



PUBLIC NOTICE

Pitkin County is accepting proposals for three (3) agricultural leases for Emma Open Space.

More information is available online at www.BidNetDirect.com/Colorado.

Any and all questions, or requests for clarification, must be submitted by 2:00 PM on October 31, 2017. Questions and requests for clarification will only be accepted via email at procurement@pitkincounty.com.

Proposal documents must be uploaded to the BidNet Direct website no later than 2:00 PM MDT on November 13, 2017.

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**PITKIN COUNTY
EMMA OPEN SPACE AGRICULTURAL LEASES**

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REQUEST FOR PROPOSAL
EMMA OPEN SPACE AGRICULTURAL LEASES

GENERAL INFORMATION TO PROPOSERS

I. INTRODUCTION

Pitkin County Open Space & Trails (OST) was established by the voters of Pitkin County in 1990 with the following mission:

“...to acquire, preserve, maintain and manage open space properties for multiple purposes including but not limited to recreational, wildlife, agricultural, scenic and access purposes...”

OST has put forth efforts to help a new generation of farmers get started, as well as continue the viability of experienced producers, by affordably leasing land for agricultural and other land-based operations around the county. Since the introduction of the agricultural lease bid process in 2014, interest in land leasing has increased. OST leased land now totals approximately 352 acres with individual lease areas ranging from 10 acres to 100 acres. In response to this increase in properties and an increased interest in leasing from Pitkin County, OST has updated the Open Space Lease Bid Process and Policy (Policy) to recognize the needs of beginning farmers and ranchers, and to protect the ability of all producers to provide local, natural, and organic food for the community. OST wishes to stimulate interest in local production while continuing to maintain and enhance our agricultural resources. To that end, we invite a competitive process to determine the best lessees for our agricultural lands.

Pitkin County Open Space & Trails (OST) is seeking proposals from qualified individuals or parties to lease the agricultural lease areas of the Emma Open Space.

II. COUNTY BACKGROUND

Covering 975 square miles, Pitkin County is located in the heart of the White River National Forest, surrounded by the spectacular peaks of the central Rocky Mountains. Pitkin County is located in Colorado with the county seat of Aspen. Pitkin County includes the communities of Aspen, Snowmass, Woody Creek, Old Snowmass, Meredith, Thomasville, Redstone and portions of the town of Basalt. As public servants, we work in the public trust to ensure quality of life and experience in Pitkin County for present and future generations.

Organizational Values: Pitkin County embraces the following values to promote public trust and confidence in County Government.

Stewardship: We strive to leave our natural environment, community, public assets, and organization in better condition than we found them for current and future generations.

Ethics: We hold ourselves to high standards of honesty and dependability in the conduct of county business.

Excellence: We are committed to providing quality services that are accessible, accurate and innovative to meet our community's needs.

Collaboration: We work together as employees and with citizens and other government, non-profit and private sector organizations helping each other succeed in promoting and achieving the public's goals.

Open Communication: We are committed to listening to our citizens and partners and to giving accurate and timely information.

Positive Work Environment: We appreciate dedicated and knowledgeable employees and support their professional and personal growth.

III. SCOPE OF WORK

A. Specifications

The Emma Open Space is comprised of 58 acres generally located at the intersection of Emma Road and Highway 82. Through the tenure of Pitkin County's ownership, the irrigated meadows have been leased as one lease area and, most recently, as three separate lease areas based on natural topographic breaks. Lease area information and a map is included as Attachment A.

- **Schoolhouse Lease** – Approximately 13 acres of sprinkler-irrigated land located between the Home Supply Ditch and the Rio Grande Trail. Sprinkler and pump is owned by current lessee.
- **South Lease** – Approximately 11 acres of flood-irrigated land by gated pipe system, located between the south boundary line of Emma Open Space and the Home Supply Ditch.
- **North Lease** – Approximately 20 acres of flood-irrigated land located between the Rio Grande Trail and Highway 82.

B. Additional Information

- A sample lease, lease area details and additional property information has been posted to the Pitkin County OST project website (www.pitkinostprojects.com). The sample lease may be changed to better address lessee agricultural operations and protect the conservation values of the lease area.
- Potential lessees should review the sample lease to fully understand the permitted and prohibited uses.

- **Insurance requirements are listed as a requirement within the lease agreement. OST staff reserves the right to request and receive a copy of any policy and any policy endorsement at any time during the term of a lease.**
- OST staff will select successful lessee based on answers provided by the applicant. If necessary, OST staff will seek input from Community Development Representative and outside agencies to determine feasibility of applicant's proposed operation. Acceptable outside agencies include, but are not limited to, the Natural Resource Conservation Service (NRCS), Mount Sopris Conservation District, and the Colorado State University Agricultural Extension Agent.
- All applicants, including those not selected as a lessee, will be contacted and informed of the decision and reasons for being selected or not selected.
- All appeals will be referred to the Pitkin County Hearing Officer.

IV. SELECTION PROCESS

The County is required by the terms of the Pitkin County Procurement Code to conduct a competitive selection process to select a Contractor for the above-described proposal. This process shall be through formal proposals submitted in response to this Request for Proposals.

A. SUBMITTALS

1. Proposer shall submit proposals for this project as outlined in the Request for Proposals and Scope of Services, or an alternately developed plan as developed by Proposer in response to and in accordance with this Request for Proposals and Information to Proposers attached hereto.
2. Proposal Format: Each response shall be 8½" X 11" in size. Font, Times New Roman, size shall be no smaller than 12 point and submission shall not exceed forty (40) pages total, any page after page 40 will not be reviewed.
 - a. The proposal must contain name, address, daytime phone number(s), and e-mail address for person(s) to whom additional selection process requests should be communicated;
 - b. A completed Proposal Form;
3. Proposer may be required to supply additional information upon request, or to make additional submissions under secondary selection criteria, if necessary.
4. A pre-proposal meeting and site visit to allow potential lessees to gain a better understanding of the property and answer general questions. Potential lessees

or a representative of the potential lessee are highly encouraged to be present at the meeting.

5. Any and all questions or clarifications shall be submitted via email to procurement@pitkincounty.com, no later than 2:00PM on November 08, 2017. All questions, comments and answers provided shall be shared with all Proposers per the specifications.
6. All Proposals must be uploaded to the BidNet Direct website. Proposals will not be accepted in any other form or manner
7. During the Request for Proposal selection process, all proposals shall remain confidential. The entire selection process (procurement) file shall be available to the public (which includes all Proposers) after an agreement is approved by the County, except those items for which confidentiality has been requested in writing by the Proposer, and providing that the County Attorney has reviewed and determined this to be the properly confidential under the State Open Records Act and other relevant statutes and regulations.

B. TIME SCHEDULE

The County will endeavor to use the following timetable:

- | | |
|-------------------|---|
| October 03, 2017 | Request for Proposals publicly advertised, posted on website (www.bidnetdirect.com/colorado) |
| November 01, 2017 | Mandatory Pre-Proposal Meeting
Emma Open Space at 12:00 PM |
| November 08, 2017 | Proposer's request for clarification and questions due via email to procurement@pitkincounty.com by 2:00 PM |
| November 10, 2017 | Response to request for clarification and questions posted to BidNet Direct |
| November 13, 2017 | PROPOSALS MUST BE UPLOADED TO BIDNET DIRECT BY 2:00 PM |
| November 16, 2017 | Meeting of Selection Committee; checking of references; requests for additional information, if necessary; |
| December 04, 2017 | Notice to Proposers |
| January 01, 2018 | Lease start date |

C. EVALUATION CRITERIA AND WEIGHING

Selection of the "short-listed" Proposers to be interviewed and/or the selection of the top-ranked Proposer will be based upon the following criteria and relative importance

(or as the same may be amended or supplemented by published secondary selection criteria, if any), further description for each of the criterion is included in the proposal form:

- | | |
|-----------------------------|-----|
| 1. Description of Operation | 65% |
| 2. Agricultural Background | 15% |
| 3. References | 5% |
| 4. Lease Rate | 10% |

D. SELECTION COMMITTEE

Communications between Proposer and any member of the selection committee during the selection process except when and in the manner expressly authorized by the Request for Proposals, is prohibited. Violation of this restriction is grounds for disqualification from the process.

Voting Members of the Selection Committee:

- OST Director
- OST Foreman – Operations
- OST Resource Manager

Non-voting counsel to the Selection Committee:

- County Attorney
- County Procurement
- NRCS Staff
- CSU Extension Staff
- OST Agriculture and Conservation Easement



Proposal Time: 2:00 PM
Proposal Date: November 13, 2017

From: _____

Phone _____
E-mail Address: _____

To: THE PITKIN COUNTY BOARD OF COUNTY COMMISSIONERS
c/o Procurement
123 Emma Road, Suite 106
Basalt, CO 81621

For: EMMA OPEN SPACE AGRICULTURAL LEASES

Pursuant to a request by the Pitkin County Commissioners, the undersigned Proposer having examined this Request for Proposals (RFP), including the site of the proposed Project and being familiar with conditions surrounding the construction of the proposed Project, including the availability of materials and labor hereby proposed to furnish all labor, materials, supplies, bonds, permits, services and supervision required to perform the Project for the project identified above and listed below and as detailed in this RFP for the sum of:

An annual lease fee of _____ Dollars (\$ _____)

The term of the lease shall expire _____, __, 20__

Agricultural Lease Application

Applicant Information	
Organization Name	
Primary Contact	
Address	
Phone Number	
Email Address	

All applicants must address each of the questions posed within the Evaluation Criteria. Evaluation Criteria questions must be answered for each lease area separately if the applicant is proposing to lease more than one lease area. Attach additional pages if needed. A Microsoft Word.doc can be provided if requested from the OST Conservation Easement / Agricultural Steward.

Evaluation Criteria
<p>Please describe the operation you propose for this property with as much detail as possible. Please include the following; (65%)</p> <ul style="list-style-type: none"> ○ Practices that conserve soil, native vegetation, resources. <ul style="list-style-type: none"> ▪ Water management / irrigation plan, water conservation techniques planned for the property, etc... ○ Duration of lease to accomplish agricultural goals i.e. X years are required before production goal is met. ○ Agricultural product and the proposed market for your product. If you plan to manage an organic operation, please describe your experience in organic production. ○ Any potential alteration to the leased ground and how the leased ground will be returned to Pitkin County upon the termination of lease. <ul style="list-style-type: none"> ● If applicable, have you previously leased property from OST? If yes, <ul style="list-style-type: none"> ○ Which property and on which dates did you lease the property? ○ What issues, if any, did you encounter during the duration of the lease?

RFP #:
Budget Line Item #:

Rev.8.26.11 jaa

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Please describe your agricultural background. (15%)

- If you are currently involved in other agricultural enterprises, briefly describe the operation(s). Include general locations.

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Please list the machinery and equipment needs for your planned operation on the property and how you will meet those needs. (Own, lease, borrow, hire, etc.) (5%)

Please provide personal references that are familiar with your agricultural experience. (5%)
Proposed lease rate. (10%)

It is further understood that the right is reserved by the County to reject any and all proposals and it is agreed that the proposals may not be withdrawn for a period of ten (10) days from specified time for receiving proposals.

The Proposer acknowledges receipt of Addenda Nos. _____.

The right is reserved to waive any informalities and to reject any Proposal.

(Type/Print name under all signatures)

Dated this ____ day of _____, 2017

(Corporate seal) PROPOSER:

SIGNATURES: If the proposal is being submitted by a Corporation, the Proposer should be signed by an officer, i.e. President or vice-president. The signature of the officer signing shall be attested to by the secretary and properly sealed. If the proposal is being submitted by an individual or a partnership, the proposal shall so indicate and be properly signed.

INSTRUCTIONS TO PROPOSERS
FOR PITKIN COUNTY CONTRACTS

1. a. A "Proposal" is a responsive, conforming, unconditional, complete, legible and properly executed offer on the Pitkin County Proposal Form to do the work called for in the Request for Proposals ("RFP").
- b. Proposals must be submitted in sealed envelopes or electronically in PDF format and submitted at the time and place designated in the RFP. Proposal envelopes and electronic submissions must be clearly marked on the front of the envelope or in the electronic submission as a "sealed proposal" with the project name and the name, contact person, mailing address and telephone number of the Proposer. For both paper and electronic submissions, the County reserves the right to request verification of any original or electronic signature at any time before issuing a Notice of Award.
- c. It shall be the responsibility of the Proposer to ensure that the Proposal is in proper form and in the County's possession by or before the scheduled time and date of public Proposal opening. Proposals will not be accepted after the scheduled time and date of opening. Any Proposals received late will be returned to the Proposer unopened, if possible. In the event that it is impossible to determine who the late Proposer is unless the envelope is opened, the envelope will be opened, the address determined, and the envelope and Proposal returned immediately to the Proposer.
- d. If specified in the Request for Proposals, parties who request packages of proposal documents will be required to pay a fee for the document package. All parties who request packages must provide the name of the potential Proposer, along with the name of a contact person, address, telephone number, fax number and email address for the purpose of dissemination of Addenda or additional proposal information.
- e. If a mistake is made or discovered at or after the public opening, the County reserves the right to determine which party made the mistake and whether the mistake is material and, after these determinations, the County, in its sole discretion, shall make the decision whether to accept or reject the Proposal. No advantage shall be taken by either party of manifest clerical errors or omissions in the Proposal documents or the Request for Proposals (and plans and specifications). All Proposers are required to notify the County immediately of any errors or omissions that may be encountered. (See 2.a. and 2.c., below).
- f. The signer of the Proposal must initial any alteration or erasure. If provided on the required Proposal Form, the proposal price of each item must be stated in numerals and words; in case of a conflict, the words will control. In case of conflict between the indicated sum of any addition of figures and the correct sum, the correct sum will control.
- g. No reimbursement will be made by the County for any costs incurred in the preparation of a statement of qualifications, Proposals, or attendance at a site inspection, pre-bid conference or interviews.
- h. No person, firm, corporation or other entity shall be allowed to make, file or be interested in more than one Proposal for the same work, unless alternate proposals are called for. A person, firm, corporation or other entity who has submitted a subproposal to Proposer, or

who has quoted prices on materials to a Proposer, is not hereby disqualified from submitting a subproposal or quoting prices to other Proposers.

2.
 - a. If any person contemplating submitting a Proposal is in doubt as to the true meaning of any part of the Drawings, Specifications or other Proposal or Contract Documents, or finds discrepancies, errors, ambiguities, inconsistencies, incompleteness or omissions in the Drawings or Specifications or the proposal process, he/she must submit to the Procurement Officer a written request for an amplification, clarification, explanation, interpretation or correction thereof. Failure to do so shall constitute: (1) acceptance by the Proposer of the Drawings, Specifications or other Proposal or Contract Documents as is, and (2) a waiver by the Proposer of any and all claims arising, or that might arise, out of such discrepancies, errors, ambiguities, inconsistencies, incompleteness or omissions.
 - b. Proposers may propose substitute materials or techniques if such substitution is equal to or better than the materials or techniques described in the RFP and if the substitution has been submitted in writing at least ten (10) days prior to the public Proposal opening. The burden of proof of equality or superior quality is on the Proposer. If accepted as equal by the County in its discretion, the substitute will be designated as an alternative on a formal addendum distributed to all Proposers at least three (3) days prior to the deadline for Proposal submission.
 - c. Any amplification, clarification, explanation, interpretation or correction of the documents will be made only by written Addendum duly issued and a copy of the Addendum will be mailed or delivered to each person receiving a set of the Proposal Documents. Delivery, as used in these Instructions, shall include electronic delivery through e-mail, facsimile, web-posting or other electronic means. Neither the Owner nor the Procurement Officer will be responsible for any information, representations, explanations or interpretations of the Contract Documents not in written addenda.
 - d. The County reserves the right to call a pre-proposal conference; if called and conducted, a summary of the pre-proposal conference will be mailed or electronically delivered to all parties receiving a set of Proposal documents.
 - e. On request, the County will provide each Proposer access to the site to conduct, at Proposer's sole cost, such inspections, tests and investigations as each Proposer deems necessary for submission of a Proposal. No information provided by County representatives at such a site inspection shall be deemed a waiver of the requirements of 2.a. and 2.c., above.
 - f. Any Addenda issued during the time of the Proposal process, or forming a part of the Proposal Documents, shall be covered in the Proposal, and shall be considered a part of the RFP. Receipt of each Addendum shall be acknowledged in the Proposal.
 - g. If specified in the RFP, a request for qualifications may precede the RFP process.
3.
 - a. Each Proposal, if required by the Proposal Documents, shall be accompanied by a certified check or bid bond in a form acceptable to the County Attorney, in an amount specified, payable without condition to the County as a guarantee that the Proposer, if awarded the Contract, will promptly execute the Agreement in accordance with the Proposal, and will furnish, if required by the Proposal, good and sufficient bonds for the faithful performance of the Contract and for the payment to all persons supplying labor and material for the work (see 10.a., below). The Proposal guaranties of all parties except the three highest

scoring Proposals will be returned promptly after the opening of Proposals. After execution of the Contract and issuance of a Notice to Proceed, the remaining two Proposers' guaranties will be returned.

- b. Proposer also, if required by the Proposal Documents, will fully complete and submit with the Proposal a Pitkin County Qualification Statement, or an updated Statement if one is already on file. Pitkin County reserves the right to pre-qualify Proposers based on said qualification statements.
 - c. Proposer also must submit with the Proposal a list of subcontractors, independent contractors and suppliers to be employed under the Contract. If the County has a reasonable objection to any such subcontractor, independent contractor or supplier, it shall notify the Proposer and the Proposer may then: (a) withdraw the Proposal; or (b) substitute an acceptable contractor or supplier. If required by the Contract Documents, subcontractors, independent contractors and/or suppliers may be required to submit a Contractor's Qualification Statement.
 - d. Proposals by corporations must be executed in the corporate name by the president or a vice-president (or other corporate officer accompanied by evidence of authority to sign) and the corporate seal must be affixed and attested by the secretary or an assistant secretary. The corporate address and state of incorporation shall be shown below the signature.
 - e. Proposals by partnerships or limited liability companies ("LLC") must be executed in the partnership or LLC name and signed by a partner, authorized LLC officer, whose title must appear under the signature and the official address of the partnership or LLC must be shown below the signature. The state in which the entity was formed and whose law governs the entity shall be shown below the signature.
 - f. All names must be typed or printed below the signature.
4. a. Proposer acknowledges that this proposal is solicited and submitted subject to the requirements of the "Pitkin County Procurement Code," (Ordinance #026-2005, as amended by Ordinance #03-2007 (copies available on the Pitkin County website at <http://pitkincounty.com/DocumentCenter/Home/View/5314> or upon request for a nominal charge). As such, the Proposer agrees to comply with all applicable requirements of said Procurement Code relating to proposing, contract drafting, contract administration and ethics. The requirements of the Procurement Code are incorporated herein by this reference.
 - b. The Proposer shall immediately notify the County Manager in writing of any violation of said Code by the County's employees or agents, which violation is known or should have been known by Proposer, and failure to so notify the County of violations within five (5) days of knowledge of such violations shall disqualify the Proposer from award of the Contract being proposed and shall be deemed as a waiver of any action or defense that the Proposer may have against the County by reason of such violation of the Procurement Code.
 - c. The submission of a Proposal shall be conclusive evidence and legal admission that the Proposer: (1) has no questions, complaints or objections in connection with the Proposal process and/or documents, subject to any requests made by Proposer for amplification,

clarification, explanation, interpretation or correction pursuant to Paragraph 2.a. and 2.c., above; (2) has no questions, complaints or objections as to the completeness, sufficiency, scope or detail of the Proposal Documents; and (3) has full knowledge of the scope, nature, quality and quantity of work to be performed, the detailed requirements of the Proposal Documents including any and all contract documents, the plans and specifications, the site and conditions under which the work is to be performed, the Pitkin County Procurement Code and applicable Colorado law.

5. a. All Proposals will be opened and read in public by name of Proposer only. No Proposals may be withdrawn after the beginning of the public opening. The County, in its sole discretion, may delay a Proposal opening for no longer than two (2) business days if weather or other circumstances beyond control of Proposers results in delay in receipt of Proposals. Proposals may be withdrawn at any time prior to the beginning of the public opening or modified by a document executed and delivered in a form substantially similar to the Proposal Form prior to opening.
- b. All Proposals submitted must be valid for a minimum period of sixty (60) days after the date of the Proposal opening. During this time, Proposers are investigated, and Proposals are evaluated.
6. a. Proposals will be awarded to the highest scoring Proposer complying with the terms, conditions, guidelines, selection criteria, plans and specifications presented in the Request For Proposals. All rights are reserved by the County to determine, in the County's sole reasonable discretion, whether the Proposal meets the needs or a purpose intended and is within the project budget.
- b. Although price may be a major consideration in the selection of a Proposal, the County does not award on price alone. The County may also consider the quality of product as judged by the County; past experience with Proposers, subcontractors, independent contractors, products or suppliers; qualifications of the Proposers and/or subcontractors, independent contractors or suppliers; services offered; warranties; maintenance considerations; long-range costs; delivery; and similar considerations, all as specified in detail in the RFP.
- c. The County reserves the absolute right to conduct such investigations as it deems necessary to assist in the evaluation of any Proposal and to establish the experience, responsibility, reliability, references, reputation, business ethics, history, qualifications and financial ability of the Proposers and proposed subcontractors, independent contractors and suppliers. The purpose of such investigation is to satisfy the County that the Proposer has the experience, resources and commercial reputation necessary to perform the work and support any warranties in accordance with the Contract Documents in the prescribed manner and time.
- d. The County, at its sole discretion, may require the apparent successful Proposer to demonstrate, at a place and time designated by the County, that the Proposal meets the performance criteria specified, or to otherwise provide documented proof from independent reliable sources acceptable to the County that said performance criteria will be met prior to final acceptance of the Proposal. The burden of proof of such a demonstration is on the Proposer. In the event that the apparent successful Proposer fails to demonstrate or provide acceptable proof of meeting required performance criteria, that proposal will be rejected and the next eligible Proposer in the selection ranking will be

invited to participate in the same process until a proposal meeting performance criteria is found within the ranking of eligible Proposers. The County reserves the rights to reject any or all Proposals or to otherwise accept the Proposal which in the County's sole discretion is in the best interest of the County.

- e. Pitkin County reserves the right, if it deems such action to be in the best interests of the County, to reject any and all Proposals or to waive any irregularities or informalities therein. Any incomplete, conclusory, false or misleading information provided by Proposer shall be grounds for rejection of the proposal. If proposals are rejected, the County further reserves the right to investigate and accept the next best proposal in order of ranking or to reject all proposals and re-solicit for additional proposals.
 - f. Any questions or disputes involving the documents or procedures not covered by these Instructions or other Proposal Documents shall be resolved by the Procurement Officer on the basis of fairness, custom in the industry, maximization of competition and best interests and convenience of the County.
7. Issuance of Notice of Award, execution of Contract Documents and issuance of a Notice to Proceed shall be as specified in the Contract Documents.
 8. Contracts will be executed on standard Pitkin County Contract documents and/or by separate agreement with the Proposer. Copies of any applicable standard forms are included with the Proposal Documents. The County reserves the right to negotiate with the Proposer for contract terms not specified in the Proposing Documents. Any changes from the Pitkin County standard form contract may result in a delay in the issuance of a Notice to Proceed in order to obtain any necessary County Attorney review of changes from the standard form. Proposer agrees that any such delays shall not be grounds for either additional compensation or an extension of time to complete the work that is the subject of the Proposal.
 9. If the contract awarded as a result of a Proposal extends beyond the calendar year, nothing herein shall be construed as an obligation by the County beyond any amounts that may be, from time to time, appropriated by the County on an annual basis. It is understood that payment under any Contract is conditional upon annual or supplemental statutory appropriation of funds by said governing body and that before providing services, the Proposer, if he/she so requests, will be advised as to the status of funds appropriated for services or materials and shall not be obligated to provide services or materials for which funds have not been appropriated.