



# Hudson River - Black River Regulating District

## REQUEST FOR PROPOSALS APPRAISAL SERVICES

**Issued:** October 7, 2020

**Submission Deadline:** October 30, 2020 by 4:00 PM EST

IMPORTANT NOTICE: A restricted period under the Procurement Lobbying Law is currently in effect for this Procurement and will remain in effect until approval of the Contract. Any contact related to this procurement must be with the designated contacts listed below.

### **Designated Contacts for this Procurement:**

<b>Primary Contact:</b> Timothy Maniccia, CFO	518-465-3491	<a href="mailto:tmaniccia@hrbrrd.ny.gov">tmaniccia@hrbrrd.ny.gov</a>
<b>Secondary Contact:</b> Robert Leslie, General Counsel	518-465-3491	<a href="mailto:rleslie@hrbrrd.ny.gov">rleslie@hrbrrd.ny.gov</a>
<b>Additional Contacts:</b> John Callaghan, Executive Director	518-465-3491	<a href="mailto:jcallaghan@hrbrrd.ny.gov">jcallaghan@hrbrrd.ny.gov</a>

This RFP is posted on the Hudson River – Black River Regulating District website:

[www.hrbrrd.ny.gov](http://www.hrbrrd.ny.gov)

## **I. INTRODUCTION**

Created in 1959 by the New York State Legislature through the merger of the Hudson River Regulating District (1922) and the Black River Regulating District (1919), the mission of Hudson River – Black River Regulating District (HRBRRD) is to provide flood protection and flow augmentation through river regulation. Regulating reservoirs operated by the Regulating District include Great Sacandaga Lake, Indian Lake, Stillwater Reservoir, Sixth Lake, and Old Forge.

Central to HRBRRD’s mission in the Hudson River Area (HRA) is the operation of the Great Sacandaga Lake (GSL). The GSL is a reservoir created by the impoundment of the Sacandaga River at the Conklingville Dam, in the Town of Hadley, Saratoga County.

## **II. OVERVIEW**

The purpose of this Request for Proposals (“RFP”) is to solicit cost proposals from qualified individuals and/or firms (collectively, “Firms”) to conduct a fair market valuation on an annualized basis of the fifty-six feet of head (out of a total seventy-one feet of head) provided by the HRBRRD by virtue of the construction of the Conklingville Dam on the Sacandaga River. Erie Boulevard Hydropower, L.P./Brookfield Renewable Power, Inc. uses the fifty-six feet of head in the production of hydroelectric power at its E.J. West Hydroelectric Plant located in the Town of Hadley, Saratoga County. Firms must have demonstrable experience in providing market-value appraisals of real estate and/or water used in the production of hydroelectric power in the northeastern United States.

HRBRRD strongly encourages State Certified Minority-Owned Business Enterprises, Women-Owned Business Enterprises, Service-Disabled Veteran-Owned Business Enterprise (as well as Firms that are not yet certified but have applied for certification) to submit responses to this RFP.

### **III. RFP TIMELINE**

The following are significant dates in this RFP process:

<b>Issuance of RFP:</b>	October 7, 2020
<b>Deadline for RFP Questions:</b>	October 16, 2020 by 4:00 PM EST
<b>Deadline for HRBRRD to Respond to Questions:</b>	October 23, 2020
<b>Submission of Proposals Due Date (date and time):</b>	October 30, 2020 by 4:00 PM EST
<b>Announcement of Award:</b>	November 10, 2020

*\*Please note, HRBRRD reserves the right to change any of the dates stated in this RFP. \**

### **IV. REQUIRED PROPOSAL CONTENTS**

Each complete Proposal must contain the following elements:

#### **A. COVER PAGE**

All Respondents must include the following information on the cover page of their Proposal:

1. Official name and address of the Firm, as well as Federal EIN (tax identification) number;
2. The primary contact information of the individual who would be primarily responsible for completion of the project:
  - i. Name
  - ii. Title
  - iii. Phone number
  - iv. Email address

#### **B. RESPONDENT INFORMATION**

1. Provide a description of the Respondent's relevant experience in providing market-value appraisals of real estate and/or water used in the production of hydroelectric power in the northeastern United States. A summary of representative projects should be provided, including the type and location of the real estate, water, and/or project being appraised, the date of the appraisal, and the use for which the appraisal was prepared.

2. Provide the names of the principal individual(s) who would be responsible for delivering the project, and a description of the relevant qualifications and experience of each individual, at least one of whom must be a certified general appraiser or a Professional Engineer (P.E.).

3. Provide at least two references with contact information. Information provided by references may be used by HRBRRD for proposal evaluation purposes.

### **C. REQUIRED SERVICES – PROGRAM REQUIREMENTS**

The selected Firm must provide a recommendation and an accompanying summary report to HRBRRD on an appropriate fair market value annual fee, utilizing generally accepted industry standards and best practices, to be charged to Erie Boulevard Hydropower, L.P./Brookfield Renewable Power, Inc. for the fifty-six feet of head used in the production hydroelectric power at its E.J. West Hydroelectric Plant located in the Town of Hadley, Saratoga County. The selected Firm must also present/defend that recommendation and analysis in a single in-person or virtual meeting with Erie Boulevard Hydropower, L.P./Brookfield Renewable Power, Inc. and/or that company's chosen appraisal firm. The selected firm will be required to meet virtually with HRBRRD and/or Erie Boulevard Hydropower, L.P./Brookfield Renewable Power, Inc. as required between execution of agreement and acceptance of final summary report.

Historic elevation and flow data in the possession of HRBRRD, as well as other applicable documents such as FERC licenses, contracts, and agreements will be provided to Firms upon request during this procurement.

### **D. FEE PROPOSAL**

Respondents must submit an all-inclusive "lump sum" Fee Proposal to provide the services described above, with delivery of draft summary report to be delivered to HRBRRD no later than three (3) months following execution of agreement, and a final summary report to be delivered to HRBRRD no later than four (4) months following execution of agreement.

Respondents must indicate how the fee proposal was devised, including hourly rates and estimates for work involved.

## **E. NEW YORK STATE PROCUREMENT REQUIREMENTS**

Respondents must include a signed acknowledgement that the Firm understands and agrees to comply with New York State Procurement Guidelines including but not limited to: the requirements of Appendix A (Standard Clauses for NYS Contracts); the NYS Procurement Lobbying Law; State Finance Law § 139-j (restrictions on contact during procurement) and § 139-k (disclosure of contacts and responsibility of offeror); and with the New York State Office of General Service's procedures relating to permissible contacts during a procurement as required by State Finance Law § 139-j(3) and § 139-j(6)(b). Such requirements and procedures are posted at <https://ogs.ny.gov/acpl>.

## **V. PROPOSAL TRANSMITTAL**

Proposals may be delivered no later than 4:00 PM EST on October 30, 2020 via email to [tmaniccia@hrbrrd.ny.gov](mailto:tmaniccia@hrbrrd.ny.gov), or in person, via U.S. mail or other delivery service to HRBRRD's Hudson River Area Office (HRAO) at:

Hudson River – Black River Regulating District  
350 Northern Boulevard, Suite 202  
Albany, NY 12204

Proposals which are sent via regular mail which arrive at the HRAO after the deadline will not be considered. HRBRRD reserves the right to utilize any and all ideas in the proposals submitted.

## **VI. PROPOSAL EVALUATION**

### **A. TECHNICAL EVALUATION**

The evaluation process will be conducted in a comprehensive and impartial manner. A Technical Evaluation Committee (Evaluators) comprised of HRBRRD staff will review and evaluate all proposals.

The Technical Evaluation Committee members will independently score each Technical Proposal that meets the submission requirements of this RFP. The technical evaluation is worth 60% (up to 60 points) of the Final Composite Score. Each Technical Evaluation Committee member (Evaluator) shall assign a score to each element of the Technical Proposal as outlined below, for a total possible cumulative score in this category of 60:

- *Required Proposal Contents* A(1), A(2)(i-iv), B(1), B(2), B(3) (**Max 10 Points**);
- A description of the methodology utilized to arrive at a fair market valuation, on an annualized basis, of the HRBRRD's fifty-six feet of head (**Max 20 Points**); and
- Demonstrated experience/capacity to support the HRBRRD's position in negotiations with Erie Boulevard Hydropower, L.P./Brookfield Renewable Power, Inc. to arrive at a durable long-term reservoir operating agreement (**Max 30 Points**).

Each Evaluator will assign a score (Element Score) for each Technical Proposal Element. The summation of Element Scores assigned by an Evaluator shall represent the Technical Proposal score assigned by the Evaluator. The Technical Proposal scores assigned by the Evaluators will be averaged to produce a Final Technical Proposal Score for each proposal of up to a total possible maximum score of 60.

## **B. COST EVALUATION**

A Cost Evaluation Committee will examine the cost of each proposal. Each proposal that meets the submission requirements and meets the cost proposal requirements will receive a cost score. Proposals will be scored based on a maximum cost score of 40 points. The maximum cost score will be allocated to the proposal with the lowest all-inclusive price. All other responsive proposals will receive a proportionate score based on the relation of their proposal's cost to the cost of proposal(s) offered at the lowest final cost, using this formula:

$$C = (A/B) * 40$$

A is total price of lowest cost proposal;

B is total price of the proposal being scored; and

C is the cost score.

The cost evaluation is worth up to 40 points of the final composite score. The Cost Evaluation Committee will total the cost evaluation score and the technical evaluation score to compute a Final Composite Score for each proposal of up to 100.

### **C. FINAL COMPOSITE SCORE**

The Final Composite Score shall be calculated by summing the Final Technical Proposal Score and the Cost Proposal Score. The Proposal with the highest Final Composite Score shall be deemed the Proposal which offers the best value.