

05-23-2022 Posting Date

PID No. 117213

Cleveland–Cuyahoga County Port Authority

Response Due Date: 06-17-2022

Communications Restrictions

Please note the following policy concerning communication between Consultants and the Cleveland–Cuyahoga County Port Authority (“Port”) during the announcement and selection process:

During the time period between advertisement and the announcement of final consultant selection, communication with consultants (or their agents) shall be limited as follows:

Communications which are strictly prohibited:

Any discussions or marketing activities related to this specific Project.

Allowable communications include:

Technical or scope of services questions specific to the Project or RFQ requirements. Written questions must be submitted via email to linda.sternheimer@portofcleveland.com by June 10th @ 2 p.m. (EST). Responses will be posted on the Port Authority’s website by close of business of June 14th. The Port will not be responsible for any oral instructions or information.

Firms considering responding to this RFQ are strictly prohibited from communicating with any member of the Port, Cleveland Metroparks or their Project partners regarding this RFQ. All questions must be submitted in writing via email. Any submissions may be withdrawn or amended prior to the closing deadline. If any interested firm has questions, they should contact Linda Sternheimer by e-mail [**linda.sternheimer@portofcleveland.com**](mailto:linda.sternheimer@portofcleveland.com).

Project Description

The “Project” known as the Cleveland Harbor Eastern Embayment Resilience Strategy (CHEERS) examines the opportunities for revitalization of the lakeshore east of downtown Cleveland as indicated in Exhibit III - Project Location. Design work began in 2020, with a consultant team creating conceptual plans to create additional parkland and habitat along the Lake Erie shore on Cleveland’s east side along with improved neighborhood and park amenities using sediment dredged from the Cuyahoga River. The Port and Cleveland Metroparks are working in partnership and collaboratively seek a diverse Consultant Team to complete the “Design Work” as detailed in the Scope of Services below for the improvements required to build out the new shoreline and “Isle” as shown in Phases A/ B on Exhibit IV as funding allows and at the Port and Cleveland Metroparks’ discretion.

Prequalification Requirements

Prequalification requirements for this agreement are listed below. For all prequalification categories other than Cost Accounting – Unlimited, the requirement may be met by the prime consultant or a subconsultant.

Also, please note that only individuals (not firms) are prequalified for right of way acquisition and construction inspection. In instances where prequalification for these services is required, a prequalified individual, either employed by the prime consultant or a subconsultant, must be named to meet the requirement.

For agreements that require prequalification in Cost Accounting – Unlimited, the prime consultant and **all subconsultants that provide engineering and design related services** must be prequalified in this category. Engineering and Design Related Services are defined as follows:

Program management, construction management, feasibility studies, preliminary engineering, design engineering, surveying, mapping, or architectural related services with respect to a highway construction project subject to 23 U.S.C. 112(a) as defined in 23 U.S.C 112(b)(2)(A); and

Professional services of an architectural or engineering nature, as defined by State law (ORC 5526), which are required to or may logically or justifiably be performed or approved by a person licensed, registered, or certified to provide the services with respect to a highway construction project to 23 U.S.C. 112(a) and defined in 40 U.S.C. 1102(2).

DESIGN SERVICES:

- Subsurface Utility Location Services;
- Geotechnical Engineering Services;
- Geotechnical Testing Laboratory;
- Geotechnical Field Exploration Services;
- Geotechnical Drilling Inspection Services;

ENVIRONMENTAL SERVICES:

- Environmental Document Preparation - EA/EIS;
- Environmental Document Preparation - CE;
- Environmental Document Preparation - Section 4(f);
- Ecological Surveys;
- Waterway Permits;
- Air Quality Analyses;
- Archaeological Investigations;
- History/Architectural Investigations;
- Regulated Materials Review (formerly ESA) Screening, Phase I and Phase II;
- Regulated Materials Review (formerly ESA) Remedial Design

COST ACCOUNTING SYSTEM

Unlimited (Prime consultant and subconsultants that provide engineering and design related services must meet this prequalification requirement)

Selection Subfactors

Adherence with the planning vision found in Exhibit V and ensure design progressed in alignment vision, subaqueous placement of dredge sediment with environmental considerations, geotechnical, coastal engineering and maritime infrastructure, Submerged Lands Leases, development of financing framework and knowledge and experience negotiating 217 agreements with the US Army Corps of Engineers, and experience working with Ohio Department of Transportation on LPA projects.

Contract Type and Payment Method

The Port Authority's standard Consultant Agreement will be utilized, see Exhibit I (attached separately). Payment terms are outlined in the Terms and Conditions of this Agreement. Fee and the final scope of services will be negotiated following the determination of the most qualified consultant team in accordance with the Ohio Revised Code's qualification based selection process.

Estimated Date of Authorization

It is anticipated that the selected Consultant will be authorized to proceed in July 2022.

Completion Schedule

See attached Exhibit IV

Business Enterprise/Female Business Enterprise (MBE/FBE) Participation Goals

The Port is committed to economic inclusion of MBE/FBE businesses in its capital and development-finance programs. This Project has an established participation goal of 15%.

To meet these goals, the Statement must show:

- (A) That the consultant has made good faith efforts to meet the Port's goal. Good faith efforts may include: (1) Documentation that the consultant has obtained enough MBE/FBE participation to meet the goal; or (2) Documentation that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough participation to do so; and
- (B) A summary of the proposed anticipated MBE/FBE participation, which should include the roles and responsibilities of the proposed subconsultants. The participation percentage will be calculated based upon the entire Project. Because the Port relies on cross honor designations established by local agencies that include, but are not limited to, the City of Cleveland, ODOT, NEORS, or any other local agency that has a similar vetting process, Statements must clearly identify the certifying government agency.

Suspended or Debarred Firms

Firms included on the current Federal list of firms suspended or debarred are not eligible for selection.

Terms and Conditions

In addition to the Port Authority Consultant Agreement's standard Terms and Conditions, the Ohio Department of Transportation's Specifications for Consulting Services 2016 Edition is included as a referenced agreements.

Firm must also comply with terms and conditions of the National Fish and Wildlife Foundation, and the Ohio Maritime Assistance Program which terms and conditions are set forth in Exhibit II.

Compliance with Title VI of the Civil Rights Act of 1964

The Cleveland-Cuyahoga County Port Authority in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all bidders including disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability, low-income status, or limited English proficiency in consideration for an award.

Selection Procedures

A two-step Technical Proposal Selection Process will be utilized. After receipt of Statements of Qualifications, the Cleveland-Cuyahoga County Port Authority will select a shortlist for presentations/interviews.

Two (2) hard copies and one (1) electronic copy (stored on a flash drive) of the Statement of Qualifications must be received by the Port by 2:00 p.m. on June, 17, 2022. Responses must be sent to:

RFQ: CHEERS Design and Permitting
Cleveland-Cuyahoga County Port Authority 1100 West 9th Street – Suite 300
Cleveland, Ohio 44113

Attn: Linda Sternheimer.
Director, Urban Planning and Engagement

Responses received after 2:00 PM on the response due date will not be considered.

Scope of Services

The Scope of Services document is included below.

Requirements for Submissions

- A. Instructions for Preparing and Submitting
 - 1. Provide the information requested in the Statement (Item B below), in the same order listed, in a letter signed by an officer of the firm. Do not send additional forms, resumes, brochures, or other material.

2. Statements shall be limited to twenty (20) 8½" x 11" single sided pages.
3. Please adhere to the following requirements in preparing and binding letters of interest:
 - a. Please use a minimum font size of 12-point and maintain margins of 1" on all four sides.
 - b. Page numbers must be centered at the bottom of each page.
 - c. Use 8½" x 11" paper only.
 - d. Bind letters of interest by stapling at the upper left hand corner only. Do not utilize any other binding system.
 - e. Do not provide tabbed inserts or other features that may interfere with machine copying.

B. Content

1. List the types of services for which your firm is currently prequalified by the Ohio Department of Transportation.
2. List significant subconsultants, their current prequalification categories and MBE/FBE and the percentage of work to be performed by each subconsultant.
3. List the Project Manager and other key staff members, including key subconsultant staff. Include project engineers for important disciplines and staff members that will be responsible for the work, and the project responsibility of each

Provide summary of experience for key staff members referencing services provided on similar projects. Also provide, the staff qualifications relative to the selection subfactors noted.

4. Include significant projects performed for the Port Authority and/or Cleveland Metroparks, including the year performed. This should include current projects.

Suggested areas of expertise for this Project include but are not limited to:

- Lake Erie-specific wave action, bathymetry, and hydrology
- Terrestrial and aquatic habitat analysis and restoration, Great Lakes experience preferred
- Dredge placement, characteristics, and permitting
- Dredge material management and containment structure design
- Shoreline park and open space planning and implementation
- Resilient and equitable neighborhood development strategies
- Community outreach and innovative engagement
- Experience with ODOT's LPA program

- Experience with US Army Corp of Engineers dredging process and the Water Resources Development Act Section 217
 - Cost estimating and developing Project financing models/strategies, with Federal grant pursuit and grant writing experience preferred
 - Successful permitting and in-water construction of projects
5. Describe the capacity of your staff and their ability to perform the work in a timely manner, relative to present workload, and the availability of the assigned staff.
6. Provide a description of your Project Approach, not to exceed four pages and address your firm's: 1) Technical approach; 2) Understanding of the Project; 3) Qualifications for the project; 4) Knowledge and experience concerning relevant ODOT and local standards, procedures and guidance documents; 5) Innovative ideas; 6) Project specific plan for ensuring increased quality, reduced project delivery time, reduction of risks, and reduced project costs allowing the funding available for this phase of the Project to be maximized. As space permits, please provide your Project team's response to the Scope of Work provided in the Scope of Work Document below.

Provide all MBE/FBE information set forth in above. For projects with MBE/FBE goals in which the consultant did not succeed in obtaining enough participation to meet the goal, provide documentation that it made adequate good faith efforts, as defined in 49 CFR 26.53, to meet the goal.

Items 1 thru 6 must be included within the 20-page body of the request. Remaining space within the twenty (20) pages may be utilized to provide personnel resumes or additional information concerning general qualifications.

Exhibit 1
Consultant Selection Rating Form
for
Programmatic Selections

Project: CHEERS DREDGE DISPOSAL
PID:117213
Project Type: _____
District: _____
Selection Committee Members: _____

Firm Name: _____

Category	Total Value	Scoring Criteria	Score
Management & Team			
Project Manager	15	See Note 1, Exhibit 1	
Strength/Experience of Assigned Staff including Subconsultants	25	See Note 2, Exhibit 1	
Firm & Subconsultants' Current Workload/ Availability of Personnel	10	See Note 4, Exhibit 1	
MBE/FBE participation	10		
Consultant's Past Performance	15	See Note 3, Exhibit 1	
Project Approach	25		
Total	100		

If Applicable:

Adequate good faith efforts made to meet MBE/FBE goal Y/N

Firms & Subconsultants ODOT prequalified Y/N

Exhibit 1 - Consultant Selection Rating Form Notes

- The proposed project manager for each consultant shall be ranked, with the highest ranked project manager receiving the greatest number of points, and lower ranked project managers receiving commensurately lower scores. The rankings and scores should be based on each project manager's experience on similar projects and past performance for the LPA and other agencies. The selection committee may contact ODOT and outside agencies if necessary. Any subfactors identified should be weighed heavily in the differential scoring.

Exhibit 1 - Consultant Selection Rating Form Notes (continued)

Differential scoring should consider the relative importance of the project manager's role in the success of a given project. The project manager's role in a simple project may be less important than for a complex project, and differential scoring should reflect this, with higher differentials assigned to projects that require a larger role for the project manager.

2. The experience and strength of the assigned staff, including subconsultant staff, should be ranked and scored as noted for Number 1 above, with higher differential scores assigned on more difficult projects. Any subfactors identified in the project notification should be weighed heavily in the differential scoring.

As above, other agencies may be contacted.

3. The consultants' past performance on similar projects shall be ranked and scored on a relative, differential scoring type basis, with the highest ranked consultant receiving a commensurately greater number of points. The selection team should consider ODOT CES performance ratings if available, and consult other agencies as appropriate. The use of CES ratings shall place emphasis on the specific type of services requested.

The differential scoring should consider the complexity of the project and any subfactors identified in the project notification.

4. The consultant's workload and availability of qualified personnel, equipment and facilities shall be ranked and scored on a relative, differential scoring type basis. The scoring shall consider quantifiable concerns regarding the ability of a firm (or firms) rated higher in other categories to complete the work with staff members named in the letter of interest.

Scope of Services

- The anticipated selection period is June 2022 – July 2022 (subject to change). See Exhibit IV, Project Schedule.
- The Port and Cleveland Metroparks, in their sole discretion, may extend the agreement with the Consultant Team for Future Stages (see “Project Goals” below) as funding permits or issue a new RFQ. Regardless, all teams must submit Qualifications sufficient to show their ability to complete this stage of CHEERS and must commit to completing Future Stages if the Port and Cleveland Metroparks so choose. By submitting its Qualifications, each team acknowledges that the scope of this RFQ is to complete Design Work and Future Stages, but that the Port and Cleveland Metroparks may choose to issue a separate RFQ for Future Stages. By submitting its Qualifications and as consideration for being considered in this RFQ, each team agrees that it will have no cause of action against the Port, Cleveland Metroparks, or any other party involved in CHEERS if the Port and/or Cleveland Metroparks issue an RFQ for Future Stages rather than continuing to work with the Consultant Team. Work for Future Stages may be covered by an amendment to the original contract with the Consultant Team or a separate contract with the Port, Cleveland Metroparks, or another Project Partner identified and approved by the Port and Cleveland Metroparks.
- Project Goals:
 - Refine overall CHEERS concept plans to 60% Design
 - Identify, coordinate, and advance necessary permitting activities
 - Finalize project phasing plan and funding strategy with detailed costs estimates
 - Advance construction documents to 100% design for as many phases as funding permits as possible with Phases A2, B1, and A3 the priority.
 - Prepare Federal/State grant applications to advance identified phases to construction
 - “Future Stages” - Additional Design and permitting to 100% construction drawings of phases identified in above bullet that were unable to be advanced to 100% as result of initial funding limitations. This could include phases to advance and build out of the shoreline, isle retaining structures inland development, phasing plan to deposit dredge, refinement of the park landscaping and amenities, as well as possibly construction engineering support as funding becomes available.
- The Consultant Team will familiarize themselves with Exhibit III, Concept Plan and Initial Phasing, as well as the full previous plans and technical documents prepared for the study area (see www.clevelandmetroparks.com/cheers) and provide expert services to address the project goals. The Consultant Team shall review and respond to the following initial proposed Design Work that is planned to be refined and used as a base to develop Consultant Scope of Services in the Port’s Consultant Agreement (Exhibit I). The final scope of work will be negotiated with the selected team.
 - Proposed Project Schedule – refer to Exhibit IV
 - Draft Client and Stakeholder Involvement
 - Project Management
 - Biweekly project management coordination call
 - Monthly Partner Management Group updates

- 4 Project Team working meetings at key milestones
- 4 Combined Project & Stakeholders – broader group
- Community Engagement
 - Collateral and supporting materials for Community Engagement; plan is under development and will be complete by the time this contract is awarded. Engagement activities will be conducted by partner staff and project stakeholders
 - Scope to include at least 3 Community Presentations plus smaller community-focused activities
- Tasks and Deliverables
 - **TASK 1 – Refine overall project to 60% plans** Note: Integration of project partner input and stakeholder and community engagement into the planning process is crucial for project success. The desired future habitat and park features shall be key factors in base structure design and phasing / implementation. The successful consultant team must demonstrate success in both thoughtful design and technical implementation of complex projects. Work may include:
 - Refine concept plan to 60% design plans for overall site
 - Coordinate with community engagement efforts and feedback for priority park features
 - Further detail aquatic and terrestrial habitat types and locations including impacts for FAA
 - Provide concept for park roadways and facilities plus utilities and subsurface engineering requirements
 - Fast-track outer barrier component at Isle (Phase B1), E 55 (Phase A2), and E 72 (Phase A3- see Exhibit IV for Phases)
 - Develop prototype designs for multiple containment structure typologies in coordination with park design and ecological consultant
 - Dredge material types, placement locations, quantities, and time requirements
 - Construction cost estimates – break down containment structures, fill material (with potential tipping fee calculations), vegetation / habitat elements, utilities, pavement, structures, site furnishings
 - Phasing options and timelines
 - Weigh engineering and park use considerations
 - Potential funding sources and scope of work
 - Site access constraints
 - Due diligence and field data collection: assess site ownership, access, dredge production and timelines, permitting horizon, environmental approvals, and priority additional technical studies (transportation, geotechnical, source sediment sampling and testing, detailed metocean)
 - Provide full opinion and report of permit and regulatory requirements and associated timeline
 - Initial permit coordination with USACE, ODNR, FAA, and others
 - Define proposed action and develop outline for NEPA document / compilation of any associated studies
 - Historic and cultural inventory provided by Cleveland Metroparks

- Phase I environmental
- Resource inventory
- Provide estimate of construction cost based on 60% plans
- **TASK 2 - Confirm Phasing and Project Implementation Plan**
 - Fast-track outer barrier component at Isle (Phase B1), E 55 (Phase A2), E 72 (Phase A3- see Exhibit IV for Phases)
 - Address Port requirements and timelines for dredge placement locations
 - Confirm proposed sequence, estimation of cost, and scale for phasing plans
- **TASK 3 - Submit 60% design documents for overall project for all required permits**
 - Refine drawings and address agency review comments
 - Include updated estimation of cost
- **TASK 4 - Prepare 100% Construction Documents (PS&E Packages) for Initial Phase (A2 & B1) and to 75% for remainder of project scope of work**
 - Advance construction documents to 100%
 - Submit to NFWF for grant deliverable – (E 55-A2 & Outer Isle Breakwall or equivalent-B1)
 - Include updated estimation of construction cost
- **TASK 5 - Prepare Funding Strategy**
 - Prepare a financing model based on sequencing and estimated costs
 - Identify potential grant opportunities
 - Assistance and support in preparing grant applications
- **TASK 6 - Prepare 100% Construction Documents for remainder of project, contingent on funding**
 - Include updated estimation of construction cost

If Consultant Team completes all components of the Design Work, the Consultant Team will begin work on future additional phases of the conceptual plan.

- Client Commitment
 - The Port will manage the consultant contract and serve as point of contact for containment structures, dredge management, and permitting.
 - Cleveland Metroparks will serve as the point of contact for park design and habitat components and will coordinate project partners and community engagement, including:
 - Organization of the CHEERS Project Team and Stakeholder Committee, including scheduling meetings and venues in coordination with the Consultant Team
 - Maintenance of updated information and notifications on the existing project web page, www.clevelandmetroparks.com/cheers
 - Coordination with Black Environmental Leaders Association for outreach and events

EXHIBIT I
Sample Contract

Please see <https://www.portofcleveland.com/doing-business/> for a sample contract posted as a separate link outside of these Exhibits.

EXHIBIT II

Special Funding Conditions

In accordance with requirements of the Ohio Department of Transportation's Maritime Assistance Program, the contract hereby includes the following terms:

- Any designs, specifications, processes, devices, or other intellectual properties specifically devised for the Project by the Consultant's work become the property of the Port, and that when requested, such designs, specifications, processes, devices or other intellectual properties shall become available to ODOT with an unrestricted right to reproduce, distribute, modify, maintain, and use. The Consultant shall not seek or obtain copyrights, patents, or other forms of proprietary protection for such designs, specifications, processes, devices, or other intellectual properties, and in providing them to the Project shall relinquish any such protections should they exist.
- As ODOT may legitimately request from the time to time, the Consultant agrees to make available for inspection and/or reproduction by the Port or ODOT all records, books, and documents of every kind and description that relate to this contract.

In accordance with requirements of the National Fish and Wildlife Foundation, the contract hereby includes the following terms:

- Contractor shall ensure that no payments have been or will be made or received by the NFWF Subrecipient in connection with this Agreement in violation of the U.S. Foreign Corrupt Practices Act of 1977, as amended (15 U.S.C. §dd-1 *et seq.*), the UK Bribery Act 2010, or any other applicable anticorruption laws or regulations
- Contractor shall not provide material support or resources directly or indirectly to, or knowingly permit any funds provided by the client team to be transferred to, any individual, corporation or other entity that the NFWF Subrecipient knows, or has reason to know, commits, attempts to commit, advocates, facilitates, or participates in any terrorist activity, or has committed, attempted to commit, advocated, facilitated or participated in any terrorist activity, including, but not limited to, the individuals and entities (1) on the master list of Specially Designated Nationals and Blocked Persons maintained by the U.S. Department of Treasury's Office of Foreign Assets Control, which list is available at www.treas.gov/offices/enforcement/ofac; (2) on the consolidated list of individuals and entities maintained by the "1267 Committee" of the United Nations Security Council at http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml; (3) on the consolidated list maintained by the U.S. Department of Commerce at http://export.gov/ecr/eg_main_023148.asp, or (4) on such other list as NFWF may identify from time to time.
- Contractor shall ensure that its activities under this Contract comply with all applicable U.S. laws, regulations and executive orders regarding money laundering, terrorist financing, U.S. sanctions laws, U.S. export controls, restrictive trade practices, boycotts, and all other economic sanctions or trade restrictions promulgated from time to time by means of statute, executive order, regulation or as administered by the U.S. Department of State, the Office of Foreign Assets Control, U.S. Department of the Treasury, or the Bureau of Industry and Security, U.S. Department of Commerce.

- NFWF may terminate the grant agreement for any reason with 30 days' notice. Contracts must include similar termination for convenience clause so we can exit an agreement if needed. In the event of termination, contractor shall:
 - Stop work as indicated by the Port or Cleveland Metroparks, place no further work orders, order no further materials, and terminate all pending subcontracts.
 - Deliver to Cleveland Metroparks any data, drawings, specifications, reports, estimates or summaries that may have been created during the course of the Contract.
- Contractor shall affirm that it is not listed on the General Service Administration's government-wide System for Award Management Exclusions (SAM Exclusions), in accordance with OMB guidelines 2 C.F.R. Part 180 that implement E.O.s 12549 (3 C.F.R., 1986 Comp., p. 189) and 12689 (3 C.F.R., 1989 Comp., p. 235), "Debarment and Suspension." Contractor shall not enter into any subcontracts with any party listed on the SAM Exclusions.
- Contractor must disclose, in a timely manner, in writing to the Port and Cleveland Metroparks all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Project.
- Pursuant to section 106(a) of the Trafficking Victims Protection Act of 2000, as amended, Contractor may not:
 - Engage in severe forms of trafficking in persons during the period of time that the Contract is in effect;
 - Procure a commercial sex act during the period of time that the Contract is in effect; or
 - Use forced labor in the performance of the Contract.
 - Should Contractor violate any of these terms The Port or Cleveland Metroparks may terminate the contract effective immediately and recover from Contractor all costs resulting from Contractor's breach, including any costs resulting from the clients loss of any federal funding.
- Contractor agrees to comply with 43 CFR 18, New Restrictions on Lobbying, including the following certification:
 - No Federal appropriated funds being paid to Contractor via this Contract have been paid or will be paid, by or on behalf of the Contractor, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
 - If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Contract, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.
 - This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this

certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Scientific Inquiry Requirements:

- Handling of Environmental Data or Peer Reviewed Publications:
 - Data Sharing: Environmental data collected or created under this Contract must be made publicly visible and accessible in a timely manner, free of charge or at minimal cost that is no more than the cost of distribution to the user, except where limited by law, regulation, policy, or national security requirements. Data are to be made available in a form that would permit further analysis or reuse: data must be encoded in a machine-readable format, preferably using existing open format standards; data must be sufficiently documented, preferably using open metadata standards, to enable users to independently read and understand the data. The location (internet address) of the data should be included in the final report. Pursuant to NOAA Information Quality Guidelines, data should undergo quality control (QC) and a description of the QC process and results should be referenced in the metadata. Failure to perform quality control does not constitute an excuse not to share data. Data without QC are considered “experimental products” and their dissemination must be accompanied by explicit limitations on their quality or by an indicated degree of uncertainty.
 - Timeliness: Data accessibility must occur no later than publication of a peer-reviewed article based on the data, or two years after the data are collected and verified, or two years after the original end date of the grant (not including any extensions or follow-on funding), whichever is soonest, unless a delay has been authorized by the NOAA funding program.
 - Disclaimer: Data produced under this award and made available to the public must be accompanied by the following statement: “These data and related items of information have not been formally disseminated by NOAA, and do not represent any agency determination, view, or policy.”
 - Failure to Share Data: Failing or delaying to make environmental data accessible in accordance with the submitted Data Management Plan, unless authorized by the NOAA Program, may lead to enforcement actions, and will be considered by NOAA when making future award decisions.
 - Funding acknowledgement: Federal funding sources shall be identified in all scholarly publications. An Acknowledgements section shall be included in the body of the publication stating the relevant Grant Programs and Award Numbers. In addition, funding sources shall be reported during the publication submission process using the FundRef mechanism (<http://www.crossref.org/fundref/>) if supported by the Publisher.
 - Manuscript submission: The final pre-publication manuscripts of scholarly publications produced with NOAA funding shall be submitted to the NOAA Institutional Repository at <http://library.noaa.gov/repository> after acceptance, and no later than upon publication, of the paper by a journal. NOAA will produce a publicly-visible catalog entry directing users to the published version of the

article. After an embargo period of one year after publication, NOAA shall make the manuscript itself publicly visible, free of charge, while continuing to direct users to the published version of record.

- Data Citation: Publications based on data, and new products derived from source data, must cite the data used according to the conventions of the Publisher, using unambiguous labels such as Digital Object Identifiers (DOIs). All data and derived products that are used to support the conclusions of a peer-reviewed publication must be made available in a form that permits verification and reproducibility of the results.
- Scientific Integrity
 - *Maintaining Integrity*. Contractor/Consultant shall maintain the scientific integrity of research performed pursuant to this Agreement including the prevention, detection, and remediation of any allegations regarding the violation of scientific integrity or scientific and research misconduct, and the conduct of inquiries, investigations, and adjudications of allegations of violations of scientific integrity or scientific and research misconduct.
 - *Peer Review*. The peer review of the results of scientific activities under a NOAA grant, financial assistance award, or cooperative agreement shall be accomplished to ensure consistency with NOAA standards on quality, relevance, scientific integrity, reproducibility, transparency, and performance. NOAA will ensure that peer review of "influential scientific information" or "highly influential scientific assessments" is conducted in accordance with the Office of Management and Budget (OMB) Final Information Quality Bulletin for Peer Review and NOAA policies on peer review, such as the Information Quality Guidelines.
 - In performing or presenting the results of scientific activities under the NOAA grant, financial assistance award, or cooperative agreement and in responding to allegations regarding the violation of scientific integrity or scientific and research misconduct, the Contractor/Consultant shall comply with the provisions herein and NOAA Administrative Order (NAO) 202-735D, Scientific Integrity, and its Procedural Handbook, including any amendments thereto. That Order can be found at <https://nrc.noaa.gov/ScientificIntegrityCommons.aspx>.
 - *Primary Responsibility*. Contractor/Consultant shall have the primary responsibility to prevent, detect, and investigate allegations of a violation of scientific integrity or scientific and research misconduct related to this Agreement. Contractor shall conduct its own and assist the client team with any initial inquiry into any allegation of such misconduct and may rely on its internal policies and procedures, as appropriate, to do so.
 - By executing this Agreement, Contractor/Consultant provides its assurance that it has established an administrative process for performing an inquiry, investigating, and reporting allegations of a violation of scientific integrity or scientific and research misconduct; and that it will comply with its own administrative process for performing an inquiry, investigation, and reporting of such misconduct.

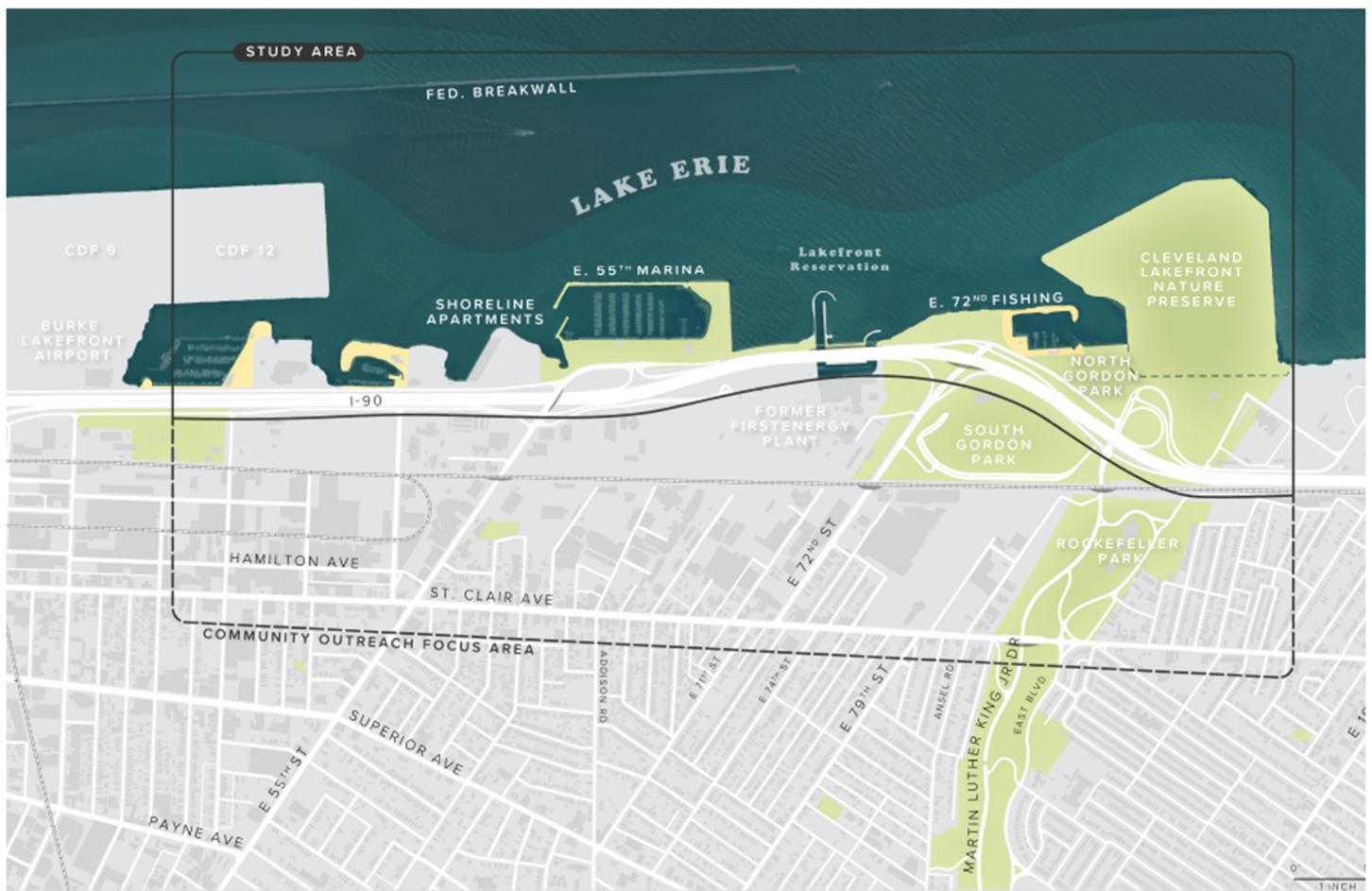
EXHIBIT III

Project Location

The CHEERS project is located in the City of Cleveland, Cuyahoga County, Ohio. It encompasses the Lake Erie shoreline from Lakeside Yacht Club on the west to the Cleveland Lakefront Nature Preserve on the east and from the federal break wall on the north to I-90 on the south. The overall area is approximately 2 miles from east to west and one mile from north to south.

The majority of the area is managed by Cleveland Metroparks, the Cleveland-Cuyahoga County Port Authority (Port), and the Ohio Department of Transportation (ODOT). Gordon Park south of I-90 is managed by the City of Cleveland.

The project area is located in the Captain of the Port Buffalo/ Cleveland Zone; U.S. Congressional District OH-11; Latitude/Longitude near project area center: 41.53776, -81.64148.



The study area encompasses the Lake Erie shoreline from the Lakeside Yacht Club on the west to the Cleveland Lakefront Nature Preserve on the east and from the federal break wall on the north to I-90 on the south. The area is approximately two miles from east to west and three-quarter miles from north to south (I-90 to the Federal Breakwall).

SOURCE: CLEVELAND CITY GIS

EXHIBIT IV

Concept Plan and Initial Phasing



EXHIBIT V

Proposed Project Schedule (Subject to Change)

July 2022	Target for award of contract by Port
July 2022	Contract Execution
July 2022 – March 2024	Community Outreach
July– March 2023	TASK 1 - Plans to 60% and accompanying due diligence
April 2023	TASK 2 - Identify grant request for future NFWF construction funds
January – September 2023	TASKS 3 AND 4 - Completion of current NFWF deliverable; (Phase A2 and B1) construction documents to 90%
September – March 2024	TASK 5 - Completion of MAP deliverable construction documents to 90%

EXHIBIT VI

Supplemental Project Information

The CHEERS study and previous plans and studies for the project area can be found at www.clevelandmetroparks.com/CHEERS