

**NATIVE VILLAGE OF EYAK  
REQUEST FOR PROPOSALS  
FOR  
MANAGEMENT SERVICES  
FOR THE SHEPARD POINT  
MARINE TRIBAL TRANSPORTATION OIL SPILL AND  
MARINE CASUALTY RESPONSE FACILITY**



PREPARED BY

Sonosky, Chambers, Sachse, Miller & Monkman, LLP  
510 L Street, Suite 310  
Anchorage, Alaska 99501

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## INSTRUCTIONS TO PROPOSERS

### **I. Solicitation**

The Native Village of Eyak (Tribe) is soliciting proposals from experienced marina or oil spill response facility management firms to provide Management Services for the Shepard Point Marine Tribal Transportation Oil Spill and Marine Casualty Response Facility (Response Facility) being built near Cordova, Alaska.

The Response Facility is currently under construction, and construction completion is expected by the end of August 2027. During the construction of the Response Facility, the selected firm will provide certain management consulting services at the Tribe’s request, with the goal of ensuring a seamless transition to the successful operation of the Response Facility when construction is completed. The selected firm will then operate, service, and maintain the Response Facility for the benefit of the Tribe and the Cordova community for a five-year term, with the option to extend the relationship – if it proves satisfactory to both parties – for an additional period of time.

## II. Submittals

To be considered, Proposers must deliver submittals to the address below, on or before the deadline, and in the number of copies indicated below. Alternatively, Proposers may deliver their submittals electronically via email at [sean.obrien@eyak-nsn.gov](mailto:sean.obrien@eyak-nsn.gov). If the submittal is delivered electronically, Proposers should verify timely receipt by calling 1-907-855-7184 prior to the filing deadline set out below.

*Deadline:* Proposals will be accepted until: **5:00 p.m. (AST) August 30, 2024**

*Address Responses to:*

Shepard Point Response Facility Management Services RFP  
c/o Sean O'Brien, Shepard Point Business Development Coordinator  
Native Village of Eyak  
P.O. Box 1388  
Cordova, AK 99574  
Email: [sean.obrien@eyak-nsn.gov](mailto:sean.obrien@eyak-nsn.gov)  
Telephone: (907)424-7738

FEDERAL EXPRESS ADDRESS:

705 2<sup>nd</sup> Street  
Cordova, AK 99574-1388

*Mark Submittals as Follows:* Management Services Proposal for the Shepard Point Marine Tribal Transportation Oil Spill and Marine Casualty Response Facility.

*Required Number of Copies:* Five hard copies or one electronic copy (with a written acknowledgment from the Tribe that the electronic copy was received prior to the filing deadline).

## III. Description of Shepard Point Facility and Access Road

**Response Facility Description:** The Native Village of Eyak is a federally recognized Alaska Native Tribal Government. The Tribe is in the process of constructing a Marine Transportation Oil Spill and Marine Casualty Response Facility at Shepard Point, Alaska. The Tribe is also constructing the Shepard Point Access Road to connect the City of Cordova to the Facility. The ongoing Response Facility construction project consists of the following components:

1. Shepard Point Access Road – The completed Access Road will extend the New England Cannery Road to access the Response Facility for a total distance of 4.32 miles. The Access Road will include a T intersection to allow continued access to Orca Lodge. Excluding a short double-lane section of road near the start, the road will be a single lane with a gravel surface and

include intervisible passing lanes spaced a maximum distance of 1,000 feet and placed as road geometry dictates (23 turnouts total) throughout the entire corridor. The typical lane width of the roadway will be 16 feet, with an additional width of 10 feet at passing lanes. The Access Road also includes four modular, prefabricated steel truss bridges at Orca Creek, No-name Creek, Little Humpback Creek, and Humpback Creek. Bridges and culverts are designed to pass a 100-year flood event.

The Tribe has entered into a Road Maintenance Agreement with the Alaska Department of Transportation and Public Facilities (ADOT&PF) to provide snow plowing, regular maintenance activities, and needed repairs. The selected management firm WILL NOT be responsible for monitoring or overseeing the Tribe's Road Maintenance Agreement with ADOT&PF, but it should be available to coordinate with ADOT&PF officials if emergency road closures or ADOT&PF maintenance operations prevent public travel on the Access Road for periods of time. The selected management firm is expected to be cooperative with ADOT&PF officials and provide reasonable assistance to the Tribe to help ensure that the Access Road remains open to public travel and provides safe and consistent access to the Response Facility.

2. Response Facility Pad and Staging Area – The Response Facility includes a 5.5 acres pad and staging area to locate oil spill and marine casualty response equipment. The staging area includes an administrative building, a wastewater treatment facility, watertight storage for oil spill response (OSR) equipment, boom, skimmers, a movable crane, fuel tanks, a contaminated vessel washdown area with a water recycling system and storage tanks, a water well and electrical generator with self-contained double walled steel fuel tank, construction funds permitting. The pad and staging area also include a 908-linear foot sheet pile sea wall (z-shaped interlocking steel sheet pile) adjacent to the seaward boundary of Shepard Point pad and at the Access Road terminus. It also includes 187.5-foot by 60-foot boat ramp at the Shepard Point pad and staging area. The boat launch ramp will be constructed on a 16.5-percent grade with a top elevation of +27 feet MLLW and a bottom ramp elevation of -3 feet MLLW.

3. Deepwater Dock – Construction funds permitting, a 364-foot long, pile-supported dock will be constructed to assist with oil spill and marine casualty response efforts. Major dock components include the wharf, mooring dolphins, trestle, staging area, and small boat launch. The wharf, dolphins, and trestle will be supported by 213, 24-inch steel piles. The dolphins and dock will provide 635-feet of moorage.

**Federal Agreements Governing Operation of the Shepard Point Facility:** Construction of the Response Facility and Access Road is funded by federal Tribal Transportation Program (TTP) funds, Exxon Valdez Oil Spill Recovery funds and two federal grants from the Nationally Significant Federal Lands and Tribal Projects Program. When construction is complete, the Tribe will operate the Facility as a public authority under the terms of its TTP Agreement with the Federal Highway Administration (FHWA). The Tribe's FHWA TTP Agreement is referred

to hereafter as the Owner's Federal Funding Agreement. Management of the Facility shall be performed in accordance with all applicable Laws, Regulations, Executive Orders, including, but not limited to 25 C.F.R. Part 170, as further identified in the Tribe's Standard Form of Agreement. The selected management firm must also comply with the applicable provisions of: (a) the Federal Drug Free Workplace Act; (b) the terms of Owner's Federal Funding Agreement; (c) the Clean Water Act Section 404 Permit (with modifications); (d) the Alaska Department of Environmental Conservation Section 401 Certification of Reasonable Assurances; and (e) all applicable Tribal laws and regulations, including the Tribe's Native Preference Policy and any Tribal procurement laws and regulations.

#### **IV. Approach to Pricing**

Payment for the work shall be divided into two phases: (1) construction-phase management consulting services and (2) post-construction management services.

**Phase 1 Pricing:** Construction-phase management consulting services shall be compensated on an hourly time-and-materials basis, using the selected firm's hourly rates, plus certain reimbursable expenses, up to a proposed maximum not-to-exceed (NTE) amount. Consulting services in the construction phase will be performed only at the Tribe's direction. As an attachment to the proposal, please provide your firm's federally approved overhead rate and standard hourly rates for any consultants that Proposer anticipates will be called upon to provide consulting services during the construction phase. Please also include all categories of reimbursable expenses, if any, that the Proposer anticipates charging for this consultation work, plus a recommended NTE amount.

**Phase 2 Pricing:** Once construction is complete, the Tribe anticipates that the selected firm will be paid for its management services by receiving a percentage of the annual revenue generated from the Response Facility. The selected firm will be entitled to a Base Management Fee determined through an annual budgeting process and guaranteed from year to year. In addition, the selected firm will receive an Incentive Management Fee that will be earned and contingent upon the selected firm's ability to increase revenues from the Response Facility over a certain monetary threshold. Proposer should provide a narrative explanation of the type of management services it anticipates providing, an estimate of the annual costs associated with those services, and the expected annual management fees it seeks, reflected as a percentage of its operating costs, net profit, net or gross revenues generated, or in some other reasonable form.

#### **V. Expertise in Oil Spill and Marine Casualty Facility Management Services**

The Shepard Point Response Facility is intended to provide emergency response staging and logistical support to first responders to marine casualty events and oil spills, such as the U.S. Coast Guard (USCG), the Alyeska Pipeline-lead Ship Escort Response Vessel System (SERVS) Program and other State and local first responders. The selected management firm will not act as

first responders themselves, but rather will assist by providing a deep-water port for first responder vessels and OSR equipment and materials located on site. The Tribe seeks proposals from qualified marina, port or similar response facility management professionals, preferably those with experience working with Tribal governments and federal and state agencies. Ideally, the selected firm should have expertise in: (1) managing a small marina or port facility; (2) coordinating with federal, state and local first responders; (3) managing small concessions or business operations that may be located at Shepard Point; (4) ensuring compliance with laws related to oil spill and marine casualty response to help mitigate environmental hazards; and (5) identifying and following applicable Tribal, state, and federal laws and regulations governing these activities. Proposers should be familiar with oil spill and marine casualty surveillance and tracking equipment, the proper care and storage of OSR equipment, the legal requirements pertaining to oil cleanup and marine casualty response procedures, the processes for coordinating with federal, state and local first responders, as well as agencies that oversee oil spill/marine casualty response teams. The Tribe is seeking Proposers whose staff will be comfortable living and working in a smaller, rural Alaskan community.

The selected management services firm will become a member of the Tribe's Shepard Point Project Team. The Project Team currently includes the Tribal Council Chair, the Tribe's Shepard Point Business Development Coordinator, the Tribe's Shepard Point Project Manager, the Tribe's Executive Director, the Construction Manager/General Contractor, the Tribe's Independent Cost Estimator, the Tribe's engineering and environmental consultants, federal and state officials, and the Tribe's legal and media and consultants. The selected firm is expected to work closely and cordially with all members of the Project Team.

## **VI. Scope of Services**

This section describes the Tribe's minimum expectations of the successful Proposer under the Agreement awarded from this RFP. There are two distinct phases of management work associated with this Response Facility. Each Phase is described below.

### **Phase 1: Management Consulting Services.**

The selected firm should be prepared to assume the day-to-day management of the Oil Spill and Marine Casualty Response Facility on or about August 2027. Prior to this date, the successful firm will advise our Shepard Point Project Team on the proper procedures to follow to comply with any applicable state and federal legal requirements related to the management of a facility that supports first responder for minor or major oil spills and marine casualty events. The selected firm will be consulted on any final design and construction activities that may help maximize the efficiency and effectiveness of the Response Facility for first responders to oil spill and marine casualty events. All consultation services shall be performed at the direction of the Tribe, with the goal of ensuring that the completed Response Facility has obtained all required legal approvals to perform these services. The selected firm may also advise on the staging of

OSR equipment and other supplies and materials needed for the Tribe to operate and maintain the newly constructed Response Facility in a safe and cost-efficient manner.

**Phase 2: Post-Construction Phase Continuing Management and Operations.**

As reflected in the enclosed Standard Form of Agreement referenced in Section VII, the selected firm must develop and submit an annual budget and operations plan that describes the firm's annual work plan, including any capital expenditure plan or economic development effort.

The successful Proposer's management responsibilities may include, but are not necessarily limited to, the following:

**General Operations:**

1. Manage, operate, service, and maintain the Response Facility at a high level of professional service and quality;
2. Directly employ the staff necessary for the operation of the Response Facility. For day-to-day operations, this will likely include only a few key personnel to manage the Response Facility. However, the selected firm should be able to manage a larger workforce, if needed, when the Response Facility is actively supporting first responders during an oil spill of national significance or a major marine casualty event;
3. Obtain the services and merchandise necessary for the operation of the Response Facility while maintaining sound internal controls over the procurement of services and supplies in accordance with generally accepted accounting practices and all legal requirements applicable to the Response Facility's operations;
4. Advise the Tribe on any legal requirements, policies and procedures affecting the Response Facility's operations;
5. Oversee the Response Facility's finances and produce accounting records that meet or exceed single agency audit accounting standards;
6. Provide monthly reports to the Tribal Council on Response Facility operations; and
7. Attend Tribal Council meetings and other meetings upon request.

**Oil Spill and Marine Casualty Response Logistical Support:**

1. Ensure that the Response Facility has up-to-date emergency response action plans and first responder coordination plans which will allow the Response Facility to provide

logistical support to first responders. These plans must meet or exceed applicable State and federal laws and regulations related to oil spill and marine casualty response efforts;

2. Be prepared to assist in marine casualty and oil spill responses by making OSR equipment and other resources staged at the Response Facility available to first responders, including those responding to oil spills of national significance;
3. Properly maintain OSR equipment so it is available to respond to oil spills and marine casualty events and stay up to date on best practices applicable to the operation of similar response facilities;
4. Procure all equipment necessary to respond to oil spill and marine casualty events within available resources and as requested by the Tribe;
5. Coordinate with state and federal agencies involved in marine casualty and oil spill response, including but not limited to the USCG, the U.S. Environmental Protection Agency, the Alaska DEC and similar federal and state agencies.

## **VII. Type of Agreement**

Upon notice of Intent to Award, it is expected that the selected firm will review and sign the Tribe's standard agreement for professional services agreement. The agreement is still being developed and will be provided to all interested Proposers prior to the end of the RFP period. The Tribe expects to provide the agreement to Proposers through an addendum to this RFP on or about the first week of August 2024. Interested Proposers are expected to carefully review the Tribe's standard form of agreement and advise the Tribe in their proposal if any of the terms or conditions of the agreement are objectionable. If any provisions are objectionable, the Proposer must provide alternative terms and conditions in redline form which are acceptable to it. The Tribe reserves the right to reject any proposal that fails to indicate that the Proposer is willing to execute the Tribe's standard form of agreement or fails to propose terms and conditions for the agreement that are acceptable to the Tribe.

## **VIII. Insurance, Certifications, and Other Requirements**

**Insurance:** The Tribe is interested in developing a comprehensive insurance risk management program for managing the Response Facility with the active participation of the selected management firm prior to the execution of the Agreement. Accordingly, the Tribe has included detailed insurance coverage limits and types of insurance coverages as Exhibit B to the Standard Form of Agreement, as Tribe's current insurance expectations. Proposers should review these insurance provisions and advise the Tribe if they agree with the levels of insurance included in Exhibit B or recommend different insurance coverage types and amounts to more efficiently and cost-effectively protect the Tribe, the Manager and the Response Facility. The Tribe's goal is to



establish an insurance risk management program that properly protects the Tribe, the selected management firm, and the adjoining landowners of the Response Facility from foreseeable risks while also being economical and avoiding over-insuring against highly remote or non-existent risks.

Once insurance coverage limits and types of insurance coverage are finalized and incorporated into the Agreement, the selected management firm shall maintain the required level of insurance coverage specified in the Agreement. The insurance coverage will include The Eyak Corporation and the Chugach Alaska Corporation as additional insureds, in addition to the Tribe.

The Tribe is a federally recognized Tribal government that will operate the Response Facility under its FHWA TTP Agreement. This Agreement is entered into in accordance with the Indian Self-Determination and Education Assistance Act of 1975, 25 U.S.C. §§ 5301, *et seq.*, as amended. The Tribe enjoys sovereign immunity from lawsuits and is also entitled to certain tort claim and related liability protections under the Federal Tort Claims Act, 28 U.S.C. §§1346, 2401 and 2671-2680, pursuant to 25 U.S.C. § 5321(d), § 314 of P.L. 101-512, as amended. The Tribe will only maintain such insurance protection as the Tribe deems necessary to supplement these liability protections.

**Certifications:** To the extent required by applicable law and consistent with the obligations contained in the Agreement, Proposers are advised that, prior to execution of the Agreement, the successful Proposer may be required to submit certain certifications, including but not limited to: (1) a certification regarding compliance with Worker's Compensation and other applicable labor requirements; (2) a Drug-Free Work Place Certification; and (3) any additional certifications required by federal law or 2 C.F.R Part 200.

**Native Preference:** To the greatest extent feasible, our Tribe provides a preference for qualified, responsible and available Proposers that qualify as an Alaska Native/American Indian Organization or Economic Enterprise. Proposers DO NOT need to qualify as an Alaska Native/American Indian Organization or Economic Enterprise to submit a proposal.

## **IX. Selection Process**

Proposals will be reviewed by the Tribal Selection Committee. In evaluating proposals, the Tribe places high value on the following factors.

### **Firm Qualifications and Experience (30 POINTS)**

- Demonstrated experience managing oil spill and marine casualty response facilities or similar management experience;
- Prior experience providing logistical support to first responders to oil spill and marine casualty events in the Prince William Sound, the Gulf of Alaska, or similar waterways;

- Examples of the firm's ability to develop innovative approaches to the proper operation and maintenance of the Response Facility;
- Experience in providing management services for other federally funded projects, with an emphasis on experience working with Tribal governments; and
- Any other information that would make the firm's work superior to that of other firms.

**Key Personnel and Satisfactory Performance in Similar Management Roles (25 POINTS)**

- Resumes and references for the key personnel that will provide management services;
- References from private or governmental partners that have previously received management services from the Proposer's personnel;
- Information regarding any claims or litigation involving the Proposer or Proposer's personnel in the last ten (10) years; and
- Any other experiences or information that demonstrates the superior quality of the Proposer and its personnel in the field of oil spill and marine casualty response logistics.

**Price Proposal (30 POINTS)**

- Competitiveness of the Proposer's standard hourly rates, its annual NTE estimate, and any other cost issues, as reflected in the Proposer's fee proposal;
- Discussion of the Proposer's expected Base Management Fee and Incentive Management Fee percentages, in relative terms, given the uncertainty of the annual budget for the Response Facility;
- An explanation of the annual profit the Proposer expects to make under varying annual budget scenarios; and
- Plans to generate income for operation and maintenance of the Response Facility.

**Alaska Native/American Indian- Organization and Economic Enterprise and Qualifications (15 POINTS)**

- If applicable, written certification of the Proposer's status as an Alaska Native/American Indian-Owned Organization and Economic Enterprise, as those terms are defined in federal law. Documentation should also include a statement about the Proposer's ownership structure, showing that it is at least 51% owned and controlled by Alaska Natives or American Indians.

**TOTAL POSSIBLE SCORE: 100 POINTS MAXIMUM**

These criteria are intended to indicate the general qualities and services the Tribe is looking for in a management firm, but they are not intended to constrain the Selection Committee's

discretion to select the firm it determines will provide the best overall value to the Tribe. Additional information on the referenced criteria is summarized below:

1. **Experience Managing Similar Federally Funded Programs:** Provide a summary of recent experience overseeing similar federally funded programs, particularly those administered by Tribal governments.
2. **References:** Include contact information (name, address, and current phone numbers) for the owner on the four most recent, relevant operations your firm has managed.
3. **Response Facility Management Plan:** Briefly summarize in four pages or less how your firm will staff and organize the management of the Response Facility. Include information on proposed uses of the Response Facility beyond oil spill and marine casualty response.
4. **Pricing Proposal:** To the best of your ability, given the limited information available, please fill in the Base Management Fee and Incentive Management Fee percentages, your standard hourly rates, any reimbursable costs and the anticipated NTE amount for consultation services during construction, in the appropriate sections of the Tribe's Standard Form of Agreement. Please also provide suggestions to minimize operations and maintenance costs while maximizing income generation from the Response Facility. Identify any major costs and fees that may be necessary to manage the Response Facility, which the Tribe has not already identified.
5. **Native Ownership:** Briefly describe in two pages or less the nature of any Alaska Native/American Indian ownership of the Proposer. Describe the extent of active professional and para-professional participation of Alaska Natives/American Indians in your home office or regular core crew members.
6. **Other Information:** Briefly describe in two pages or less, other information that you believe makes the Proposer's work on the Response Facility superior to that of other firms.

## **X. Proposal Content and Format**

Proposals should only address the selection criteria listed above. Proposals should be presented on single-sided pages of 8-1/2" x 11" size using Times New Roman 12-point font. All pages must be numbered. Proposals shall be organized as follows:

- Cover Letter (one page maximum)

- Summary of Relevant Experience Managing Similar Facilities (five pages maximum)
- List of References (four pages maximum)
- Pricing and Insurance Proposals (four pages maximum)
- Outline of Proposed Response Facility Management Plan (four pages maximum)
- Key Personnel Resume, Qualifications, Experience, and Capabilities (two pages maximum per employee)
- One-paragraph statement that the firm is prepared to execute the Tribe's Standard Form of Agreement, once the final scope of work and pricing terms are agreed upon by the parties. Or if preferred, a revised draft of the Agreement in redline/strikeout format showing changes required for the Proposer to execute the Agreement
- Proof of Alaska Native/American Indian-owned Organization or Economic Enterprise, if applicable (two pages maximum)
- Other Relevant Information (two pages maximum)

## **XI. Additional Information**

For additional information regarding this RFP, please contact:

Sean O'Brien  
 Shepard Point Business Development Coordinator  
 Native Village of Eyak  
 P.O. Box 1388  
 Cordova, AK 99574  
 Tel. (907) 424-7738  
 E-mail: [sean.obrien@eyak-nsn.gov](mailto:sean.obrien@eyak-nsn.gov)

## **XII. Other**

Proposers should be aware that the information presented in this document is preliminary. Issues such as the proposed phases are subject to refinement and change. The issuance of this RFP, the submission of a response by any firm, and the acceptance of such response do not obligate the Tribe in any manner. The Tribe is not liable for any costs incurred by Proposers prior to the issuance and execution of an agreement to the firm selected through this RFP selection process. All proposal preparation and other costs in responding to this RFP shall be the sole responsibility of the Proposers.

The Tribe reserves the right to waive any formalities in the selection process and make a selection that serves its own best interests. This includes the right to reject any or all proposals and the right to proceed utilizing a different process.

The Tribe may require, seek, and use all information it deems appropriate to assess individual Proposers' qualifications. Unless otherwise clearly specified by Proposer, information in

proposals submitted in response to this RFP shall be considered public information and may, at the Tribe's discretion, be released to the public at the conclusion of the evaluation, selection, and agreement award process, except for the rate information submitted in response to the pricing criteria. Any other information that Proposers consider confidential or proprietary and wish to remain unavailable for public disclosure should be clearly identified.