



# **COLORADO**

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

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

**Bonita Peak Mining District Superfund Site**  
Natural Resource Damages Assessment and Restoration

**Solicitation for Project Proposals**

**March 18, 2024**

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## Acronyms

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BPMD	Bonita Peak Mining District
CDPHE	Colorado Department of Public Health and Environment
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulations
DOI	United States Department of the Interior
HMWMD	Hazardous Materials and Waste Management Division
IRS	Internal Revenue Service
MB	Megabyte
NPL	National Priorities List
NRD	Natural Resource Damages
OMM	Operation, Monitoring, and Maintenance
Q&A	Questions and Answers
SOW	Statement of Work
SPP	Solicitation for Project Proposals
TBD	To Be Determined

## I. Definitions

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### **Acquisition of the equivalent or replacement**

The substitution for an injured resource with a resource that provides the same or substantially similar services. See 43 CFR 11.14(a).

### **Baseline Condition.**

The condition or conditions of a natural resource that would have existed at the assessment area had the discharge of oil or release of hazardous substance under investigation not occurred. The baseline condition is not necessarily the pristine or optimal condition and should take into account impacts on resources not related to the release.

### **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 include in-kind service, partner contributions, or cash funds. Funds from NRD cannot be used as in-kind or matching support. Matching funds cannot include Federal or State funds for pre-existing projects. Matching funds should represent at least 50% of the NRD funds requested.

### **Natural Resources**

Land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the Exclusive Economic Zone), any state or local government or Indian tribe, or any foreign government, as defined in section 1001(20) of OPA ([33 U.S.C. 2701\(20\)](#)) and section 101(16) of CERCLA (42 U.S.C. 9601(16)).

**Natural Resource Services**

The functions performed by a natural resource for the benefit of another natural resource and/or the public.

**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.

**Restoration**

Actions undertaken to return an injured resource to its baseline condition, as measured in terms of the injured resource's physical, chemical, or biological properties or the services it previously provided. See 43 CFR Part 11.14(ll)

**Restoration Plan**

The purpose of the restoration plan is to describe restoration projects that are intended to restore the natural resources injured as a result of the hazardous substance releases at the Bonita Peak Mining District Superfund Site and how the Trustees will use the funds obtained through the resolution of claims for the natural resource damages for the restoration of natural resources and services injured by the release. The Trustee Council will prepare a restoration plan consistent with the proposals received from this solicitation. The restoration plan process provides the public with an opportunity to comment on the restoration projects before the Trustees approve or award any funds.

**State Trustees**

The Governor of the State of Colorado has designated the following Trustees to act on behalf of the public in protecting the Natural Resources of the State: The Attorney General of the State of Colorado, the Executive Director of the Colorado Department of Public Health and Environment; and the Executive Director of the Colorado Department of Natural Resources.

**Trustee Council**

The Trustee Council is comprised of the State of Colorado's three-person committee of representatives of the statutory natural resource trustees. The CDPHE Trustee representative is charged with and performs the administrative and expenditure responsibilities on behalf of the Trustees. A Work Group comprised of the three Trustee Council representatives will be tasked with evaluating and reviewing the proposals received in response to this solicitation of NRD projects for the Bonita Peak Mining District.

## **II. Issue and Timeline Information**

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- 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 interested may submit a proposal for improving and restoring natural resources and related services 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, found in Attachment A, by July 15, 2024. 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.

D. Schedule of Activities\*

Activity	Date
o Initiation of Solicitation of Project Proposals	March 18, 2024
o Advertisement and posting of SPP	March 18, 2024
o Virtual Kickoff Meeting with the public	March 20, 2024
o Offeror Registration Form Deadline	July 15, 2024
o Offerors Written Questions Deadline	August 15, 2024
o Responses to Offeror Questions	September 1, 2024
o Proposal Submission Deadline	September 30, 2024
o Initial Screening Review of Proposals	October 2024
o Post Proposals for 30 days - public review	October - November 2024
o Proposed Project Site Visits	Q1 and/or Q2 2025
o Formal Evaluation by Trustee Council	Q1-Q3 2025
o Recommendation to NRD Trustees	Q3 or Q4 2025
o DRAFT Restoration Plan - Public Comment Period	Q3 or Q4 2025
o FINAL Restoration Plan (after public comment)	TBD
o Trustee Meeting for final restoration plan approval	TBD
o Contract Awarded and Notice to Proceed	TBD

\* All dates and times are subject to change at the discretion of the BPMD Trustee Council. If dates are modified by the Trustee Council, a revised schedule will be emailed to known stakeholders and posted on the CDPHE and Colorado Attorney General's websites provided in this section below.

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

**Mark Rudolph**  
Bonita Peak Mining District NRD 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: 303-916-2179  
Email: mark.rudolph@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.capos@state.co.us

**Or download from the State of Colorado web page:**

<https://cdphe.colorado.gov/hm/bonita-peak-mining-district-restoration>

or

<https://coag.gov/office-sections/natural-resources-environment/trustees/>

### **III. Background and General Information**

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#### **A. Background**

The Bonita Peak Mining District Superfund Site is located in southwestern Colorado in San Juan County. The site consists of three main drainages (Mineral Creek, Cement Creek, and Upper Animas River), which flow into the Animas River at Silverton, Colorado. The Superfund Site listing on the National Priorities List identifies 48 historic mines or mining-related sources or potential sources for contaminated media affecting the three main drainages. Historic mining operations contaminated soil, groundwater and surface water with heavy metals. Specifically, the historical mining, mineral milling, and natural geologic conditions resulted in impacts and degradation to water quality and aquatic life in the Upper Animas River watershed. Aquatic life in streams is limited from low pH and high concentrations of dissolved metals. Additionally, the Gold King Mine release impacted recreational, agricultural and other uses of the upper Animas River for a short period of time in 2016.

The U.S. Environmental Protection Agency, in conjunction with the State of Colorado are implementing interim remedial actions at 23 source areas within the Bonita Peak Mining District Superfund Site to address contaminant migration issues that could be addressed quickly. Completion of the interim remedial actions is anticipated by the end of 2024. Additionally, the site-wide remedial investigation is ongoing, which will inform the development of a full cleanup plan for the larger and more complex sources of contamination at the Bonita Peak Mining District Superfund Site.

The State of Colorado, acting through the Natural Resource Trustees, resolved four natural resource damage claims pursuant to the Comprehensive Environmental Response Compensation and Liability Act, providing the state with approximately \$7 million for restoration of injured natural resources resulting from the Bonita Peak Mining District Superfund Site. Specifically, the state settled claims with: the Standard Metals Corporation and its insurers from 2009 - 2011 for \$415,368 - half of which is allocated to BPMD; the Blue

Tee Corporation in 2018 for \$468,803.70; the Sunnyside Gold Corporation in 2021 for \$1.6 million; and the United States, through the Department of Justice, in 2023 for \$5 million.

The State established a Bonita Peak Mining District Natural Resource Damages Trust Fund ("Colorado NRD Trust Fund") as a separate and segregated interest-bearing custodial account within the State Treasury. The Trustees agreed to coordinate using the NRD funds from the account for administration and expenditures. This SPP aims to identify environmental restoration projects that will restore, replace, or acquire the equivalent of the injured natural resources resulting from the Bonita Peak Mining District that include both ecological and human services.

## B. Funding

There is \$3.5 million available in this solicitation from the Bonita Peak Mining District Colorado NRD Trust Fund (the "Funds") to implement natural resource restoration, replacement, or acquisition within Mineral Creek, Cement Creek, and the Upper Animas River basin in San Juan and La Plata Counties, for which the Trustee Council is soliciting project proposals at this time. The remaining funds will be solicited in the future after the remediation of the Bonita Peak Mining District Superfund Site is completed. **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. More information is available in the [Colorado NRD Project Selection Guidance \(NRD Guidance Sept. 16, 2022\)](#).

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 a restoration of wetlands component along with an acquisition of wildlife habitat component). 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 that supplement existing or ongoing projects. However, the activities funded shall only be used for work performed and commencing after the date of the 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 proposing to use a mixture of funding sources (matching funds) are responsible for securing all such funds. Should the Offeror propose matching funds, but fail in attempts to secure the funds, the project may be put on hold for a designated time period (to give the Offeror additional time to secure other funds), or the NRD funding may be canceled in total, or the Trustee Council may determine that the NRD-funded portion of the project can continue.

### C. State Accessibility Guidelines

All submittals must comply with the state accessibility guidelines:

- Make sure headings are correctly assigned to organize content.
- Font size should be no less than 11 point.
- Use serif or sans serif font types that are easy to read.
- For images, include descriptive alternative text. Resource: [WebAIM alternative text guidance](#) (Resource is optional).
- For a complex image like a map or graph, include a long description or caption in the body of the content.
- Do not insert images of tables; create them with the functionality native to your word processing software.
- Avoid flow charts if possible. If it is not possible to avoid them, include alternative text.
- Avoid using underlines to make text stand out. Underlines should be reserved for links.

### D. Eligibility

1. 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.
2. Offerors must have the financial and technical capability to complete a restoration project successfully 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 the 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 matching funds are being sought. Trustees prefer a match in an amount representing at least 50% of the total NRD funds requested, either with dollars or in-kind services.

## IV. State Contractual Requirements

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Successful Offeror(s) will be subject to contract negotiations with CDPHE, resulting in a contract. An example contract is available at the 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 are 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 Bonita Peak Mining District NRD Project Manager, identified in III.C, below, no later than July 15, 2024. Questions may be submitted through electronic 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 September 1, 2024, to those who have submitted the Offerors Registration Form in Attachment A.

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 the major task.

Backup documentation must be available for review by CDPHE, upon request. 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.

## **V. Nature of Projects Sought by This Solicitation for Project Proposals**

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### **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 the Bonita Peak Mining District Superfund Site. These resource injuries and service losses are further described in section III(A) and section V(B) below.

**Project duration:** The State intends to award contracts before the end of calendar year 2025 and negotiate an end date 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 performance results 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.

## B. Target Natural Resources

The preferred boundaries for projects under this SPP are those areas within the Upper Animas River Basin in San Juan and La Plata Counties. Projects are not limited to addressing resources injured within Bonita Peak Mining District Superfund Site.

The categories of restoration projects for ecological and human services that the Trustees prefer include:

- restoration, rehabilitation, or enhancement of ecological and human services.
  - o Examples of ecological services include
    - aquatic habitat and associated riparian habitat;
    - 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);
    - water quality; and
- projects that enhance services provided by the injured natural resources (where appropriate).
  - o Examples of services include:
    - recreational use (e.g., fishing, hiking, kayaking, bird watching)
    - extractive and consumptive uses (e.g., municipal use or irrigation), and
    - nonactive uses like the appreciation people feel knowing that habitat is protected for wildlife and for enjoyment by future generations of people.

## C. Contacts for SPP Process

Primary contact

Mark Rudolph  
BPMD NRD 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: mark.rudolph@state.co.us  
Phone: 303-916-2179

Alternate contact  
Jennifer Talbert  
NRD 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: 720-766-6083

## VI. Submitting a Proposal

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### A. Introduction

This section describes the information that must be furnished by the Offeror and 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 the SPP primary contact identified in Section III.C above. If you have technical limitations and cannot provide a PDF document, please call the SPP primary contact to make alternate arrangements.

### B. Content and Format Required

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

- Proposal Name
- Project(s) Description (including a description of target natural resources addressed)
- Project Offeror
- Point-of-Contact Name, Address, Phone, and Email address
- Total Project Cost
- Amount of NRD 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) or services 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 the equivalent dollar amount of match if in-kind or actual dollar amount of 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 the 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 successfully achieves 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 engineer's stamps of engineering design, and as-built documents that will be required to complete the project and describe the current status/progress towards obtaining these permits/approvals.
  - vii. Project Schedule: Provide a timeline that 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 complement 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 and Attachment B.

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. Statement of Capability: 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. Qualifications: 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 NRD funds.

c. Full Budget Table

- d. Application/Assurances: If applicable, provide proof of organizational status. 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

## VII. Evaluation

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### 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 a 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 themselves 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 the 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). The Screening Criteria are:

- 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 NRD 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 Ranking Criteria to evaluate and rank proposed projects. These criteria reflect the Trustee Council’s requirements and priorities for restoration. The Ranking Criteria are:

- a. **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 capability of individuals or organizations expected to implement the project, and their ability to correct any problems that arise during the course of the proposed project. The project must also be technically feasible and procedurally sound.
- b. **Multiple Natural Resource Benefits:** The extent to which a proposed project benefits more than one natural resource or natural resource service.

- c. **Project Utilizes Multiple Approaches:** Considers how many restoration approaches are utilized by the project - i.e. restoration, rehabilitation, replacement, and acquisition.
- d. **Long-term Project 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.
- e. **Project Alignment with Regional Planning:** Proposals should be aligned with existing land and resource management plans such that they can be incorporated into a holistic land and natural resource management plan.
- f. **Protection of Implemented Project:** Considers the opportunities to protect the implemented project and the 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.
- g. **Project Benefit versus Expected Cost:** Considers the time it takes for benefits to be provided to the target ecosystem or public, versus the expected costs of the project.
- h. **Non-NRDs Match:** A minimum of 50% match of the total amount of requested NRD funds is preferred. 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 the percentage of the cash match. For example, if a proponent asks for \$1,000,000.00 for a project, it preferably would provide a match of \$500,000.00. The match must be described in the proponent's proposal. At least half of the match should be for NRD-related work (e.g., construction type work that directly supports the project and is the same type of work that was funded by the Trustees) and the other half may be "non-NRD match" (e.g., work that complements the project, such as project planning or design).
- i. **Multiple Partners:** Considers the number of partners contributing funds or services, as well as the degree to which these partners collaborate with the project proponents on planning and implementing the project.
- j. **Monitoring:** Considers the ability to monitor and evaluate the success of the project and to correct any problems that arise during the course of the project.
- k. **Disproportionately Impacted Community:** Some communities in Colorado have an increased risk of exposure to human health and environmental harms. Many of these communities are home to people of color and low-income families. Points will be awarded to projects within these communities as identified on CDPHE's online Enviroscreen tool. See <https://cdphe.colorado.gov/enviroscreen>



## VIII. References

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[EPA Bonita Peak Superfund Site Home Page](#)

[NRD Guidance - Colorado Natural Resource Damages Restoration Project Selection Process and Administration of the Colorado Resource Damage Recovery Fund, September 16, 2022.](#)

[Colorado Enviroscreen - Disproportionately impacted community](#)

# Attachment A: Offeror Registration Form

Hazardous Materials and Waste Management Division  
Bonita Peak Mining District Natural Resource Damages  
Solicitation for Project Proposals

## Offeror Registration Form

All potential Offerors who may be interested in submitting proposals under this request must complete and return this registration form. This will enable the CDPHE and USFWS 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:

Mark Rudolph  
Bonita Peak Mining District NRD Project Manager  
Colorado Department of Public Health and Environment, Hazardous Materials  
and Waste Management Division  
mark.rudolph@state.co.us

If you have technical limitations and cannot provide this document via email, please call Mark Rudolph at 303-916-2179 to make alternate arrangements.

**This form must be received by July 15, 2024.**

# Attachment B: Scoring Matrix

Bonita Peak Mining District NRD  
Solicitation for Project Proposal Scoring Matrix

Project Name: \_\_\_\_\_

Project Offeror: \_\_\_\_\_

	Ranking Criteria	No. of points Criterion is worth	No. of points awarded by this reviewer
a.	Likelihood of success (technical feasibility and procedural viability).	15	
b.	Multiple natural resources benefits (the likelihood the project will benefit more than one resource or service).	15	
c.	The degree to which the project utilizes multiple approaches (restoration, replacement, and acquisition).	5	
d.	Long-term project benefits versus any short-term injuries to the environment caused by implementing the project.	5	
e.	Project alignment with regional planning (consistency of the project with existing state, regional, and local resource management and development plans).	10	
f.	Protection of implemented project and duration of benefits (feasibility of the project's long-term operation, maintenance, and sustainability plan).	15	
g.	Project benefits versus expected costs.	10	

h.	Non-NRD funds cash match (applicant's ability to obtain matching funds from other funding sources).	5	
i.	The degree to which the project involves multiple partners and is collaborative.	5	
j.	Monitoring: The likelihood the project can be reasonably monitored and has benefits that can be measured and quantified.	10	
k.	Whether the project will help restore natural resources in any disproportionately impacted community: <a href="https://cdphe.colorado.gov/enviroscreen">https://cdphe.colorado.gov/enviroscreen</a>	5	
	TOTAL POINTS AWARDED:	100	

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