



Invitation for Proposals: Colorado Open Land Property

Colorado Open Lands Property Invitation for Proposals



The City of Boulder's Open Space and Mountain Parks Department is seeking proposals from qualified individuals or parties to lease the Colorado Open Lands Open Space property. Information regarding this property is in this proposal packet. Proposal packets may be obtained at the mandatory pre-proposal tour or may be downloaded from OSMP's website at: <https://bouldercolorado.gov/services/osmp-agriculture-program>

Introduction

The City of Boulder's Open Space and Mountain Parks (OSMP) land acquisition and preservation program was established in 1967 through a sales tax ballot initiative. From these community-driven first steps, the City of Boulder has acquired an interest in more than 46,000 acres of ecologically rich and iconic landscapes that are highly valued by residents and visitor alike.

The department's charter purposes include the "[p]reservation of agricultural uses and land suitable for agricultural production" and the "[p]reservation of water resources in the natural or traditional state". The Agricultural Resources Management Plan (Ag Plan) was developed to ensure the long-term sustainability of agricultural operations while supporting the ecological health of OSMP lands and fostering connections between the community and OSMP agricultural lands. The department meets this charter purpose and implements the Ag Plan by maintaining an agricultural lease program compatible with agricultural and resource stewardship objectives to support working lands.

General Information

The Colorado Open Lands property is comprised of 32 acres located south of Andrus Road and west of 61st Street. Seven acres of the property are available for agricultural leasing. The Colorado Open Lands property is not currently irrigated.

The Ag Plan (<https://bouldercolorado.gov/media/658/download?inline>) identified various goals and management strategies to ensure the long-term health of OSMP agricultural lands.

The management goals for this property include:

1. Maintain and support a diversity of agricultural operations and uses on OSMP lands, except for genetically modified organisms (GMOs). (Ag Plan pages 33-36)
2. Maintain agriculturally related structures (fences) in an acceptable condition. (Ag Plan pages 46-49)
3. Increase or maintain soil organic matter and soil biological diversity on tilled/converted lands in agricultural production with non-native vegetation. (Ag Plan pages 54-56)
4. Reduce or eliminate the use of pesticides, wherever possible. When reduction or elimination of pesticides is not possible, use the least toxic and least persistent pesticide. (Ag Plan pages 59-61)

All submitted proposals should demonstrate how the proposed operation intends to achieve the above management goals. All proposals will be evaluated using the criteria provided below in this Invitation for Proposals and further described in the department's Agricultural Land Use Assignment Guidelines, posted on the OSMP Agricultural Leasing website (<https://bouldercolorado.gov/media/820/download?inline>) and available upon request at the OSMP Hub located at 2520 55th St.



Inquiries to:
Ryan Middleton, Agricultural Program Manager
Open Space and Mountain Parks
303-817-1138 middletonr@bouldercolorado.gov

Mandatory Pre-Proposal Meeting



All prospective proposers, or an identified representative, **must** attend the pre-proposal tour of the Colorado Open Space property. The tour for the Colorado Open Space property is scheduled for **February 2, 2022 at 10:30 a.m.** The inclement weather back-up date is February 4, 2022 at 10:30 a.m.



COVID-19 Protocols: Attendees will be required to follow all State and County COVID-19 protocols which may include wearing a mask and maintaining a 6-foot distance from other attendees.



The address for the tour is located at 6202 Andrus Road, Boulder, CO 80301. It is marked with a star on the map on page 12 of this proposal packet and will be demarcated on the day of the tour with a directional sign. Prospective proposers are responsible for arriving to the tour on time to sign in.



City staff commit to conduct the tour to orient potential proposers to the property, answer questions about the agricultural use opportunity, and explain the proposal requirements. City staff commit to prepare a summary, transcript, or audio recording of the tour and make such available by posting it on the city website. A record of attendance will be kept of all mandatory pre-proposal tours and will be posted on the city website (<https://bouldercolorado.gov/services/osmp-agriculture-program>).

Timeline

Task	Date	Location/Resource
Invitation for proposal released	January 24, 2022	https://bouldercolorado.gov/services/osmp-agriculture-program
Mandatory pre-proposal meeting	February 2, 2022, 10:30 a.m. MST <i>Inclement weather back-up date February 4, 2022, 10:30 a.m. MST</i>	Colorado Open Land property. See map on pg. 12.
Final date and time for clarifying question submission	February 7, 2022 3 p.m. MST	https://bouldercolorado.gov/services/osmp-agriculture-program

Final date and time for staff response to clarifying questions	February 9, 2022 3 p.m. MST Time	https://bouldercolorado.gov/services/osmp-agriculture-program
Proposal due date and time	February 14, 2022 3 p.m. MST	Online or hand-delivered to OSMP-HUB. Instructions for submittal on pg. 7.
Proposal opening documentation and posting to OSMP website	February 15, 2022 5:00 p.m. MST	https://bouldercolorado.gov/services/osmp-agriculture-program
Expected date for agricultural property assignment	February 21, 2022	n/a

Terms and Condition

1. Lease assignment shall be offered to the responsible individual or party whose proposal represents the best value to the city in terms of expected quality, cost recovery and efficiency, and as a result is determined to best preserve the property, taking into consideration the criteria set forth in this *Invitation for Proposals*;
2. Proposers are expected to examine the drawings, specifications, schedule of delivery, and all instructions. Failure to do so will be at the proposer's risk;
3. The proposal is prepared at proposer's expense and becomes city record and therefore a public record. Proposers should give specific attention to portions of their proposal (that should be easily separable from the non-confidential portions) that they consider to be confidential and provide any justification why such materials, upon request, should not be disclosed by the city, if the city attorney determines that such portions meet the requirements of the Colorado Open Records Act;
4. Only one proposal per person or party will be considered; multiple or alternate proposals will not be accepted;
5. The city reserves the right to reject any or all proposals and to waive any minor informalities or irregularities;
6. City staff commit to maintain a list of interested agricultural use parties who would like to receive notice of opportunities for agricultural use of city properties. Any person may request and be added to this list at any time by electronic message, signing up via the city website (https://bouldercolorado.formstack.com/forms/agriculture_leasing) or by letter sent to the department. A person on the list of interested agricultural use parties may be removed by city staff from the list if they fail to respond to an Invitation for Proposals on three consecutive such invitations. A "No Proposal" statement on a returned proposal shall be considered a response, and re-addition to the list may be requested in writing at any time.

Lease Terms and Conditions



The Colorado Open Lands property will be considered for a three-year agricultural lease

1. Recommended lease rates are tied to specific agricultural use intensity. Ranges consider irrigation water amount and duration, fencing conditions and needs of operator, presence of specialized facilities, building availability and condition, presence of prairie dogs, ecological management, and public access for recreation. Acceptable ranges, where applicable, for the Colorado Open Lands property are as follows:
 - i. Grazing Pasture: \$12 - \$16 per Animal Unit Month (AUM)
 - ii. One cutting grass hay: \$25 - \$50 per acre
2. A sample agricultural use agreement can be found on OSMP's website (<https://bouldercolorado.gov/media/821/download?inline>). Potential lessees should review the sample lease to fully understand the permitted and prohibited uses.
3. Insurance is listed as a requirement within the lease agreement. Proof of insurance must be received and approved by city staff prior to leasing the property if awarded. Worker's Compensation is required at the statutory limits and general liability of \$1,000,000 is required per occurrence and in the aggregate.
4. Lessee shall comply with all applicable laws of the United States, the State of Colorado, Boulder County and the ordinances and codes of the City. **This includes State and Federal minimum wage laws.**
5. The selected lessee is encouraged to develop a Conservation Plan with a Natural Resource Conservation Service (NRCS) Specialist within the term of the lease contract.
6. If the rancher or farmer operates in compliance with the terms of the lease, the lease remains in place for the term set forth in the agreement. The lease is exclusive for possession of the property and non-transferable. Tenant responsibility and limits on possession or use are further specified in the lease terms.
7. Upon expiration of the lease, and provided lessee is interested in continuing to lease the property, lessee and city staff will meet to review the stewardship plan to ensure both OSMP and lessee have met commitments of the stewardship plan and lease agreement. Staff and lessee will review the stewardship plan, if necessary, and adjust accordingly. Provided staff is satisfied that lessee has met expectations, staff and lessee will renew the lease with an updated rate determined by use, stewardship plan and existing base rates. More information on this process can be found on page 29 of the Ag Plan (<https://bouldercolorado.gov/media/658/download?inline>).

Clarifying Questions



Significant clarifying questions submitted in writing to OSMPAgLeasing@bouldercolorado.gov by 3 p.m. MST on February 7, 2022 will be answered in writing by city staff. The clarifying questions and their answers will be sent to everyone who supplied contact information at the mandatory pre-proposal tour.

Nothing stated by staff at the mandatory pre-proposal tour will change the Invitation for Proposals, as only the written answers to clarifying questions will change the requirements or content. Amendments will be distributed within a reasonable time to allow prospective proposers to consider them in preparing their proposals or else the time until proposals will be received should be amended. All amendments will be posted on the city website.

Proposal Submission



Proposals must be received in sealed envelopes or electronically in PDF format by 3 p.m. Mountain Standard Time on February 14, 2022.

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 property name and the name, contact person, mailing address and telephone number of the Proposer. For both paper and electronic submissions, the city reserves the right to request verification of any original or electronic signature at any time before issuing a Notice of Award.

Your proposal can be submitted in one the following ways:

Online: <https://bouldercolorado.gov/services/osmp-agriculture-program>

Electronic Mail: One (1) copy of your submittal in PDF format can be submitted via e-mail to: OSMPAgLeasing@bouldercolorado.gov

In-Person: One (1) unbound copy of your submittal can be submitted in a sealed envelope, delivered to:

OSMP-HUB
2520 55th St.
Boulder, CO, 80301



Note: Due to the closure of City Buildings, an OSMP representative will be present at the HUB office on February 14th from 2 p.m. to 3 p.m. to receive any in-person proposals.

It is the sole responsibility of the proposer to ensure their documents are received before the deadline specified above. The City of Boulder does not accept responsibility under any circumstance for delayed or failed email or

mailed submittals. Any responses received after the due date and time will be returned to the submitter.

Please note that electronic responses to this solicitation are preferred but are limited to a maximum of 25 MB capacity. NO ZIP FILES ALLOWED. Electronic Submittals must be received using the correct submission form on the website listed above. Electronic submittals sent any other way, including to any e-mail address other than the one listed on page 7, will NOT be forwarded or accepted.

Responsiveness of Proposals

A responsive proposal is one that complies with all material requirements of the Invitation for Proposals, as determined by the members of the proposal evaluation team. Considerations regarding the responsiveness of a proposal shall include:



- Attendance by the proposer or an identified representative at the mandatory pre-proposal tour;
- Compliance with all material requirements of the Invitation for Proposals;
- Submission of proposal in the form specified in the Invitation for Proposals including any required signatures;
- Submission of proposal by the time and date and at the location or electronic address specified in the Invitation for Proposals or amendment;
- Submission of all other information required by the Invitation for Proposals or amendments; and
- Submission of all required disclosure statements.



As soon as possible, and generally within 24 hours of a determination of non-responsiveness, staff commit to notify the proposer of the reason for such determination. If the non-responsiveness is determined to be minor, staff may choose to work with the proposer to resolve the deficiency and allow the proposal to be evaluated.

Evaluation Criteria

City staff commit to use the following specific guidance for evaluating the criteria below. This criterion will be evaluated and scored based on the following information, as available: information and references provided in the proposal; experience that the city has had with the proposer; interview with the proposer; and/or staff direct and indirect evaluation of the proposer's current operation. Scoring within an assessment level shall be done relative to the proposals received to the extent possible. Additional information on how each criterion will be evaluated and scored can be found in the Guidelines. Proposers are strongly encouraged to review this document prior to proposal submission.

Proposals will be reviewed and scored by a proposal evaluation team consisting of no fewer than four persons with knowledge, expertise, and experience sufficient to make a fair and reasonable evaluation. The proposal evaluation team shall include at least one staff member who was not at the mandatory pre-proposal tour. The team may include people who are not employed by the department. The teams will not include the Director or Deputy Director, Resource and Stewardship to maintain independence for approvals, reviews and evaluating appeals of decisions.

Selection Process and Property Assignment

#	Criterion	Weight
1	Fit of Proposed Operation	35
2	Agricultural Experience	30
3	Equipment Available	10
4	Demonstrated Financial Ability	10
5	Historically Underserved Producer and Access to Land	10
6	Diversity and Inclusion	5
	Total	100



The proposal evaluation team commits to provide a ranking of all responsive proposals and a recommendation for offer to the Deputy Director, Resource and Stewardship for approval.

Discussions may be held with proposers submitting acceptable proposals, but proposal ranking may be made without any discussions. Each recommendation for offer will include at minimum a justification for the selection, information about efforts to negotiate better value for the city, and any special terms or conditions to be included in the offer in addition to the proposal.

If approved, OSMP's Deputy Director, Resource and Stewardship will instruct the Agricultural and Water Stewardship Sr Manager to offer an assignment to the recommended proposer. If accepted, the Agricultural and Water Stewardship Sr Manager will prepare an agreement, in accordance with the terms of the *Invitation for Proposals* and the submitted proposal, for Deputy Director, Resource and Stewardship, Director and/or City Manager approval, as required. If not accepted, the Agricultural and Water Stewardship Sr Manager will seek approval from the Deputy Director, Resource and Stewardship to offer an agreement to the next ranked

proposal. City staff commit to notify all proposers who submitted unsuccessful proposals of the results and provide adequate time for protest prior to finalizing the agreement.

Appeal Process



Any interested party may request an administrative appeal regarding the selection or non-selection of a rancher or farmer.



Appellant shall submit their appeal in writing to the OSMP Director within five business days after the notice of selection result is posted on the city website. All written appeals shall be delivered by electronic mail to OSMPAgLeasing@bouldercolorado.gov. An appeal of the selection or non-selection of a rancher or farmer shall briefly and succinctly state the basis on which the appellant believes the determination is in error based on the city's Agricultural Land Use Assignment Guidelines.



The Director, or delegate, shall consider the administrative appeal, but shall do so by relying on existing materials. As this is an administrative review, new information and hearsay will not be considered. The Director, or delegate, shall make a prompt determination (within thirty days) including the reasons upon which it is based and provide a copy of such determination to the appellant and other affected parties. Offer of the property shall be stayed pending determination of the director, or delegate. The Director's, or delegate's, determination shall be final.

Colorado Open Lands Property Information

Location: 6202 Andrus St, Boulder, CO 80301

Legal Description: Approximately 32 acres located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, Township 1 South, Range 70 W of the 6th P.M., in Boulder County, Colorado. Approximately 7 acres is available for lease.

Lease Area Description: 6.7 acres of dryland pasture or hay

Irrigation water: None currently

Fencing: Complete perimeter fence; High Tensile

Facilities: There is a small shed on the property.

Management Considerations: Proposed three-year lease term. The property has been idle for the past four years; however, it is expected that this property will be used for livestock grazing or one-cutting hay. Livestock water is not available on the lease area and there is no access to Boulder Creek. Proposers will need to clarify how livestock water will be provided if grazing is proposed.

Colorado Open Lands Property Map



Colorado Open Lands

Please submit the following information in the order listed below. Please limit your submission to a total of 8 pages. Additional information provided that is determined to be outside of the scope of these prompts and questions and not relevant to the evaluation criteria will not be considered in the selection process:

1. Please describe the operation you propose for this property. Include details regarding your proposed grazing management practices, vegetation / forage management and irrigation management practices. Please include practices that you currently employ, and management results from them, to conserve soil, water, and forage resources.
2. Please describe your agricultural background and any existing agricultural enterprise(s). Include general location information, and the years of experience implementing the agricultural practices you have proposed.
3. Describe your proposed vegetation and soil sampling protocol or observations and how you will use this information to adapt and modify management practices.
4. Describe how the City of Boulder agricultural land you are proposing to lease improves the viability of your existing agricultural operation or improves agricultural stewardship of your existing property(ies).
5. Describe your ability to finance the implementation of your proposed operation. Include information regarding any necessary capital or operating loans that will be required. Please describe how and where you will market the products grown on the property.
6. Please describe any kind(s) of infrastructure improvement(s) that you envision for the property.
7. Please describe the machinery and equipment needed to implement your proposed grazing and vegetation management operations on the property and how you will meet those needs, e.g.: own, lease, borrow, hire custom, etc. Please only list or describe the machinery or equipment you will be using on the property, e.g.: seed drill, portable corrals, temporary fencing, etc.
8. Are you involved in your agricultural enterprises on a full-time basis? If not, what percentage of your time is dedicated to agricultural pursuits?
9. Please provide any information pertaining to your eligibility as a U.S. Department of Agriculture historically underserved producer.
(<https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/people/outreach/slbfr/>).
10. What is your proposed per AUM or per acre bid for this property?
11. Please describe your pay and employment practices and how you have provided farm goods to disadvantaged communities or mentored first generation farmers.

References

Provide personal references that are familiar with your agricultural experience including the following, as possible. Please provide only names and contact information. Do not include reference letters as part of your submission.

- Two neighboring landowners to proposer's current operation;
- A landowner who leases or has agreed to allow proposer to use their land;
- A ditch rider, lateral captain or water commissioner who has worked with proposer on their current operation;
- A customer or buyer of proposer's current agricultural product;
- Any additional similar references that proposer believes would be helpful in evaluating the proposed operation;

Name	E-mail address and Phone Number	Relationship

*Please note that bidders may be asked to provide financial reference(s) and information upon request.

Proposal Form- Required

Failure to complete, sign and return this signature page with your proposal may be cause for rejection.

Contact Information	Response
Company Name including DBA	
List Type of Organization (Corporation, Partnership, etc.)	
Name and Title of Person Authorized to Contract with City of Boulder	
Name and Title of Person Submitting Bid	
Email Address for Person Submitting Bid	
Company Address	
Company Phone Number	
Company Website	
Company Fax Number	

By signing below I certify that:

I am authorized to bid on my company's behalf.

I am not currently an employee of City of Boulder.

None of my employees or agents is currently an employee of City of Boulder.

I am not related to any City of Boulder employee or Elected Official.

I am not a Public Employees' Retirement Association (PERA) retiree.

Signature of Person Authorized to Bid on Company's Behalf

Date

Note: If you cannot certify the above statements, please describe in a statement of explanation.