



REQUEST FOR PROPOSALS
Feasibility Report and Environmental Impact Statement for the
Caño Martín Peña Ecosystem Restoration Project
San Juan, Puerto Rico

Issue Date: March 8, 2010
RFP Number: 2010-004

Submission Location:

Responses shall be mailed to:

Lyvia N. Rodríguez Del Valle
Executive Director
Corporación del Proyecto ENLACE del Caño Martín Peña
PO Box 41308
San Juan, Puerto Rico 00940-1308

Or hand delivered at:

Lyvia N. Rodríguez Del Valle
Executive Director
Corporación del Proyecto ENLACE del Caño Martín Peña
Centro Gubernamental Roberto Sánchez Vilella
South Building, Promenade
De Diego Avenue, Stop 22, Santurce

Mandatory Meeting

Submission Deadline:

Responses to be received at the above Submission Location on or prior to:
4:30 pm local time, April 9, 2010

Contact Person:

Carlos Muñoz Pérez
Manager of Urban and Environmental Affairs
Fax: (787) 725-2544
cmuniz@martinpena.org

No telephone queries will be accepted.

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RFP 2010-004

I. Introduction

The *Corporación del Proyecto ENLACE del Caño Martín Peña*, hereinafter ENLACE, requests proposals of qualified consultants to prepare and complete the Feasibility Report and the Environmental Impact Statement for the Caño Martín Peña Ecosystem Restoration Project, hereinafter, the Feasibility Report.

The Feasibility Report will be prepared pursuant to Section 5127 of the 2007 Water Resources Development Act (WRDA 2007); Law 489 of September 24, 2004, as amended, commonly known as the Comprehensive Development for the Caño Martín Peña Special Planning District Act (Law 489); the Land Use and Comprehensive Development Plan for the Special Planning District of the Caño Martín Peña¹ (the District's Plan); and, the San Juan Bay Estuary Comprehensive Conservation and Management Plan². The document must comply with both Federal and Puerto Rico's applicable environmental legislation and regulations.

Through the WRDA of 2007, Congress authorized \$150M for the dredging of the Caño Martín Peña (CMP) subject to the Secretary of the Army's approval of a feasibility report prepared by the non-Federal interest, which is ENLACE. Section 5127 of WRDA 2007 reads as follows:

“The Secretary shall review a report prepared by the non-Federal interest concerning flood protection and environmental restoration for Cano Martin Pena, San Juan, Puerto Rico, and, if the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is feasible, the Secretary may carry out the project at a total cost of \$150,000,000.”

The completion of the Feasibility Report will require the review of previously conducted studies, updating them only when necessary. Additional studies will be needed. Through its consultants, ENLACE will complete the draft Feasibility Report on its own, with the technical assistance of the US Army Corps of Engineers (USACE), to the

¹ The District's Plan is available in Spanish at:
<http://www.estado.gobierno.pr/ReglamentosOnLine/ReglOnLine.aspx>. Type 7469 at the first column titled *Número* and press the button at the lower right corner titled *Buscar*.

² The San Juan Bay Estuary Comprehensive Conservation and Management Plan is available at www.estuario.org, under CCMP English.

maximum extent practicable under current USACE policy guidance. As federal funds become available, the USACE will complete the NEPA coordination, internal Agency Technical Review and prepare the letter of compliance for the Secretary of the Army. ENLACE will continue working on the Feasibility Report as the USACE's review process advances. The work to be performed by the consultant must comply with USACE's requirements, as described in **Appendix A**.

Throughout the years, federal and Puerto Rico's governmental agencies performed relevant studies in the project area. These studies, other related correspondence, and information collected during field visits will be used as a base from which to continue the required planning studies. Information in the previous reports will be expanded and updated as required to reflect current problems and opportunities and desires of the public, to establish final planning criteria and planning objectives to be used to formulate plans, to identify additional measures to meet the final planning objectives, and to formulate the first array of alternatives to be evaluated.

This Request for Proposal (RFP) does not commit ENLACE to award a contract, to pay any costs incurred in the preparation of a proposal for this request, or to procure or contract for services. ENLACE reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified firm or to modify or cancel in part or in its entirety the Request for Proposal if it is in the best interest of ENLACE to do so.

II. Background

Brief Assessment of the Problem

The CMP is a tidal canal approximately four (4) miles long, connecting the San Juan Bay and the San José Lagoon, in metropolitan San Juan, Puerto Rico. It is part of the San Juan Bay Estuary (SJBE), the only tropical estuary that is part of the US Environmental Agency's National Estuary Program. The drainage area of the CMP is about 4 square miles (2,500 acres). The eastern 2.2 miles long segment of the CMP and adjacent areas are the main focus of the Feasibility Report. The San José Lagoon is a secondary area of study. A project location map is included in **Appendix B, Map B.1-B.4**.

The CMP originally had an average width of at least 200 feet and a depth between 6 to 8 feet. However, since the 1920's, the channel and its wetlands began to be modified as result of development pressures exerted by growth in the area. The wetlands adjacent to the San Juan Bay and along CMP were used as a disposal site for the material that was dredged from the San Juan Harbor Project affecting or eliminating more than 80 percent of the original mangrove acreage found in this area of the SJBE. In addition, as the result of the decay of the sugar cane industry among other factors, massive migration from rural Puerto Rico to San Juan led to squatter settlements in areas along CMP. Today, there are eight communities located North and South of the eastern segment of the CMP, whose population is estimated in 27,000 inhabitants. Over 600 families still live in the areas directly adjacent to the CMP and thousands live in areas that without access to sewer systems.

The CMP's ability to convey flows has been almost completely blocked as a result of siltation, trash and debris accumulation, and structure encroachments. Recent subsurface investigations in the remaining canal and both banks along the eastern half of CMP found trash and debris up to 9 feet below the surface. As a result of the progressive canal clogging, there is very little tidal exchange between the San José Lagoon and the San Juan Bay and the water quality is very poor. The hydrodynamic model developed by USACE's Environment Research and Development Center (ERDC) confirmed the negligible tidal exchange between the San José Lagoon and the San Juan Bay.

This situation is exacerbated by the lack of adequate infrastructure of a combined sewer system, leaching from on-site septic systems, and many direct discharges of untreated sewage into the CMP. Direct raw sewage discharges, from the communities encroaching the channel and from other areas of San Juan, have transformed the CMP into a public health hazard. Encroachment along the eastern half of CMP has increased the intensity and frequency of floods, affecting nearby communities with a combination of storm and untreated sanitary waters. Two 66"φ regional sewer trunks cross the CMP, as well as a 36"φ potable water transmission line and a 115kv power distribution line.

Wildlife habitat loss has occurred within the system as a result of direct (e.g., construction, dredging, filling) and indirect impacts. Increased sediment runoff and eutrophication (organic and inorganic nutrients in the water cause an environment that favors algae growth) have increased water turbidity to the extent that benthic primary production is no longer possible in many locations. Water quality is extremely poor in some areas of the system due to eutrophication and fecal coliform bacteria contamination. The population of mangroves has notably diminished.

Proposed Action

The proposed action is to dredge the eastern segment of the Martin Peña Channel to achieve its environmental restoration and as secondary goals, reduce flooding and allow for environmentally sound waterway transportation, promote recreation and tourism, with the minimal negative impact on the ecosystem and the adjacent communities.

Previous studies suggest that the environmental restoration of the CMP will be achieved by dredging it to a 10 feet deep by 100 ft wide channel with a vertical steel sheet pile and concrete bulkhead system and a transitional section towards the opening to the San José Lagoon. The new bulkhead will be gapped to allow tidal inundation and thus, mangrove establishment between the open water and upland areas. A recreational walkway could be installed on top of the channel walls along portions of the channel, extending the walkway developed as part of the previous dredging works.

Mangroves are expected to increase in density along the banks, which where necessary will be covered with geotextiles and clean material to encapsulate trash and debris. The mangrove conservation area along Martin Peña will have a variable width. The design will provide for water plazas, to allow for interactivity between the communities and the CMP. The illustration in **Appendix B, Map B.5-B.7** shows the concept for the dredging, conservation area and a peripheral street, based on a 150' to 230' wide canal. **Appendix B, Map B.8** shows the area that has been defined under Law 489 as a

maritime – terrestrial zone, which is public land destined to the channel and the adjacent conservation areas.

According to previous studies, most of the dredging material will be used to fill several depressions located in the San José Lagoon. These depressions resulted from sand extraction activities, and are an important factor in the environmental degradation of the SJBE. **Appendix B, Map B.9** shows the location of these depressions.

About ENLACE, Public Participation, and the Technical Committee

ENLACE is a public corporation created under Law 489 to lead the implementation of the District's Plan, which includes the dredging and environmental restoration of the CMP. ENLACE builds partnerships with the organized communities represented by the Group of the Eight Communities (G-8), Inc., the private sector, and the central and municipal government authorities around an agenda for an inclusive city, in urban, environmental, social and economic terms. Building upon the capacities of the 27,000 residents in eight inner communities and strengthening social capital, ENLACE seeks to overcome poverty, and attain social and environmental justice. By addressing major environmental degradation issues, ENLACE is also an alternative for safer and healthier communities and a restored San Juan Bay Estuary System.

The CMP Special Planning District was designated by the Planning Board through a resolution on May 17, 2002, and includes the following communities: Barrio Obrero, Barrio Obrero Marina, Buena Vista Santurce, Parada 27, Las Monjas, Buena Vista Hato Rey, and Israel–Bitumul. . This District excludes the *Península de Canter*a community, since it already constitutes a separate Special Planning District. The District's Plan was developed after 700 community participation activities. During the process, CMP dredging alternatives were discussed in detail. The participatory planning process led to the approval of Law 489, and the creation of ENLACE and of the first community land trust in Puerto Rico.

Public participation in the decision making process and in early stages of any project is a must for ENLACE, as a public policy established under Law 489. Public involvement goes beyond the required public hearings. Outreach must be inclusive and participatory, so stakeholders and the public at-large are active participants in the implementation process. This process is accomplished by keeping the public involved during plan development and implementation in the public hearings, meetings, and workshops. ENLACE's Community Outreach Office works together with community leaders to design and implement effective participation techniques and processes.

The Technical Committee on the Dredging of the CMP, of which ENLACE is the coordinator, has representatives from the USACE, the San Juan Bay Estuary Program, the G-8, the US Fish and Wildlife Service, the US Environmental Protection Agency, the US National Marine Fisheries Service, the US NOAA Fisheries, the PR Environmental Quality Board, the PR Department of Natural and Environmental Resources, the PR Planning Board, the Institute of Puerto Rican Culture, the PR Aqueduct and Sewer Authority, the PR Electric Power Authority, the *Compañía para el Desarrollo de la Península de Canter*a, universities, among others. The Committee will hold meetings as

necessary in order to provide comments in early stages of the process and share information. Members of the committee will be available for individual consultation.

ENLACE is a recipient of the 2009 Paul Davidoff Award for Social Change and Diversity, granted by the American Planning Association, the 2007 Environmental Quality Award granted by the Environmental Protection Agency (EPA), among many other recognitions. Recently, the Harvard University John F. Kennedy School of Government chose ENLACE as a case study.

III. Scope of Work (SOW)

The SOW for the Feasibility Report is attached as **Appendix A**.

IV. Eligibility

ENLACE will accept respondents that are individual firms or submit as consortiums, joint ventures or partnerships. In such later cases, respondents must clearly identify the participation of each partner based on the project SOW, designate the party legally authorized to represent the joint venture, consortium or partnership for the negotiation and the formalization and execution the contract, anticipating possible execution and payment methods for or by each party. Respondents must be authorized to do business in Puerto Rico; and must comply with federal and Puerto Rico's laws and regulations applicable to the granting of contracts.

Also, respondents must demonstrate previous relevant experience in developing feasibility reports for environmental restoration projects, in compliance with the USACE guidelines, and in developing EIS that complies with federal and Puerto Rico environmental policy. Respondents must evidence experience in performing habitat-based ecosystem evaluation and incremental analysis.

V. Required Content of the Proposals

All proposals must include three sections, which shall meet the requirements stated below.

Section A: Qualifications

Qualifications and Experience Statements

Respondents shall include the following:

- (a) Information concerning the respondent and team's background including staff experience, skills and qualifications.
- (b) A brief description of similar or related studies performed or in progress by the respondent, including client's addresses and contact person, and a statement on whether or not those projects were completed on time and on budget.

- (c) A list and a brief description of previous (a) feasibility reports for environmental restoration projects, in compliance with the USACE environmental policy, (b) environmental impact statements in compliance with federal and Puerto Rico environmental policy; and, (c) habitat based ecosystem evaluation and incremental analysis. Please provide client's addresses and contact person, and when applicable, identify the USACE District and a contact person.
- (d) Resumes of key staff members assigned to the study shall be provided, detailing their academic background, professional certifications, and relevant experience and expertise. Whenever applicable to the work to be performed, staff whose profession is regulated in Puerto Rico must provide the number of license as evidence that the individual is authorized to practice that profession or office in Puerto Rico.
- (e) The workload of key staff assigned to this study shall be identified as related to tasks and/or subtasks within recommended time relationship or proportions to the study time schedule.
- (f) If the respondent is a consortium, joint venture or partnership, clearly identify the participation of each partner based on the project SOW, designate the party legally authorized to represent the joint venture, consortium or partnership for the negotiation and the formalization and execution the contract, anticipating possible execution and payment methods for or by each party.

Excellent oral and written skills in both English and Spanish of key staff are highly recommended and shall be clearly established. Staff members who are expected to participate in public meetings must be fluent in English and Spanish.

Compliance

The respondent shall certify, in writing, that he or she fulfills the following requirements for the contract, and shall provide documentation when necessary:

- (a) That the respondent has the legal, financial and technical capacity to grant a professional services contract to conduct and certify the studies described in the Scope of Work. This requirement is also extended to the members, officials, directors, partners and employees of each firm or consortiums, joint ventures or partnerships that submit a proposal as a respondent.
- (b) That any sub-contractor that is part of the respondent's team has the capacity and technical skills required to conduct the sub-contracted work in a way that is efficient, technically sound, and of professional quality. This requirement is also extended to the members, officials, directors, partners and employees of the subcontractor's firm, if applicable.
- (c) That the respondent, its officials, directors, partners or employees have no conflicts of interest with ENLACE or with the USACE, and that no employee of this agency or any member of their families have any direct or indirect economic interest in the outcome of this contract. This requirement is also extended to the members, officials, directors, partners and employees of the subcontractor's firm, if applicable.
- (d) That it has filed income tax forms for the five tax years previous to the year in which the contract will be formalized, and does not owe any type of taxes to the Commonwealth of Puerto Rico; or that it is complying with a payment plan.
- (e) If applicable, that it is registered as a merchant in the Puerto Rico's Department of Treasury.

- (f) That it has filed Puerto Rico property tax forms for the previous five tax years; or that had no legal obligation to filled property tax forms for that period.
- (g) If the respondent is a natural person or individual, that it does not owe any Child Support or is complying with a payment plan.
- (h) If the respondent is a legal person, that it has comply with withholding orders to pay alimony
- (i) That it has not been convicted of any crime against public integrity, as defined in the Commonwealth of Puerto Rico's Penal Code, nor committed public funds embezzlement or that it has declared itself guilty of any of these offenses before Puerto Rico Commonwealth courts, or federal courts of any jurisdiction in the United States of America.
- (j) That the respondent is able to comply with any other applicable requirement to contract with ENLACE and the USACE.

Section B: Technical Proposal

The **technical proposal** must include, but not be limited to, the following information:

- (a) The technical proposal must address all activities included in the SOW in the same sequence.
- (b) The proponent shall concisely summarize their understanding of the study and their proposed methodological approach for addressing study goals and objectives. This shall include a detailed work plan, including at least the following:
 - The work phases and main tasks for each phase.
 - The intermediate and final products that will be delivered based on the phases established in the work plan.
 - The proposed methodology for each of the tasks.
 - A work program schedule by task and sub-task, for the specific time frame of the study. Key project meetings and the sequential relationship of key tasks and sub-tasks shall also be depicted within the time frame.
 - The staff in charge of each task.

The proponent may include additional information for the technical proposal as attachments, if considered relevant and necessary.

Section C: Economic proposal

An **economic proposal** must be submitted separately, stating the total cost of the services to be provided. This estimate shall be itemized according to the cost of the products to be generated for each phase, as identified in the work plan. The proponent must specify all related costs not included in the proposal.

The proponent shall not include the costs incurred in the preparation of the proposal for this request as part of their fees.

VI. Submission Instructions

Registry of Potential Respondents

Respondents are responsible for ensuring that they have received the complete RFP, as listed in the Table of Contents. Responses will be considered on the basis of the entire RFP. ENLACE accepts no responsibility for any Respondent lacking any information.

Potential respondents are strongly advised to register by filling out and returning the attached Receipt Confirmation Form (**Appendix D**). Notifications of additional information, addenda, and responses to inquiries will be sent ONLY to those registered.

Compulsory Meeting

Respondents are required to attend a meeting and site visit, in which additional details will be offered, which could affect the content of this request for proposals. The meeting will be held on **March 19, 2010 at 9:30 a.m.** at the *Oficina de Participación Ciudadana y Desarrollo Social, Corporación del Proyecto ENLACE del Caño Martín Peña*, 745 Barbosa Avenue, Santurce (after crossing the new bridge, in direction to Santurce, turn right in the intermittent light and then to the left, next to *La Pollera*). You may call (787)729-1594 for directions.

Inquiries

All communications or inquiries regarding this RFP shall be made in writing by the Respondent's Authorized Representative to the Contact Person, as noted on the title page of this RFP. Such communications or inquiries shall be sent through e-mail to the following address: cmuniz@martinpena.com, with a copy to Irodriguez@martinpena.org, or via fax to **(787) 725-2544**.

Inquiries will be processed expeditiously. A copy of the inquiry, along with a written response, will be sent via e-mail only to those interested parties that are registered. ENLACE reserves the right not to provide a response.

Addenda

ENLACE reserves the right to revise, amend or clarify this request for proposals. Any amendments will be incorporated as Addenda to this proposal, which will be sent to the registered potential respondents at least two (2) working days before the due date for submission. ENLACE will make reasonable efforts to deliver each addendum to the registered potential respondents. ENLACE makes no guarantee of timely delivery of any Addenda to any respondent.

Fax and E-mail Communication

The following provisions shall apply to any communications with the Contact Person or the delivery of documents to the Contact Person by fax where such fax delivery is permitted by the terms of this RFP.

ENLACE does not assume any responsibility or liability to any Respondent (a) for ensuring that any facsimile transmission equipment system being operated for ENLACE is in good working order, able to receive transmissions, or not engaged in receiving other transmissions such that a Respondent's transmission cannot be received; and/or (b) if a permitted fax is not received by ENLACE, or received in less than its entirety, within any time limit specified by this RFP.

Unofficial information

Information offered from sources other than the Contact Person with regard to the content, intent or interpretation of this RFP is not official, may be inaccurate, and should not be relied on in any way, by any person or firm, for any purpose. Moreover, oral communications with the ENLACE's officers and employees are non-binding on ENLACE and shall in no way exempt the respondent from obligations set forth in this RFP.

Language

Proposals shall be written in English. A two page executive summary discussing the highlights of the proposal must be furnished in Spanish.

Proposal Submission

Qualifications, the technical proposal and economic proposal must be submitted in separate and sealed envelopes. The envelopes, as well as all the pages and addenda to the proposal, must be clearly identified with the name of the project and the name of the respondent. The authorized representative of the proponent must sign each document (qualifications, technical and economic proposals), as well as the cover letter. Submissions must include one (1) original and four copies, as well as an electronic copy in .pdf.

Respondents must submit their proposals in person (including delivery services), at the main offices of ENLACE, at Roberto Sánchez Vilella Government Center, South Building, Promenade, on or before **April 9, 2010 at 4:30 p.m.**, local time. For directions, call (787)729-1594 or (787)725-2574.

An electronic copy of the proposal must also be submitted to the following email addresses:

lrodriguez@martinpena.org
cmuniz@martinpena.org

Proposals shall be directed to:

Lyvia N.- Rodríguez del Valle
Executive Director
Corporación del Proyecto ENLACE del Caño Martín Peña
PO Box 41308
San Juan, Puerto Rico 00940-1308

Proposals submitted after the date and time of the deadline, and/or incomplete proposals, will not be considered by the Evaluation Committee.

Revisions to submitted proposals may be made at any time prior to the Submission Deadline.

VII. Evaluation Process

ENLACE will review the proposals for completeness and compliance with all of the submission requirements. Proposals that fulfill the requirements will be evaluated according to the following criteria, which are not necessarily arranged in order of priority:

- (a) Understanding of the scope and purpose of the work to be contracted.
- (b) Scope of the technical proposal, methodology and strategies.
- (c) The proposal shall be concise and as complete and clear as possible.
- (d) Ability to demonstrate the respondent's relevant experience and capability in the development of work of similar content and scope as the work expected in this RFP.
- (e) Experience and capability of the people who will be involved in this project.
- (f) References and samples of similar services completed for other clients.
- (g) Timeframe for the completion of this work.
- (h) Reasonableness of the costs and fees.

ENLACE may, at its sole and absolute discretion:

- (a) Conduct reference checks;
- (b) Take into consideration information from other sources;
- (c) Seek recommendations from members of ENLACE's Advisory Board, or of ENLACE's Technical Committee for the Dredging of the Caño Martín Peña, community leaders, or any other external advise.
- (d) Seek clarification from any or all Respondents;
- (e) Request meetings with any or all Respondents;
- (f) Request additional information from any or all Respondents.

ENLACE's Executive Director will designate an evaluating committee to conduct the evaluation process and submit recommendations for her approval.

Notification

ENLACE will notify its decision to the proponents in writing.

Contract negotiation

The proposal shall be the basis for negotiating the contract for professional services. At this point, ENLACE may require the selected proponent to make adjustments to the proposal. If ENLACE does not reach a final agreement with the selected respondent, it may, at its discretion, negotiate a contract with the second respondent, or publish an RFP again. ENLACE's Board of Directors must approve the contract. ENLACE must obtain the approvals of the *Junta de Reestructuración y Estabilización Fiscal* (Budget Stabilization and Reconstruction Board), the *Secretario de la Gobernación* (Office of the

Governor), and the *Oficina de Gerencia y Presupuesto* (Puerto Rico's OMB) as required by applicable legislation and executive orders.

If selected, the proponent must submit the following certifications, in originals:

- (a) Three (3) certificates of the Puerto Rico Treasury Department, one stating that the respondent has filed tax returns during the previous five (5) years (Form SC 6088 and/or, if applicable, Form SC 2888 and Form 2781)); another stating the absence of debt, or the existence of a payment plan (Form SC 6096);; and another stating that the respondent is registered as a merchant in the Puerto Rico's Department of Treasury (Form SC 2918)
- (b) Two certificates from the *Centro de Recaudación de Ingresos Municipales (CRIM)*, one stating the respondent has filed property tax forms for the previous five (5) tax years; or affidavit with the required information, if there is no obligation to present property tax forms for the previous five (5) tax years; and another stating absence of debt for property taxes or the existence of a payment plan.
- (c) A certificate from the Puerto Rico Department of Labor and Human Resources stating that the respondent has paid and pays insurance for unemployment, temporary incapacitation, or social security, as applicable.
- (d) A certificate of no debt from the Child Support Administration. This will be a requirement only if the proponent is an individual. If the respondent is a legal person, a certificate of compliance with withholding orders to pay alimony from that agency.
- (e) A Certificate of Existence or similar document; or a Certificate of Authorization to do Business as a Foreign Corporation or similar document; and a Good Standing Certification from the Puerto Rico's Department of State, which applies.
- (f) An affidavit stating that the respondent nor its officials, directors, partners or employees has/have not been convicted of any crime against public integrity, as defined in the Commonwealth of Puerto Rico's Penal Code, nor committed public funds embezzlement or that it has declared itself guilty of any of these offenses before Puerto Rico Commonwealth courts, or federal courts of any jurisdiction in the United States of America.
- (g) Any other document, as required by ENLACE according to Puerto Rico's applicable law.
- (f) Any other document, as required by the Corps of Engineers according to Federal law.

VIII. RFP Terms and Conditions

This RFP does not constitute an offer to enter into a Contract or Engagement with any individual or firm and no Contract or Engagement of any kind is formed under, or arises from, this RFP.

Public Record

All materials submitted in response to this RFP become property of ENLACE and shall not be returned. The documents and other records submitted to ENLACE are part of the public record and subject to public disclosure; accordingly, information submitted should be expected to be subject to public availability.

Confidentiality of information

Information associated to ENLACE obtained by the Respondent as a result of participation in this RFP is confidential and must not be disclosed without prior written authorization from ENLACE.

Cost of preparing proposals

ENLACE is not responsible for any expense incurred in preparing and submitting a response to this RFP or taking any action in connection with the selection process, or for the costs of any services performed by any Respondent prior to the execution of a contract with ENLACE. Moreover, each Respondent acknowledges that it is solely responsible for all costs it incurs in preparing a proposal, including costs of providing information requested by ENLACE, and for subsequent negotiations, if any.

Reservation of Rights

ENLACE reserves the right, in its sole and absolute discretion, to:

- (a) Change or amend the scope of work set forth in this RFP.
- (b) Cancel or suspend this RFP process or any or all stages, at any time for any reason.
- (c) Accept or reject any proposal based on the RFP and as determined by the discretion of ENLACE.
- (d) Waive any defect as to form or content of this RFP or any response thereto.
- (e) Not accept any or all proposals.
- (f) Select a Respondent that will best meet ENLACE's needs, regardless of differences in fees and expenses among responders to this RFP.
- (g) Reject all or any proposals without any obligation, compensation or reimbursement to any Respondent or any of its team members.
- (h) Re-advertise for new proposals, call for tenders, or enter into negotiations for work of a similar nature.
- (i) Make changes to the terms of the RFP.
- (j) Extend any date, time period, or deadline provided in this RFP upon notice to all registered respondents at any time.

Restriction of Damages

Each Respondent agrees that:

- (a) In the event that any or all Responses are rejected, or this RFP is modified, suspended or cancelled for any reason, neither ENLACE nor any of its employees, advisors or representatives will be liable, under any circumstances;
- (b) The Respondent waives any and all Claims whatsoever, in the event that the Respondent is rejected or is not successful in this RFP or for any other reason; and
- (c) The Respondent will not make any Claim against ENLACE or its employees, advisors or representatives in excess of an amount equivalent to the reasonable costs of preparation of the Responses for any matter relating to the RFP process.

No Unauthorized Communications

All or any communications with respect to this RFP must be made by the Respondent's Authorized Representative by fax, to the Contact Person, as noted on the title page of this RFP. ***No telephone inquiries will be accepted.***

Respondents will not communicate directly or indirectly on matters related to this RFP with any representatives of ENLACE, any member of the Evaluation Committee, any member of the Technical Committee for the Dredging of the Caño Martín Peña, or any person involved in any manner in the evaluation and selection process.

ENLACE, at its sole and absolute discretion, may at any time, but not be required to, reject any Response by a Respondent that engages in lobbying with respect to this RFP.

IX. List of Appendixes and References

Appendix A: Scope of Work

Appendix B: Maps

B.1- Project location

B.2- Aerial photograph 1936 of the Caño Martín Peña

B.3- Aerial photograph 2007 of the Caño Martín Peña

B.4- San Juan Bay Estuary Basin

B.5- Proposed action

B.6- Proposed channel sections

B.7- Comprehensive Development Plan for the Special Planning District of the Caño Martín Peña

B.8- Maritime terrestrial zone plan

B.9- Possible contained aquatic disposal sites

Appendix C: Law 489 of September 24, 2004, as amended

Appendix D: Receipt Confirmation Form