivalent of matching funds obtained to complete or compliment this proposal, if applicable.

- 4. Public Communication Strategy: Describe the process that will be used to demonstrate inclusiveness, communication, and opportunities for public input over the course of the project.
- 5. Relationship to the Ranking Criteria: Provide a summary of how this project meets each of the objectives indicated by the Screening and Ranking Criteria contained in

Section VI.B.1 and VI.B.2 below.

- 6. Appendices should include the following and are not part of the 20 page limit:
 - a. Description of the Offeror's Organization: (Suggested limit: one page)

Describe prior experience with projects of similar scope and complexity. Describe previous experience with regard to each proposed project category or collaboration with organizations that have expertise in those areas. Provide evidence that the Offeror possesses the necessary financial, material, equipment, facility, and personnel resources and expertise, or the ability to obtain them. Provide evidence that the organization meets the eligibility requirements of Section II.C.I.

- b. Offeror agencies, organizations, and individuals must meet the following standards of responsibility:
 - i. The Offeror selected must be responsible for project costs including personnel, fringe benefits, supplies, operating expenses, travel, equipment, and capital items. The Offeror must provide the necessary financial, material, equipment, facility, personnel resources, and expertise, to meet all contractual requirements, and provide all services requested herein. Offeror must provide evidence that it possesses the necessary resources; or must present acceptable plans to subcontract for them; or must document commitment from, or an explicit arrangement with, a satisfactory source to provide them.
 - ii. The Offeror must present a resume indicating experience with analogous projects and/or the capacity to perform the scope of work. The resume shall include the project description and objectives, the contracting entity, the cost of the project, the schedule for implementation, cost overruns and technical difficulties encountered. In addition, the Offeror shall indicate its experience with developing funding sources for matching with the NRDA funds.
- c. Full Budget Table
- d. Application/Assurances: If applicable, provide proof of organizational status and if the Offeror claims non-profit tax-exempt status under section 501 (c)(3) of the IRS code, then the Offeror shall submit proof of status.
- e. Letters of Support

VI. Evaluation

A. Evaluation Process

- 1. The Trustee Council will score each proposal received in accordance with the evaluation factors stated herein and make a recommendation to the Trustees for final decision.
- The Trustee Council may request review of the proposals by outside agencies, local governments and subject matter experts at its discretion. The Trustee Council will consider review comments during the Evaluation Process. The Trustee Council may request modifications to proposals based on review comments.
- 3. Failure of the Offeror to provide any information requested herein may result in the disqualification of the proposal. This responsibility is that of the Offeror. The Trustee Council reserves the right to ask individual Offerors for additional or explanatory information.
- 4. Proposals may be funded in whole or in part. For example, a proposal may contain several components; but the Trustee Council might approve some but not all of those components.
- 5. If applicable, the Trustee Council may request a site visit with the Offeror to allow the Offeror to show the Trustee Council the exact location of the work sought to be performed. A site visit is discretionary on the part of the Trustee Council.
- 6. The Trustee Council will evaluate all proposals unless there is a conflict of interest. If a member of the Trustee Council has a conflict of interest or is otherwise affiliated with a project and/or Offeror, then that Trustee Council member must recuse him/herself from evaluating that proposal.

B. Evaluation Factors

The Trustees will determine the number of projects to be funded and the level of funding based on how well each proposal meets the evaluation criteria. The Trustee Council has developed criteria it will use in analyzing potential restoration projects for natural resources injured as a result of releases from the Site. These criteria are organized into Screening and Ranking Criteria, each with specific requirements or considerations.

1. Screening Criteria

The following Screening Criteria will be used to ensure project proposals are eligible to move forward in the process. Project proposals passing 'Screening Criteria' will be subject to further review using the criteria set forth in the Ranking Criteria. No additional consideration will be given to proposals the Trustee Council determines are not qualified (or do not pass Screening Criteria)

- a. **Compliance with the SPP requirements**: The project proposal must comply with the requirements of this solicitation.
- b. **Compliance with laws**: The project must comply with all applicable federal, state and local laws, rules, regulations and permits.
- c. **Public health and safety:** The project cannot pose a threat to the health and safety of the public.
- d. Eligibility for NRDA Funding: The Trustee Council will focus on the connection or "nexus" between the natural resources that the proposed project(s) would restore, replace, or acquire the equivalent of the natural resources and/or services injured by the historical releases from the Site.
- 2. Ranking Criteria

The Trustee Council has developed the following Ranking Criteria to evaluate and rank proposed projects. These criteria reflect the Trustee Council's requirements and priorities for restoration.

- a. Public Support: The degree of public support for the proposal.
- b. Likelihood of Success: The level of expected return of natural resources and natural resource services. Proposed project restoration goals should be clear and measurable. The proposal should describe the ability to monitor and evaluate the success of the project; the ability to correct any problems that arise during the course of the proposed project alternative; and the capability of individuals or organizations expected to implement the alternative.
- c. **Technical Feasibility:** The project must be technically feasible and procedurally sound.
- d. Multiple Natural Resource Benefits: The extent to which a proposed project benefits more than one natural resource or natural resource service.
- e. **Time to Provide Benefits:** The time it takes for benefits to be provided to the target ecosystem or public.
- f. **Duration of Benefits:** The expected sustainability and duration of benefits from the proposed project. Long-term benefits are the objective. Proposed projects are expected to provide long-term sustainable benefits.

- g. Non-NRDs Match: A minimum of 50% match to NRD funds is required. Match may consist of cash from non-NRD sources or in-kind services; some degree of cash match is preferable. Points will be awarded based on percentage of cash match.
- h. Protection of Implemented Project: Consider the opportunities to protect the implemented project and resulting benefits over time. Project proposals involving fee title acquisition of property for open space should identify the fee title owner and include a commitment to grant a conservation easement or other mechanism allowing the Trustees to ensure that the acquisition provides continued natural resource benefits. If a conservation easement is proposed, the project proponent must identify the easement holder and provide a draft of the conservation easement prior to closing on the easement. Project proposals that afford long-term protection will be given preference.
- i. **Project Alignment with Regional Planning:** Proposals aligned with existing land and resource management plans or that can be incorporated into a holistic land and natural resource management plan.
- j. Public Access: If a proposed project is a real estate transaction (fee title or conservation easement), is there public access to the resources addressed in the proposal. Full points will be awarded If public access is not relevant.

Figure 1 - Gunnison County



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Attachment A Evaluation Sheet

Upper Gunnison River Basin NRDAR - Solicitation for Project Proposals Scoring Matrix

Project Name:_____

Project Offeror:_____

Ranking Criteria	No. of points Criterion is worth	No. of points awarded by this reviewer
Public Support	10	
Likelihood of Success	10	
Technical Feasibility	10	
Multiple Natural Resource Benefits	20	
Time to Provide Benefits	10	
Duration of Benefits	15	
Non-NRDs Cash Match	5	
Protection of Implemented Project	10	
Project Alignment with Regional Planning	5	
Public Access	5	
Total Points Awarded:	100	