

SEATUCK ENVIRONMENTAL ASSOCIATION

P.O. Box 31, Islip, NY 11751 • 631-581-6908 • seatuck.org

REQUEST FOR PROPOSALS (RFP)

Professional Services for the Design of Fish Passage
at Patchogue Lake (Patchogue, NY)



Patchogue Lake Fish Passage - RFP/Project Timeline

- RFP is available for download at seatuck.org/patchogue-lake-rfp

- RFP Timeline:
 - Advertisement Date: November 20, 2023
 - Non-Mandatory Site Visit: November 30, 2023
(Attendance must be confirmed with Seatuck)
 - Request for Clarification Due By: December 8, 2023
(Must be emailed to Seatuck)
 - Response to Clarification Issued: No later than December 15, 2023
 - Proposal Due Date: January 26, 2024 by 5:00 pm EST
 - Tentative Award Selection: February 16, 2024
 - Contract Award: March 1, 2024
 - Project Completion: September 30, 2024
[Note: Seatuck expects to receive an extension from NYSDEC for project completion due to the delay in finalizing the grant contract.]

- Proposer is responsible for assuring that the proposal is delivered to Seatuck by the stated due date and time.

- Seatuck Contacts: **Kaitlin Mattei, Conservation Project Manager** (kmattei@seatuck.org) and **Enrico Nardone, Executive Director** (egnardone@seatuck.org)

Part I: Overview

Purpose

The Great Patchogue Lake Fish Passage Project seeks to reconnect the Patchogue River at its primary, head-of-tide barrier in the Village of Patchogue, with a focus on moving river herring and American eel. A shovel-ready design will provide the necessary readiness to pursue future construction funding. River herring have been documented below the tidal barrier annually since 2006, and American eel have been documented for the past few migration seasons. It's one of only about 30 streams on Long Island where remnant runs of the ecologically valuable fish still exist. Access to the 40-acre Patchogue Lake, as well as the upstream riverine habitat and 26-acre Canaan Lake (where fish passage already exists), would provide freshwater habitat for river herring and eel. By fostering the growth of the river's diadromous fish, the project seeks to complement restoration efforts on the neighboring Swan River (where a nature-like fishway was recently completed) and provide momentum for overall restoration efforts throughout the South Shore Estuary Reserve.

Site Description

Patchogue River is a Long Island coastal stream located in the Village of Patchogue in southeast Suffolk County. Like most Long Island streams, the river is groundwater fed and runs through a narrow, straight corridor with input from only a few small tributaries. It flows south from North Patchogue for more than three miles before discharging into the tidal waters of Great South Bay. Along the way, Patchogue River is crossed by several roadways and impounded twice, once along its northern reach to form Canaan Lake, and again near the head of tide (at County Road 19, also known as Holbrook Road) to form Great Patchogue Lake, which is the subject of this request for proposals. The river is situated east of Tuthills Creek and west of Swan River.

Great Patchogue Lake appears to have existed and maintained the same general footprint since at least 1873. However, the area downstream of the earthen dam has changed considerably over the years, including a significant recent project that involved realigning CR-19 and installing a public park and pedestrian/bike pathway. A selection of current and historical maps and photographs are attached in Appendix A.

NYS Department of Environmental Conservation (NYSDEC) includes the upper stretch of Patchogue River in their Waterbody Inventory/Priority Waterbodies List as "Patchogue River, Upper, and Tribs (1701-0099)." Patchogue Lake is identified as "Patchogue Lake (1701-0055)."

Advisory Committee

While Seatuck is issuing this RFP and will manage the design project, the project site, including the earthen dam, spillway and the downstream land between the lake and CR-19, is owned by

Suffolk County. As such, all final determinations on the proposed fishway project will be made by or subject to approval by the county.

In addition, an advisory committee has been assembled to advise Suffolk County and Seatuck throughout the Patchogue Lake project. The Patchogue Lake Advisory Committee (PLAC), includes representatives from Suffolk County's Department of Public Works and Planning Departments, as well as Patchogue Village and NYSDEC. It also involves stakeholders with expertise in local fisheries ecology, fish passage design and community perspective. The committee will be engaged and provide feedback throughout the alternatives analysis and design process.

Part II: Scope of Work

The services required include: 1) conceptual designs and cost-benefit analysis for three (3) fish passage options for river herring and American eel, 2) presentation of options and coordination of the selection process, 4) development of shovel-ready designs for the preferred option, 5) procurement of all required permits for full implementation, and 6) preparation of an engineering and cost estimate.

This project is being funded through the NYSDEC 2022 Grant for Tributary Restoration and Resiliency (Division of Marine Resources: DEC01-DMRTRB-2022). The narrative and terms for the grant contract is attached to this RFP (Appendix B), and the consultant will be required to comply with all terms and conditions and to provide Seatuck with all documentation required by the grant contract.

As part of the development of fish passage options, the consultant will provide conceptual plans and cost-benefit analysis in each of the following categories (as defined by the [2017 USFWS Fish Passage Engineering Design Criteria](#) publication):

- Nature-like Fishway
- Engineered Fishway
- Dam Removal / Dam Lowering

After the presentation of options and the coordinated selection process, Suffolk County, in collaboration with the Village of Patchogue and the PLAC, will select a preferred option. The consultant will then develop and submit design plans for review at 30%, 60%, and 90% design completion. By the project completion date, the consultant will present a 90% design, as well as all required NYSDEC, Suffolk County, and Town of Brookhaven permits, and an engineering and construction cost estimate for the project.

The grant requires that the project be completed by September 30th, 2024 (however, an extension from NYSDEC is expected). Specific tasks for this project are outlined below. The project will occur in two phases: Phase 1 - Conceptual Design Development and Feasibility Analysis, and Phase 2 - Project Design, Permitting and Reporting.

PHASE ONE – Conceptual Design Development and Feasibility Analysis

Task 1: Conceptual Design Development and Feasibility Analysis; Advisory Committee Collaboration

The consultant will coordinate meetings with Seatuck and PLAC to discuss fish passage designs in order to reach a consensus as to which fish passage design will be implemented. This process should consist of the following steps:

- i. Develop three conceptual fish passage designs, including a 1) nature-like fishway, 2) engineered fishway, and 3) dam removal;
- ii. Develop a ranking system based on parameters, including short- and long-term (30-50 years) cost/benefit analysis, short- and long-term goals, and local needs, to rate the conceptual designs;
 - a. The cost/benefit analysis should include, but not be limited to, the cost of fish passage construction and maintenance, as well as the cost of dam repairs/maintenance and the management of issues related to sedimentation, submerged aquatic species and invasive species in the pond.
 - b. The goal analysis should include, but not be limited to, the potential to increase habitat for diadromous fish and improve the creek's overall ecological health, the maintenance of recreational values, and considerations related to climate change, sea level rise and site resiliency. The consultant should also consider the aesthetics of each fish passage option, and if possible, include a landscape architect in this process.
- iii. Submit a draft Alternatives Report on the options analysis, including conceptual designs and how they differ in relation to the project goals, for review and comments by the PLAC.
- iv. Collaborate with Seatuck and PLAC to review the feasibility analysis and rank all fish passage conceptual designs; and
- v. Work with Seatuck and PLAC to reach a consensus as to which fish passage design will be implemented as the preferred alternative.

Task 2: Reporting Services

Submit a final Alternatives Report outlining the three potential alternatives, the feasibility analysis of each option, and the basis for the selection of the preferred alternative.

PHASE 2: Project Design and Permitting

Task 1: Project Design and Engineering

Using the information developed and working in close coordination with Seatuck and PLAC, the consultant shall design and engineer the components of the chosen fish passage alternative. This includes any required repairs or modifications to existing structures required for the installation of the fish passage. The consultant will develop a plan for construction access and the development of temporary easements with Suffolk County. The consultant should anticipate the following design milestones:

- i. Prepare 30% design plans for review and comment by Seatuck and PLAC. Make any necessary changes and submit to the NYSDEC for preliminary design approval.
- ii. Prepare 60% design plans for review and comment by Seatuck and PLAC.
- iii. Prepare 90% design plans for review and comment by Seatuck and PLAC.
- iv. Prepare an engineering and construction cost estimate.

Task 2. Project Permitting

Communicate with the appropriate agencies and acquire the necessary permits to complete the fish passage project. Services must include:

- i. Communicate with NYSDEC's Dam Safety Section to determine which permits, if any, the project will require and complete an application for "Permit for the Construction, Reconstruction, or Repair of a Dam or Other Impoundment Structure – Joint Application Supplement D1 form;"
- ii. Complete and submit permits required by the NYSDEC which are likely to include but may not be limited to; Freshwater Wetlands Permit, Tidal Wetlands Permit, and the Wild, Scenic, and Recreational Rivers Permit;
- iii. Communicate and submit any documentation needed by New York State Department of State, including the Consistency Determination under the Coastal Zone Management Act;
- iv. Complete and submit permits that may be required by the Town of Brookhaven and Suffolk County; and
- v. Inform the United States Army Corps of Engineers ("USACE") of the project and complete and submit the USACE permits, as necessary.

Task 3: Reporting Services

- i. Interim Progress Updates - submit Progress Reports to Seatuck on a quarterly basis or as necessary.
- ii. Final Report
 - a. Submit a draft final report to Seatuck. The draft final report must include:
 - 1) Executive Summary;

- 2) Summary of all methods used, analytical techniques and results (including quantifying the environmental benefits and amount of diadromous fish habitat restored);
 - 3) Final design drawings and specifications appropriate for construction contracting; and
 - 4) Recommendations for the long-term monitoring program to assess the success of the project.
- b. Amend the draft final report as necessary, in response to comments provided by Seatuck and the PLAC.
 - c. The final report shall be submitted to Seatuck as a portable document format (PDF) file with all associated data layers and attachments via email, shared drive link or flash memory drive.

Part III: General Guidelines

Communications

Any oral communications by Seatuck's Contact Person(s) or designee concerning this RFP are not binding and shall in no way modify the RFP or the obligations of Seatuck, the Proposer or the Consultant. Proposers must submit a written request for clarification via email by December 8, 2023. Seatuck will not consider any requests submitted after this date. Any responses will be issued in writing and will be given to all Proposers in the form of an addendum.

Changes to RFP

If it is necessary to make material changes to the RFP, Seatuck will notify all those who have confirmed their interest in submitting a proposal with Seatuck that an addendum has been posted to the website and is available for viewing and downloading. It shall be the responsibility of the Proposer to inquire as to any addendum issued. All addenda issued shall become part of the RFP.

Exceptions or Deviations

Any exceptions or deviations from the requirements set forth in this RFP must be declared in the proposal submitted by the Proposer. Such exceptions or deviations must be segregated as a separate element of the of the proposal under the heading "Exceptions and Deviations." Seatuck may waive any immaterial deviation or defect in a proposal. Seatuck's waiver shall in no manner modify the RFP documents or excuse the Proposer from full compliance with the RFP requirements if awarded the contract.

Precontractual Expenses

All Proposals prepared in response to this RFP are at the sole expense of the Proposer and with the express understanding that there will be no claim, whatsoever for reimbursement from Seatuck for the expenses of preparation. Seatuck shall not be liable for any expenses incurred by the Proposer prior to the date of award and commencement of contract services.

Insurance Requirements

Seatuck requires its contractors to maintain Workers Compensation and General Liability insurance. More details will be provided to applicants selected for funding. Note this applies for all contractors, including sole proprietors. If you cannot provide proof of insurance, please do not apply for this funding opportunity.

Withdrawal; Proposal Irrevocable

A Proposer may withdraw its proposal at any time prior to the submittal deadline by sending Seatuck a request in writing from the authorized person who signed the submitted proposal. As of the deadline for submittal, any proposal received by Seatuck and not withdrawn becomes an irrevocable offer available for acceptance by Seatuck immediately and for one hundred and twenty (120) days thereafter. Seatuck reserves the right to extend its time for acceptance of the proposal for an additional thirty (30) days. The Proposer is responsible for the accuracy of the proposal submitted, and no allowance will be made for errors or price increases that the Proposer later alleges are retroactively applicable.

Confidentiality

Proposals are confidential until the evaluation and selection process has been completed and Seatuck has issued a notice of tentative award. Any information a Proposer submits in response to the RFP that the Proposer considers a trade secret or confidential proprietary information, and Proposer wishes to protect from public disclosure, must be clearly labeled with the following:

“This information constitutes a trade secret or confidential proprietary information and is not to be disclosed except in accordance with applicable public disclosure laws.”

Any document of Seatuck, or any document created by the Contractor and used in rendering the services, shall remain the property of Seatuck and shall be kept confidential in accordance with applicable laws, rules, and regulations.

Record Keeping

The Contractor shall retain all accounts, books, records, and other documents relevant to the Contract for seven (7) years after final payment is made by Seatuck. Federal, State, and/or County auditors and any persons duly authorized by Seatuck shall have full access and the right to examine any of said materials during said period. Such access is granted notwithstanding any exemption from disclosure that may be claimed for those records which are subject to nondisclosure agreements, trade secrets and commercial information or financial information that is privileged or confidential.

Media Statements and News Releases

News releases pertaining to any award resulting from this RFP may not be issued without the prior written approval of Seatuck. Proposer agrees that no brochure, news/media/press release, public announcement, memorandum, or other information of any kind regarding the proposed contract shall be disseminated in any way to the public, nor shall any presentation be given regarding the proposed contract without prior written approval from Seatuck, which written approval shall not be unreasonably withheld.

Reservation of Rights

Seatuck expressly reserves the right to:

- a. Reject or cancel any or all proposals or any part thereof submitted in response to this RFP;
- b. Withdraw the RFP at any time, at Seatuck's sole discretion;
- c. Disqualify any Proposer whose conduct and/or Proposal fails to conform to the requirements of the RFP;
- d. Prior to Bid opening, amend the RFP specifications to correct errors, or oversights, or to supply additional information as shall become available;
- e. Prior to Bid opening, direct Proposers to submit Proposal modifications addressing subsequent RFP amendments;
- f. Change any of the dates concerning the RFP and award schedule;
- g. Eliminate any mandatory, not-material specification that cannot be complied with by all of the Prospective Proposers;
- h. Waive any requirements that are not material;
- i. Award negotiated contracts to one or more Proposers;
- j. Negotiate with the successful Proposer(s) within the scope of the RFP, in the best interest of Seatuck;
- k. Conduct contract negotiations with the next responsible Proposer should Seatuck be unsuccessful in negotiations with the selected Proposer;
- l. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a proposal and/or to determine a Proposers compliance with the requirements of the RFP.

Part IV: Proposal Format and Submittal

General

Proposals may be submitted in 8.5" x 11" size, typed format, in either of the following methods: 1) electronically to Seatuck's contact person(s) or 2) by hard copy to Seatuck Environmental Association, P.O. Box 31, Islip, NY 11751. If submitted electronically, the digital version of the

proposal shall be in PDF format and delivered by email, shared drive link or flash memory drive. If submitting hard copies, please include one (1) original plus three (3) copies. Submissions should be brief and concise and not include extraneous or unnecessarily elaborate promotional material. The proposal should not exceed 30 pages in length, excluding appendices, if any. Proposers should use the following outline in organizing the proposal.

Cover Letter

The letter of transmittal shall, at a minimum, contain the following:

- Identification of the Proposer, including business name, address, phone & fax numbers;
- Name, title, address, telephone number and e-mail address of a contact person during the period of the proposal evaluation;
- Acknowledgement of the RFP addenda received, if any;
- A statement that the proposal shall remain valid for a period as stated in the RFP; and
- Signature of a person authorized to bind the offering firm to the terms of the proposal.

Table of Contents

Immediately following the cover letter, insert a complete table of contents for material included in the proposal, including page numbers.

Qualifications, Related Experience, and References

Overview: This section should establish the ability of the Proposer (and its sub-consultants, if any) to satisfactorily perform the required work by reasons of: demonstrated competence in the services to be provided as set forth in the Scope of Work; the nature and relevance of similar work currently being performed or recently completed; record of meeting schedules and deadlines of other clients; competitive advantages over other firms in the same industry; strength and stability as a business concern; and supportive client references. Information should be furnished for both the Proposer and any sub-consultants included in the proposal.

- Furnish background information about the Proposer, including date of founding, legal form (i.e., sole proprietorship, partnership, LLC, corporation/state of incorporation), number and location of offices, principal lines of business, number of employees, days/hours of operation and other pertinent data.
- Describe the Proposer's most noteworthy qualifications for providing the required services to Seatuck. Specifically highlight those qualifications that distinguish the Proposer from other firms.
- List all municipalities, public agencies, and other organizations (particularly non-profits) for which the Proposer has provided similar professional services.
- Identify at least three (3) clients Seatuck may contact as references. Describe the work performed and appropriate value of contract, and include the name, job title, address and telephone number of a contact person for each reference.

- List any and all contracts the Proposer was found to be in default or involved in litigation. List any and all actions within the last ten years, which resulted in the revocation or suspension of the Proposer, any officer or director thereof, any affiliate or related company's permit or license to do business.

Staffing and Project Organization

Overview: This section should discuss the staff of the proposing firm that would be assigned to work on this project and their reporting relationships.

- Identify the key personnel of the Proposer that would be assigned to this project. Include a brief description of qualifications, professional certifications, job functions and office location(s). Designate a Project Manager who would be ultimately responsible for the relationship and a Project Coordinator who would provide day-to-day direction of the required work. Furnish brief resumes for all key personnel; include the resumes as an appendix.
- If more than two individuals will be assigned to the Seatuck project, include a simple organization chart that clearly delineates communication and reporting relationships among the project staff.

Work Plan and Technical Services

Overview: This section should establish that the Proposer understands Seatuck's objectives and requirements, demonstrate the Proposer's ability to meet those requirements and outline clearly and concisely the plan for accomplishing the specified work as outlined in Scope of Work and in accordance with the time schedule.

- Describe succinctly how the Proposer would accomplish the work and satisfy Seatuck's objectives described in this RFP.
- The Proposer must include a plan outlining how each item in the Scope of Work will be addressed, and
 - Describe how Phase One would be addressed.
 - Describe how Phase Two would be addressed for each potential fish passage alternative.
- The proposal must include an implementation schedule that lists all milestones for the development of the project.
- Describe what information, documents, staff assistance, and facilities that may be required from Seatuck to complete your work.

Cost Proposal

Overview: This section should disclose the cost of the professional services, cost of each of the technical services, and total cost of the project.

- A cost proposal outline organized to follow the outline of the Scope of Work must be submitted. Proposers must break down each task in the Scope of Work and assign a detailed cost for the action including personnel cost and reimbursable expenses.
 - Submit a cost proposal for Phase One of the project.
 - Submit three cost proposals for Phase Two of the project, based on each potential alternative fish passage (engineered, nature-like, and dam removal/lowering).
- The Proposer should provide any additional information it deems necessary to explain or clarify its Cost Proposal.

Financial Qualifications

Each Proposal must include the following financial information, as available:

If a corporation, partnership or limited liability company:

- Audited financial reports for the last year, if available (Income Statement, Balance Sheet, and Statement of Changes in Financial position).
- Latest quarterly report and annual statement.

Part V: Proposal Evaluation

Evaluation Procedures

All proposals received in accordance with these RFP instructions will be evaluated to determine if the proposal is complete and meets the requirements specified in this RFP. If an alternative proposal is submitted, any consideration of such a proposal is at Seatuck’s discretion. An award will be made to the Proposer whose offer is the most advantageous to Seatuck and Seatuck’s goal for the project. Seatuck reserves the right to reject all proposals and make no award under this RFP. All proposals will be reviewed, analyzed, and evaluated in accordance with the established criteria below.

Seatuck may require supplemental information in order to evaluate a Proposer’s offer. The Proposer will be notified if supplemental information is required, and required and be permitted a reasonable period of time to submit the information.

Evaluation Criteria

A. General Qualifications (40 Points)

The proposals will be evaluated on the Proposers history, expertise, experience, reliability, financial viability, and references. The proposal will be evaluated on projects of similar scope and nature completed in the last five years. The Proposer must demonstrate experience with land use and watershed planning, local laws and regulations, particularly with New York state. Submission of sample reports or products

from previous projects is encouraged. Experience with non-profit organizations is also preferred.

The Proposer must also provide a list of all person(s) who will be assigned work pursuant to this RFP (including subcontractors). A resume of the key person(s) should be included showing qualifications, education background, training, and experience.

B. Proposed Technical Services/Products (40 Points)

The proposals will be evaluated based on their quality, clarity, and demonstrated understanding of the project objectives, as well as the strategies, methodologies, services offered by the Proposer. The Proposer must include a plan outlining how each item in Scope of Work will be addressed.

Proposals will also be evaluated based on their ability to complete the project within the time frame described in the RFP. The proposal must include an implementation schedule that lists all milestones for the development of the project.

C. Cost Proposal/Fee Schedule (20 Points)

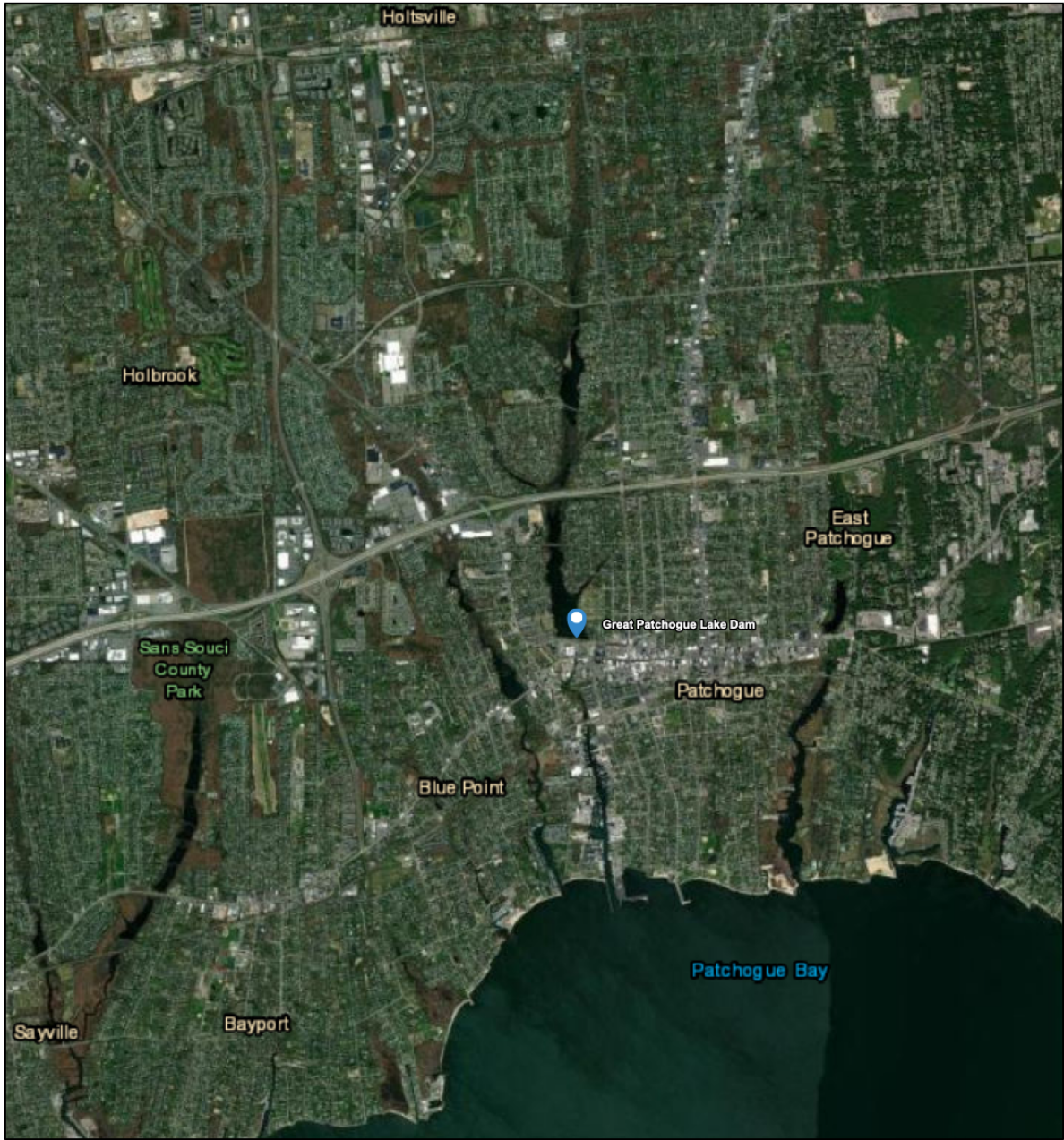
The proposals will be evaluated based on the cost proposal outline organized to follow the Scope of Work. Proposers must break down each task in the Technical Services and assign a detailed cost for the action including personnel cost and reimbursable expenses.

Notification of Awards

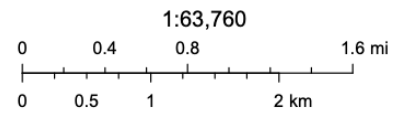
Award notification to applicants is expected by March 1, 2024. Award recipients may be asked to submit a revised work plan, timeline, and budget at this time. Projects cannot start until the contract is signed by both parties and all mandatory documentation, including proof of General Liability Insurance and Worker's Compensation, is received by Seatuck. Seatuck will not pay for expenses incurred prior to the contract start date. Payment for costs incurred will be on a reimbursement basis per the contract payment schedule and contingent upon completion of quarterly progress reports and project deliverables.

Appendix A: Maps, Photos, Etc.

Patchogue River Full Extent Current Map



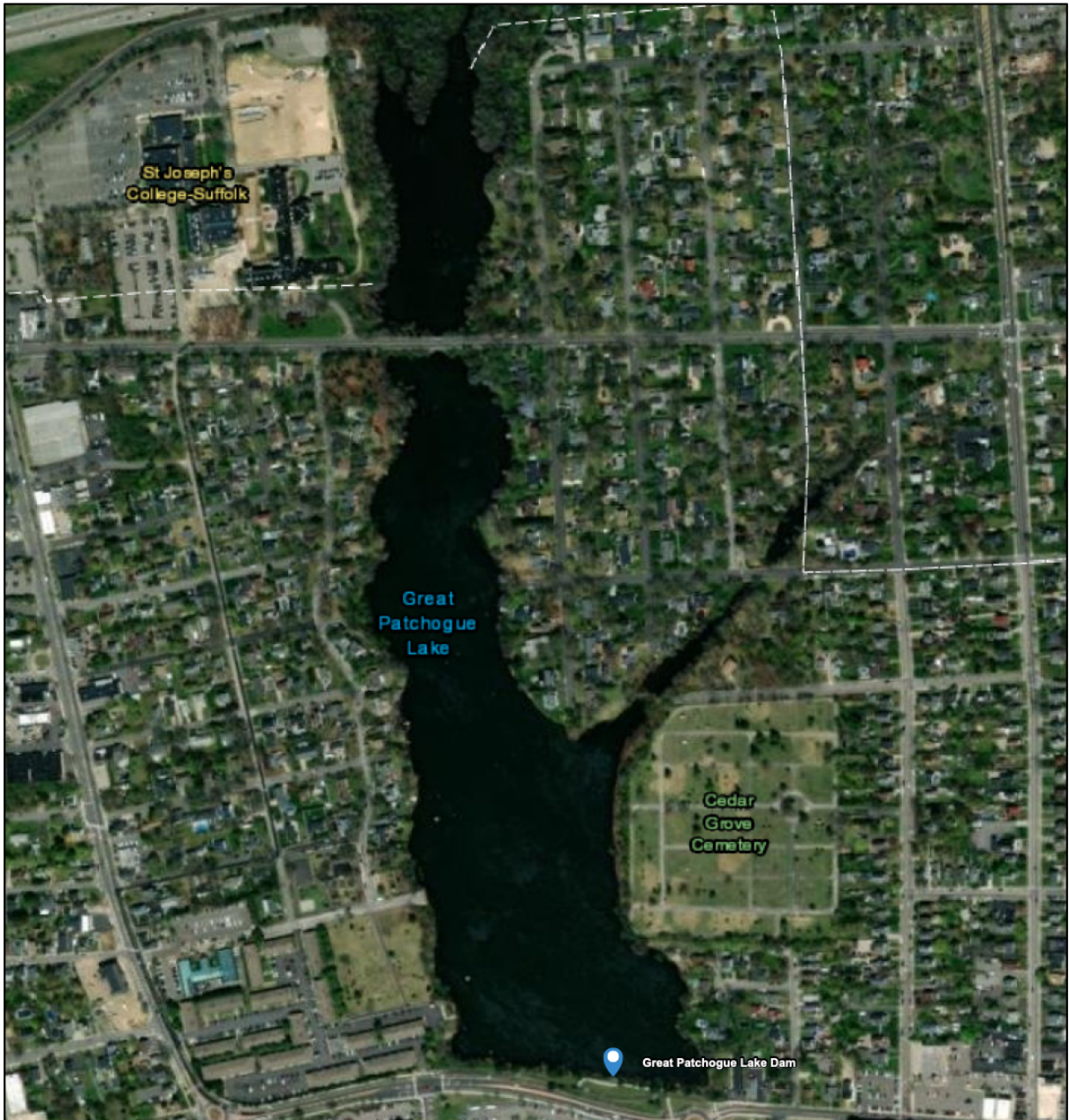
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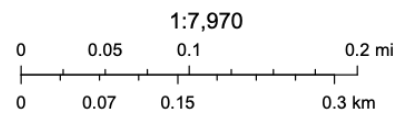
Esri, HERE, Garmin, Earthstar Geographics

Figure A.1. Full Extent of Patchogue Creek

Patchogue River Zoomed in Current Map



8/16/2023



Esri, HERE, Garmin, IPC, Maxar

Figure A.2. Zoomed in Extent of Great Patchogue Lake



Figure A.3. 1873

<https://www.davidrumsey.com/luna/servlet/detail/RUMSEY~8~1~217482~5503641:Patchogue%2C-in-Brookhaven--Long-Isla?sort=Pub List No InitialSort%2CPub Date%2CPub List No%2CSeries No&qvq=q:patchogue%20ny;sort:Pub List No InitialSort%2CPub Date%2CPub List No%2CSeries No;lc:RUMSEY~8~1&mi=0&trs=2>



Figure A.4. 1915-1917 (<https://digitalcollections.nypl.org/items/510d47e4-3b15-a3d9-e040-e00a18064a99>)



Figure A.5. Patchogue Lake mill, circa 1950

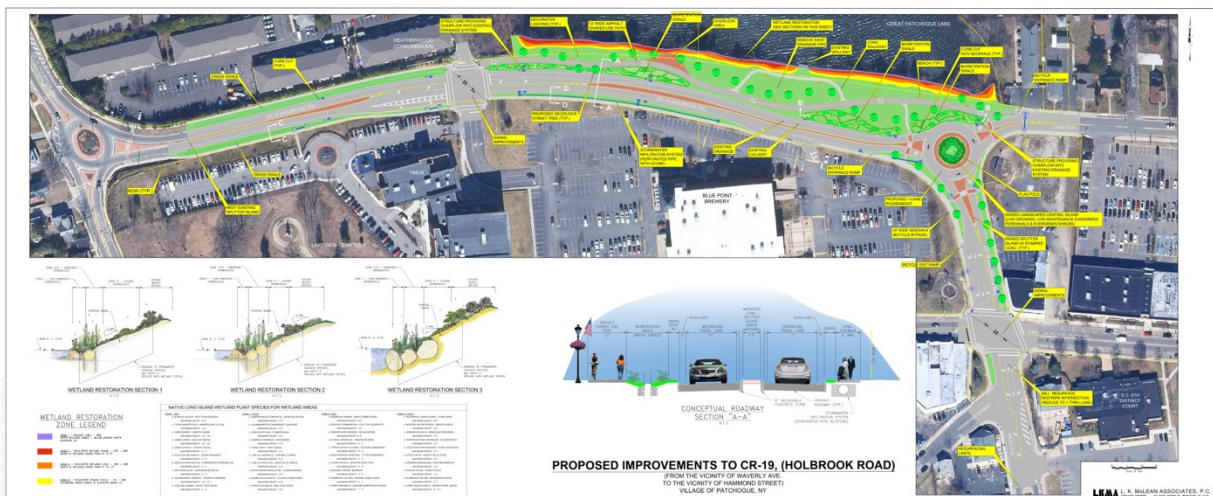


Figure A.5. CR-19 Conceptual Plan, 2018