



# **COLORADO**

## **Department of Public Health & Environment**

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

**Lowry Landfill**  
*Natural Resource*  
*Damages*

**Solicitation for Project  
Proposals**

**November 2022**

## ATTACHMENTS

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Attachment A: Offeror Registration Form  
Attachment B: Scoring Sheet

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## ACRONYMS

LLEA	Lowry Landfill Restoration Plan/Environmental Assessment
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 committee of representatives of the three statutory natural resource trustees.

## Lowry Landfill 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 the Hazardous Materials and Waste Management Divisions (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 **for improving and restoring water quality in the South Platte River in Denver and Arapahoe Counties** in accordance with this solicitation. Please read and be aware of the administrative information included in this document.
- C. Schedule of Activities

Activity	Date
Initiation of Solicitation for Project Proposal	November 1, 2022
Advertise NRDA SPP	November 1, 2022
Offeror Registration Form	December 15, 2022
Offerors Written Questions	January 15, 2023
Responses to Offeror Questions	February 1, 2023
Proposal Submission	March 1, 2023
Initial Screening Review of Proposals	March 2023
Post Proposals for 30 days – public review	April 2023
Proposed Project Site Visits (if needed)	Summer 2023
Evaluation by Trustee Council	Summer 2023
Recommendations to Trustees	September 2023
Contract Award & Notice to Proceed	TBD

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

**Susan Newton**

Lowry Landfill 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: (303) 692-3321 Fax: (303) 759-5355  
 Email: Susan.newton@state.co.us

## **Obtain the Solicitation for Project Proposal (SPP):**

### **Pearl Campos**

Records Center

Colorado Department of Public Health and Environment

Hazardous Materials and Waste Management Division

4300 Cherry Creek Drive South

Denver, CO 80246-1530

Phone: (303) 692-3331 Fax: (303) 759-5355

Email: [Pearl\\_Campos@state.co.us](mailto:Pearl_Campos@state.co.us)

## **II. BACKGROUND AND GENERAL INFORMATION**

### **A. BACKGROUND**

From 1965 through 1980, Lowry Landfill served as the principal industrial and municipal waste landfill for the Front Range of Colorado, receiving liquid and solid waste from industrial, municipal and other sources throughout this period. From 1980 to 1990, Lowry Landfill operated only as a solid waste disposal site.

Ten years after placing Lowry Landfill on the National Priorities List, the Environmental Protection Agency (EPA) issued a Record of Decision in 1994 for clean-up of the site. In January 2022, EPA concluded that the remedy is protective of human health and the environment and functioning as intended.

In 2010, the State of Colorado filed a lawsuit against responsible parties for injury to groundwater, as provided for in 42 U.S.C. § § 9607(a) and (f) (CERCLA § § 107(a) and (f)).

The State named two groups of defendants—"Performing Party Defendants" and "Generator Defendants." The Performing Party Defendants signed a Consent Decree agreeing to pay the State \$500,000 to establish or supplement an existing revolving loan fund to provide no or low-interest loans to households for repairs and upgrades of sewer systems, for the purpose of improving water quality in areas draining to segments of the South Platte River in Denver and Arapahoe Counties for which the Colorado Water Quality Control Commission has established a Total Maximum Daily Load for *E. coli*.

The Performing Party Defendants paid the State the amount due under the Performing Parties Consent Decree, and the State entered into a contract with the Denver Urban Renewal Authority ("DURA") in 2013 to create the revolving loan fund contemplated in the Consent Decree. During the five-year contract that expired in 2018, DURA loaned out \$113,000. After the contract expired, DURA informed the State that it was no longer interested in maintain the revolving loan fund, citing the limitations of the Consent Decree. DURA returned the remaining balance of \$459,731 to the State.

The State attempted to identify other agencies who could run the very specific fund required by the Consent Decree, but was unable to find an agency willing to do so. Therefore, the State and the Performing Party Defendants agreed to amend the Consent Decree to expand the purpose for which the remaining funds may be used. The United States District Court for the District of Colorado approved the amendment to the Consent

Decree on July 19, 2022. Under the terms of the amended Consent Decree, the remaining \$459,731 in settlement funds shall be used to improve and restore water quality in the South Platte River in Denver and Arapahoe Counties.

Additionally, there is approximately \$216,169 in remaining funds from the Generator Defendants Consent Decree due from past grantees who did not use their entire award.

## **B. FUNDS**

Approximately \$675,900 is available from the Natural Resources Damages Recovery Fund to improve and restore water quality in the South Platte River in Denver and Arapahoe Counties. The number of projects to be funded and the level of funding will be based on how well each proposal addresses the restoration objectives, meets the evaluation criteria, and on the availability of Funds.

**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 dollar amount stated above for projects cannot be exceeded.**

The Trustees will determine the number of projects to be funded and the level of funding will on how well each proposal meets the evaluation criteria. An Offeror may submit a proposal for more than one project. Each project proposal will be evaluated separately and ranked relative to other projects addressing the same restoration goal. If an Offeror is submitting a proposal for projects that are substantially different from one another, they should be submitted as separate proposals or in a format that will allow separate evaluation of the different projects. The Trustee Council will not accept multiple proposals from one Offeror that are substantially similar (e.g., different variations of the same project).

## **C. ELIGIBILITY**

1. To be eligible, Offerors may include but are not limited to the following:
  - a. *A public or private non-profit entity possessing a tax-exempt status under section 501 (c)(3) of the IRS code*
  - b. An institute of higher education
  - c. A local, state or federal governmental agency.
2. Offerors must have the financial and technical capability to successfully complete a restoration project, and must have experience with project management and contracting.
3. 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".

4. Offerors must show commitments for a minimum of 50% of their overall:
  - a. Project costs from non-NRDA sources, either with dollars or in-kind
  - b. 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 attached 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 Lowry Landfill NRDA Project Manager, Susan Newton no later than January 15, 2023. Questions must be submitted via e-mail. 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 February 1, 2023 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, or possibly a federal agency. 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, and 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 prior to commencing work under the contract must obtain all permits, licenses and approvals.

### **IV. NATURE OF PROJECTS SOUGHT BY THIS SOLICITATION FOR PROJECT 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. The Consent Decree, as amended, requires funds to be used to improve and restore water quality in the South Platte River in Denver and Arapahoe Counties.

Project duration: The State intends to award contracts in 2023 and with an end date that is mutually agreed to between the parties, not to exceed five years from the effective date of 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 Lowry Landfill Superfund Site activities.**

## **B. TARGET NATURAL RESOURCES**

Funds must be used to improve and restore water quality in the South Platte River in Denver and Arapahoe Counties.

## **C. CONTACTS FOR SPP PROCESS**

Primary contacts:

### **Susan Newton**

Lowry Landfill 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: susan.newton@state.co.us  
Phone: (303) 692-3321

### **Melody Mascarenaz**

Alternate Lowry Landfill 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: melody.mascarenaz@state.co.us  
Phone: (303) 692-3423

Alternate contact:

### **Jennifer Talbert**

Remediation Program Manager  
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. Each Offeror must submit an electronic proposal, pdf format not to exceed 15MB, via email to Susan Newton (susan.newton@state.co.us). If you have technical limitations and cannot provide a pdf document, please call Susan Newton at 303-692-3321 to make alternate arrangements.

### B. CONTENT AND FORMAT REQUIRED

1. Executive Summary: (Suggested limit: two pages)
  - a. Proposal Name
  - b. Project(s) Description (including description of target natural resources addressed)
  - c. Project Offeror
  - d. Point-of-Contact Name, Address, Phone, and Email address
  - e. Total Project Cost
  - f. Amount of NRDA Funding Requested
  - g. Matching Fund Sources, Type, Value and Status
  - h. Signature of the Authorized Offeror
2. Scope of Work, including maps
  - a. Describe Nature and Substance of Project  
Provide general overview of the proposed project
  - b. Target Natural Resource(s): (Suggested limit: two pages)
    - i. Describe how the proposal will improve and restore water quality in the South Platte River in Denver and Arapahoe Counties.
    - 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.
- c. Objectives: Provide clear, measurable, realistic, time-phased, objective(s) for the work proposed.
- d. 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 to what degree the proposal matches the goals of environmental restoration.
  - vi. Describe how the proposal will be coordinated with complimentary, similar existing, or other proposed projects in the area, if any.
  - vii. 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.
  - viii. Permits/Approvals/Certifications: Describe all permits, licenses, approvals, professional engineers stamps of

engineering design and as-built documents that will be required to complete the project and describe current status/progress towards obtaining these permits/approvals.

- ix. Project Schedule: Provide a timeline which identifies project phases, milestones, midpoint and pre-final inspections.
  - x. 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.
  - xi. 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.
2. 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, 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 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.

**Attachment A  
Offeror Registration Form**

**Hazardous Materials and Waste Management Division**

**Lowry Landfill, Natural Resource Damages  
Solicitation for Project Proposals**

**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**\_\_\_\_\_

**Address**\_\_\_\_\_

**Phone number**\_\_\_\_\_

**Fax number**\_\_\_\_\_

**Email address**\_\_\_\_\_

**Please return this form by email to:**

**Susan Newton**  
Lowry Landfill NRDA Project Manager Colorado  
Department of Public Health and Environment  
Hazardous Materials and Waste Management Division  
Susan.newton@state.co.us

If you have technical limitations and cannot provide this document via email, please call Susan Newton at 303-692-3321 to make alternate arrangements.

**This form must be received by December 15, 2022**

## Attachment B Evaluation Sheet

Lowry Landfill 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	
<b>TOTAL POINTS AWARDED:</b>	<b>100</b>	