

PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM **REQUEST FOR PROPOSALS** 1 2 2016-2019 Annual LiDAR and Aerial Photography 3 SUBJECT: **PROJECT NUMBER:** P16-009 4 **REQUEST DATE:** March 21, 2016 5 6 **CLOSING DATE:** April 29, 2016 **POINT OF CONTACT:** 7 Justin Brei 8 Headwaters Corporation 4111 4th Ave, Suite 6 9 Kearney, NE 68845 10 (308) 237-5728 Ext. 4 11 12 breij@headwaterscorp.com 13 I. **OVERVIEW** 14 15 The Platte River Recovery Implementation Program (**Program**) was initiated on January 1, 2007 16 between Nebraska, Wyoming, and Colorado and the Department of the Interior to address endangered species issues in the central and lower Platte River basin. The species considered in 17 the Program, referred to as "target species", are the whooping crane, piping plover, interior least 18 19 tern, and pallid sturgeon. 20 A Governance Committee (GC) has been established that reviews, directs, and provides 21 22 oversight for activities undertaken during the Program. The GC is comprised of one 23 representative from each of the three states, three water user representatives, two representatives from environmental groups, and two members representing federal agencies. The GC named Dr. 24 Jerry Kenny to serve as the Program Executive Director (ED). Dr. Kenny established 25 Headwaters Corporation as the staffing mechanism for Program. Program staff are located in 26 27 Nebraska and Colorado and are responsible for assisting in carrying out the various Program-28 related activities. 29 30 Annual aerial photography is a requirement of the Program's Adaptive Management Plan and an integral part of several research and monitoring protocols. This annual aerial photography is 31 typically acquired in June when piping plovers and interior least terns are nesting. 32 33 34 The Program acquired LiDAR for the central Platte River in the spring of 2009 as a part of 35 baseline data collection. The Program has continued to acquire LiDAR over a portion of the original acquisition in order to assess change within the river banks. The Program will acquire 36 LiDAR over this area annually to document change in channel characteristics and to assist in 37 habitat availability evaluations for target species. Additional aerial photography that 38 39 accompanies the LiDAR acquisition will assist in, and add value to the evaluation. 40 41 The GC submits this Request for Proposals (**RFP**) to solicit proposals from contractors to acquire LiDAR and aerial photography. 42

43



3/03/2016

PRRIP – ED OFFICE FINAL

44 II. PROJECT DESCRIPTION

Annual color-infrared (CIR) orthophotography will be used to help document habitat conditions 45 for Program target species. In addition, it can be used to document summertime vegetation 46 characteristics throughout the system, on Program lands, and within managed areas. For 47 example, bare sand substrates will be identified that may be potential least tern and piping plover 48 nesting habitat, and major management changes can be tracked, such as tree clearing or cropland 49 50 changes. Changes in available tern/plover nesting habitat will be tracked throughout the First Increment. Information gained from aerial photography will also be used in conjunction with 51 measurements taken at specific sites on the ground that relate to vegetation establishment on 52 sandbars, height of sandbars, etc. CIR photos will be used to estimate the land use/land cover 53 types present (e.g., amount of grassland, forest, etc). This CIR photography will also be used for 54 channel morphology measurements. The photos will be used to help measure parameters such as 55 channel width, bank position, island position and stability, hydraulic geometry characteristics of 56 57 width, and track changes associated with management techniques. Photos will be taken on an 58 annual basis between late May and late June with flows at or near 1,200 cfs (i.e., Program target flow levels during this time of year). Aerial photography will be acquired in color-infrared at a 59 six-inch digital resolution. The contractor will work with Program staff during the acquisition 60 window to schedule flights in accordance with these requirements. 61 62 Acquiring LiDAR within the river channel every year allows the Program to evaluate the effects 63 of annual flow conditions on channel morphology. These analyses will affect how the Program 64 uses its limited water resources to manage habitat. CIR orthophotography will be acquired in 65 66 combination with the LiDAR acquisition. This photography will be used as a tool to further assess both the quality and accuracy of the LiDAR, and as an additional data set for evaluating 67 geomorphic change. Since the LiDAR and this additional photography acquisition will take 68 place under low-flow conditions, this photography will also provide a picture of the Platte River 69 under different conditions than the Program's annual spring aerial photography acquisition. CIR 70 photography acquired in combination with the LiDAR also provides a way to examine land 71 72 cover types and condition for use in modeling efforts. Aerial photography will be acquired in color-infrared at a six-inch digital resolution, and will be acquired concurrently with the LiDAR. 73 The contractor will work with Program staff during the acquisition window to schedule flights in 74 accordance with these requirements. 75 76

This RFP describes a multi-year program of work encompassing acquisition of aerial imagery and LiDAR in 2016 through 2019 according to the following schedule:

- 79
- May/June 2016: Full Program area aerial photography and bathymetric LiDAR
 test
- November/December 2016: River channel LiDAR and concurrent aerial
 photography
- 84 May/June 2017: Full Program area aerial photography and partial area LiDAR
- November/December 2017: River channel LiDAR and concurrent aerial
 photography
- 87 May/June 2018: Full Program area aerial photography and partial area LiDAR

88	- November/December 2018: River channel LiDAR and concurrent aerial
89	photography Mary/Jame 2010, Fall Browney and a stick to market and martial and LiDAD
90	- May/June 2019: Full Program area aerial photography and partial area LiDAR
91 02	- November/December 2019: River channel LiDAR and concurrent aerial
92	photography
93 04	In total, this includes four summer Dreamen area seried photography flights with a partial LiDAD
94 95	In total, this includes four summer Program area aerial photography flights with a partial LiDAR coverage and four fall/winter concurrent LiDAR and Aerial photography flights. Under the final
95 96	contract, written Notice to Proceed from the Program Executive Director's Office (ED Office)
90 97	will be required before each acquisition period (spring/fall). All work will be contingent on
98	availability of Program funding.
99	availability of Flogram funding.
100	In addition, the Program is requesting that the contractor include one alternate solution (buy-up)
101	with associated budgets in their proposal. The alternate solution is described in section IV. The
102	contractor must include a cost for the buy-up in section IV.
102	<u>contractor must mende a cost for the bay up in section 17.</u>
104	III. SCOPE OF WORK
104	The Program is requesting proposals from potential bidders to provide LiDAR and digital aerial
	imagery of the project area as described above. Minimum product specifications follow:
106	imagery of the project area as described above. Minimum product specifications follow:
107	
108	1) Schedule
109	a) Sub Project 1 Nevember/December concurrent LiDAD and Acriel photography
110	 a) <u>Sub-Project 1 - November/December concurrent LiDAR and Aerial photography</u>. i) LiDAR and imagery will be acquired each year between November 1 and December
111 112	i) LiDAR and imagery will be acquired each year between November 1 and December 15 under leaf-off and low Platte River flow conditions beginning in November 2016.
112	Bidder must be flexible and work with Program staff during that time to schedule
114	flights such that river flows in the project area are as low as possible (ideally under
114	1,000 cfs).
115	ii) Imagery will be acquired on cloud-free days with the sun at a sufficient angle to
117	reduce the effect of shadows from trees and structures and efforts should be made to
118	reduce sun glare on water surfaces.
119	iii) Imagery will be acquired in combination with LiDAR such that the imagery reflects
120	the condition of the river during the LiDAR acquisition. River conditions can change
121	daily, and imagery must be flown at least the same day, if not at the exact same time
122	as the LiDAR.
123	iv) The acquisition area must be free of snow and ice, and extraneous environmental
124	conditions such as rain, fog or smoke should be avoided.
125	v) Final delivery of Sub-Project 1 aerial imagery deliverables will be within 45 days of
126	final acquisition flight each year.
127	vi) Final delivery of all other Sub-Project 1 deliverables will be within 90 days of final
128	acquisition flight each year.
129	
130	
131	

132	ł	5)	Sub-Project 2 - May/June Aerial photography.
133			i) Imagery will be acquired each year between May 15 and June 30 Beginning in May
134			2016. Bidder must be flexible and work with Program staff during that time to
135			schedule flights such that river flows in the project area are as close to 1,200 cfs as
136			possible.
137			ii) Imagery will be acquired on cloud-free days with the sun at a sufficient angle to
138			reduce the effect of shadows from trees and structures and efforts should be made to
139			reduce sun glare on water surfaces.
140			iii) Final delivery of Sub-Project 2 deliverables will be within 45 days of final acquisition
141			flight each year.
142			inght cuch your.
143	C	•)	Sub-Project 2A – May/June LiDAR
143	Ľ		i) LiDAR will be acquired each year between May 15 and June 30 in combination with
144			the Sub-Project 2 imagery acquisition. SEE SUB-PROJECT 3 FOR 2016
145			ACQUISITION.
140			ii) LiDAR will be acquired in combination with imagery such that the imagery reflects
147			the condition of the river during the LiDAR acquisition. River conditions can change
148			daily, and imagery must be flown at least the same day, if not at the exact same time
			as the LiDAR over the Sub-Project 2A area.
150			5
151			iii) Final delivery of Sub-Project 2A deliverables will be within 60 days of final
152			acquisition flight each year.
153		1/	Sub Drainet 2 2016 Dethymatric LiDAD Test
154 155	C		Sub-Project 3 – 2016 Bathymetric LiDAR Test
155			i) In June 2016, Sub-Project 3 will replace the Sub-Project 2A acquisition.
156			ii) The Sub-Project 2A area will be collected as bathymetric (green) LiDAR as opposed
157			to terrestrial LiDAR in 2016.
158			iii) Sub-Project 3 schedule remains the same as Sub-Project 2A.
159	-	_	
160	2)	Pro	oject Area
161			
162	8	1)	The area of interest for Sub-Project 1 consists of an area generally between the high
163			banks of the Platte River beginning near the junction of U.S. Highway 283 and Interstate
164			80 near Lexington, Nebraska, and extending eastward to near Chapman, Nebraska
165			(approximately 128 square miles). A polygon shapefile of the acquisition area is
166			included on the Program website (<u>www.platteriverprogram.org</u>) in the same location as
167			this solicitation.
168	t))	The area of interest for Sub-Project 2 consists of an area 3.5 miles either side of the
169			centerline of the Platte River beginning at the junction of U.S. Highway 283 and
170			Interstate 80 near Lexington, Nebraska, and extending eastward to Chapman, Nebraska
171			(approximately 750 square miles). A polygon shapefile of the acquisition area is
172			included on the Program website (<u>www.platteriverprogram.org</u>) in the same location as
173			this solicitation.
174	C	c)	The area of interest for Sub-Project 2A consists of an area generally between the high
175			banks of the Platte River beginning near the J-2 Hydropower Return southeast of



176 177 178			(app	ngton, NE and extending eastward to the Highway 183 bridge near Elm Creek, NE roximately 26 square miles). A polygon shapefile of the acquisition area is included ne Program website (<u>www.platteriverprogram.org</u>) in the same location as this				
179			solicitation.					
180		d)	The	area of interest for Sub-Project 3 in 2016 is identical to Sub-Project 2A.				
181								
182	3)			oject 1 Technical Specifications				
183		CI	R aeri	al photography and LiDAR over approximately 128 sq. mi.				
184		-)						
185 186		a)	<u>LID</u> i)	<u>AR Technical Specifications</u> The LiDAR data will be collected at a mean resolution of 2.3 ft (0.7 m) GSD or				
186 187			1)	better.				
188			ii)	The contractor shall ensure that the area of interest is fully and sufficiently covered				
189			11)	with no data voids due to gaps between flightlines or system malfunction.				
190			iii)	Data voids in the bare-earth not caused by classification of geographic features shall				
191			,	not exceed three times the point spacing. Data voids of this size are sufficient				
192				reason to reject the dataset.				
193			iv)	LiDAR data should be classified using the following ASPRS Standard LiDAR				
194				Point Classes:				
195				 Class 1 – Unclassified 				
196				• Class 2 – Ground				
197				• Class 7 – Low point and noise				
198				• Class 9 – Water				
199				• Class 12 – Overlap				
200				(1) Class 1 will be used for feature points that are not in Classes 2, 7, 9, or 12.				
201				These typically represent returns from man-made structures, vegetation etc.				
202				(2) Class 2 will be used for feature points that represent the bare-earth.				
203				(3) Class 7 will be used for artifacts that do not represent the ground, manmade				
204				structures or vegetation. Typically these are extraneous points that are either				
205				below, or well above the surface not representing any true feature.				
206				(4) Class 9 will be used to identify points found within water bodies, including				
207 208				streams and rivers. (5) Class 12 will be used for LiDAR points in the overlap portion of flight lines that				
208				have been removed due to redundancy (if necessary).				
210				(6) No points shall be deleted from the LAS files.				
211			v)	Bare-earth classification shall adhere to the following specifications using both				
212			/	automated and manual filtering classification routines:				
213				• 90% of artifacts classified				
214				• 95% of outliers classified				
215				• 95% of vegetation classified				
216				• 98% of building classified				



217	vi)	Special attention must be applied to the classification process due to the geographic
218		nature of the project area which consists of extremely flat terrain mixed with
219		important hydrographic characteristics. Channel geometry of streams and drainage
220		features must be maintained as well as the ability to identify sand bar features
221		within the Platte River. Dense vegetation data voids must also be minimized by the
222		automatic removal process and "over smoothing" due to aggressive classification
223		must be avoided.
224	vii)	Vertical accuracy for LiDAR will meet or exceed 0.3 ft (9.2 cm) RMSE (Accuracy _z
225		= 0.6 ft (0.18 m) at the 95% confidence level).
226	viii)	Horizontal accuracy for LiDAR will meet or exceed 1.97 ft (0.6 m) RMSE
227		(Accuracy _r = 3.41 ft (1.04 m) at the 95% confidence level).
228	ix)	The vertical datum for LiDAR is NAVD88 (Geoid03), and the horizontal datum is
229	,	Nebraska State Plane (1983). Elevation and projection in feet.
230		
231	b) <u>Aeri</u>	al Photography Technical Specifications
232		The imagery will be six-inch (0.5 ft) pixel resolution.
233	ii) [The imagery will be color-infrared.
234	iii) 7	The imagery will be ortho-rectified and seamless, and will be tone-balanced with
235	6	adjacent images across the project area.
236	iv) l	magery will be acquired on cloud-free days with the sun at a sufficient angle to
237	1	reduce the effect of shadows from trees and structures and efforts should be made to
238	1	reduce sun glare on water surfaces.
239	v) [The imagery will be projected in Nebraska State Plane Feet (1983 datum).
240	vi) [The imagery must be acquired concurrently with the LiDAR so as to reflect river
241	(conditions during acquisition. The imagery must be collected at least the same day, if
242	1	not at the exact same time, as the LiDAR.
243	,	oject 2 Technical Specifications
244		nd aerial photography over approximately 750 sq. mi. LiDAR over approximately 26
245	sq. mi.	
246	a) Aeri	al Photography Technical Specifications
247		The imagery will be six-inch (0.5 ft) pixel resolution.
248		The imagery will be 4-band (R, G, B, NIR).
249	,	The imagery will be ortho-rectified and seamless, and will be tone-balanced with
250		adjacent images across the project area.
251		Imagery will be acquired on cloud-free days with the sun at a sufficient angle to
252		reduce the effect of shadows from trees and structures and efforts should be made to
253		reduce sun glare on water surfaces.
254		The imagery will be projected in Nebraska State Plane Feet (1983 datum).
255	,	Deliverables will include both RGB and CIR products described in Section III.6.
256	/ _	r
257	b) LiD.	AR Technical Specifications
258		Same as Sub-Project 1 LiDAR Specifications in Section III.3.a above.
-	, -	J L



259 260	5)		roject 3 Technical Specifications netric LiDAR over approximately 26 sq. mi. in June 2016.
261		a) \mathbf{D}_{a4}	humatuia LiDAD Spacifications
262			hymetric LiDAR Specifications Bathymetric LiDAR is expected to meet the accuracies and specifications as provided
263		i)	for terrestrial LiDAR in Section III.3.a above, with vertical accuracies of 0.3 ft
264			
265			RMSE.
266	6)	Projec	t Deliverables
267		•	ject deliverables should be processed and delivered according to the schedule in
268		Section	
269			
270		a) LiE	DAR (terrestrial and bathymetric)
271			LiDAR point data meeting or exceeding 2.3 ft (0.7 m) GSD resolution in a classified
272			LAS file format and adhering to the technical specifications in III.3 above. LAS file
273			projected to Nebraska State Plane Feet (1983 datum) and vertical reference NAVD88
274			feet (Geoid 03). Classified LAS file will include all LiDAR points, including first
275			and last returns.
276		ii)	Daily reports during acquisition that display all flight lines, as well as completed
277		,	areas. Once acquisition is complete, a project summary report that shows time and
278			date of all flightline acquisitions. Time of day, not just the day, is important to match
279			river flow condition to acquisition.
280		iii)	Tiling scheme shapefile for identifying LAS and DEM file locations. Tile size and
281			file size is flexible and will be discussed upon award of project.
282			
283		b) <u>Dig</u>	tal Elevation Model
284		i)	Hydro-enforced bare-earth digital elevation model raster tiles (3-foot cell size),
285			projected in Nebraska State Plane coordinate system – elevation and projection in
286			<u>feet</u> .
287			(1) See pages 11-13, 15, and Appendix 2 of the USGS LiDAR Guidelines and Base
288			Specifications v13 for details on hydro-flattening: <u>http://pubs.usgs.gov/tm/11b4/</u> .
289			In the proposal, provide details of the software/methodology to be used for this
290			alternative.
291			(2) Breaklines used in the generation of the hydro-enforced DEM are also a required
292			deliverable.
293		,	Full project area mosaic of digital elevation model tiles (3-foot cell size).
294		iii)	NOTE: For Bathymetric LiDAR acquisition, two versions of the DEM will be
295			required. One hydro-enforced DEM for the given flow conditions during the flight,
296			and one DEM that incorporates bathymetry below the water surfaces.
297		、 -	
298		,	ngery
299		i)	Color-infrared (Sub-Project 1) and 4-band (Sub-Project 2) digital orthophotography
300			with a six-inch (0.5 ft) pixel resolution (or better), covering the entire project area
301		••	seamlessly and without data gaps.
302		11)	The imagery should be geo-referenced and provided in tiled GeoTIFF (.tif) format.

303 304 305	 iii) Shapefiles displaying photocenters and <u>flight dates and times</u> for image acquisitions. Time of day, not just the day, is important to match river flow condition to acquisition.
306 307 308	 iv) Compressed imagery mosaic (.sid). Typically entire reach compiled into one mosaic, but may be split due to file size. Sub-Project 2 will require both a RGB mosaic and a CIR mosaic. Sub-Project 1 will be a CIR mosaic only.
 309 310 311 312 313 314 315 316 317 318 319 	 d) <u>LiDAR and Imagery</u> i) FGDC-compliant metadata to include, but not limited to: flight dates and times, flight altitude, camera system information, LiDAR system information, aircraft information, imagery resolution, LiDAR point density, horizontal accuracy, post-processing software and steps, and horizontal and vertical control references. ii) All LiDAR data, photography, and supplemental products will be delivered on USB external hard drives or flash drives and will become the property of the Program. All media and data collected under the contract shall be the sole property of and can be freely distributed by the Program. No restrictions shall be placed on the data by the contractor.
320 321	7) Permits and Clearances
322 323	a) It is the contractor's responsibility to file all required flight plans and obtain all necessary approvals to fly over and acquire aerial imagery and LiDAR in the Project area.
324 325 326 327 328 329	IV. ALTERNATE SOLUTIONS (BUY-UPS) In addition to the minimum specifications above, the contractor is required to provide additional costs and deliverables for the following alternate solution. The additional cost and deliverables for this addition will be considered with the minimum requirements and may be accepted and incorporated into the final contract.
330 331 332 333 334	 <u>Alternate 1</u> Acquire LiDAR as described for Sub-Project 1 and Sub-Project 2a for all years using bathymetric (green) LiDAR as opposed to traditional terrestrial LiDAR. Deliverables would include an additional DEM that incorporates the sub-surface bathymetry.
335 336 337	V. CONTRACT TERMS The selected contractor will be retained by:
338 339 340 341	Nebraska Community Foundation PO Box 83107 Lincoln, NE 68501
342 343 344 345	Terms and conditions will be negotiated as mutually agreeable. It is understood that the Governance Committee reserves the right to accept any proposal that, in its judgment, is the best proposal, and to waive any irregularities in any proposal.



- Proposal costs incurred in response to this RFP will be the responsibility of the bidder. Neither 346 the Nebraska Community Foundation nor the Governance Committee will be liable for any costs 347 incurred by the bidder in the completion and submission of the proposal. 348 349 SUBMISSION REQUIREMENTS 350 VI. All interested parties having experience providing the services listed in this RFP are requested to 351 submit a proposal. 352 353 **Instructions for Submitting Proposals** 354 One electronic copy of your proposal must be submitted in PDF format to Justin Brei at 355 breij@headwaterscorp.com no later than 5:00 p.m. Central Time on Friday, April 29, 2016. 356 Maximum allowable PDF size is 8MB. A proposal is late if received any time after 5:00 p.m. 357 Central Time and will not be eligible for consideration. 358 359 Questions regarding the information contained in this RFP must be SUBMITTED IN 360 WRITING by 5:00 p.m. Wednesday, April 20, 2016. No questions on content can be 361 submitted after this time. Questions and answers will be shared with all interested parties. 362 These can be emailed to Justin Brei at *breij@headwaterscorp.com* or mailed to the address 363 at the top of this RFP. Submitted questions and answers may be posted intermittently to 364 the Program website during the proposal period. Final questions and answers will be made 365 available on the Program website in the location of this RFP by Thursday, April 21, 2016. 366 367 **Proposal Content** 368 Proposals must include: 369 370 371 1) **Technical information including:** a. Aircraft/LiDAR/camera system details 372 b. Post-processing software and summary of methodology 373 c. Design accuracy information 374 375 2) **Relevant LiDAR and aerial photography experience** from the last two years, especially 376 projects related to natural resources and river geomorphology and projects using bathymetric 377 LiDAR. Please provide a minimum of two project references including the name, location, 378 and brief summary of the projects; name, address, and phone number of the contracting 379 officer for the client; and when the project was completed. 380 381 3) **Statement of annual availability** within the acquisition window of November 1 to 382 December 15 for Sub-Project 1 and May 15 to June 30 for Sub-Project 2. 383 384 4) **Estimated timeline** for activities including mobilization, acquisition and processing. Also, 385 specifically the estimated flight time necessary to complete acquisition over entire project 386 387 area (for planning purposes related to river operations in order to achieve lowest possible flow). 388
- 389



- 5) Detailed firm fixed price proposal. At minimum, project budget should itemize Sub-Project
 1 and Sub-Project 2 on an annual basis and include estimate of any applicable taxes. A
 budget should also be provided for the Buy-up Option on an annual basis. Budget will be
 considered, but contract will not be awarded solely on a lowest cost basis. Governance
 Committee approval is needed before the contractor is authorized to begin implementation.
 A sample budget table is included for reference. A similar table should be included in the
 proposal.
- 397

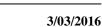
	June 2016 SP2	June 2016 SP3	November 2016 SP1	June 2017 SP2	June 2017 SP2a	November 2017 SP1
Base Option (2016 Summer LiDAR bathymetric, all other						
terrestrial)						
Buy-up Option (all LiDAR bathymetric) – Cost in addition to Base						

	June 2018 SP2	June 2018 SP2a	November 2018 SP1	June 2019 SP2	June 2019 SP2a	November 2019 SP1
Base Option (2016 Summer LiDAR bathymetric, all other						
terrestrial) Buy-up Option (all						
LiDAR bathymetric) – Cost in addition to Base						

	Total Project Cost
Base Option (2016 Summer LiDAR bathymetric, all other terrestrial)	
Buy-up Option (all LiDAR bathymetric)	

398 399

- 6) Conflict of interest statement addressing whether or not any potential conflict of interest
 exists between this project and other past or on-going projects, including any projects
 currently being conducted for the Program.
- 403
- 404 7) Description of insurance shall be provided with the proposal. Proof of insurance will be required before a contract is issued. Minimum insurance requirements will include
 406 \$1,000,000 general liability per occurrence.
- 407
- 408



409 VII. CONTRACTOR SELECTION

The GC will appoint a selection committee to review responses to this RFP. Proposals will be reviewed and the award made to the lowest cost proposal that conforms to the specifications of this solicitation and is considered to provide the most value to the Program

- this solicitation and is considered to provide the most value to the Program.
- 413 414

415 VIII. PROGRAM PERSPECTIVE

The GC of the Program has the sole discretion and reserves the right to reject any and all

417 proposals received in response to this RFP and to cancel this solicitation if it is deemed in the

best interest of the Program to do so. Issuance of this RFP in no way constitutes a commitment

by the Program to award a contract, or to pay contractor's costs incurred either in the preparation

420 of a response to his RFP or during negotiations, if any, of a contract for services. The Program

also reserves the right to make amendments to this RFP by giving written notice to contractors,

and to request clarification, supplements, and additions to the information provided by a

- 423 contractor.
- 424

By submitting a proposal in response to his solicitation, contractors understand and agree that

426 any selection of a contractor or any decision to reject any or all responses or to establish no

427 contracts shall be at the sole discretion of the Program. To the extent authorized by law, the

428 contractor shall indemnify, save, and hold harmless the Nebraska Community Foundation, the

429 states of Colorado, Wyoming, and Nebraska, the Department of the Interior, members of the GC,

and the ED Office, their employees, employers, and agents, against any and all claims, damages,

liability, and court awards including costs, expenses, and attorney fees incurred as a result of any

act or omission by the contractor or its employees, agents, subcontractors, or assignees pursuant

to the terms of this project. Additionally, by submitting a proposal, contractors agree that they

waive any claim for the recovery of any costs or expenses incurred in preparing and submitting aproposal.

436

437 IX. AVAILABLE INFORMATION

A shapefile of the acquisition area for Sub-Projects 1, 2, and 2A are available on the Program
 website (www.platteriverprogram.org) at the same location as this RFP solicitation. A map of the

- 439 website (<u>www.pratteriverprogram.org</u>) at the same location as this KFF solid 440 acquisition area is found on the last page of this solicitation.
- 440 8 441
- 442

3/03/2016

