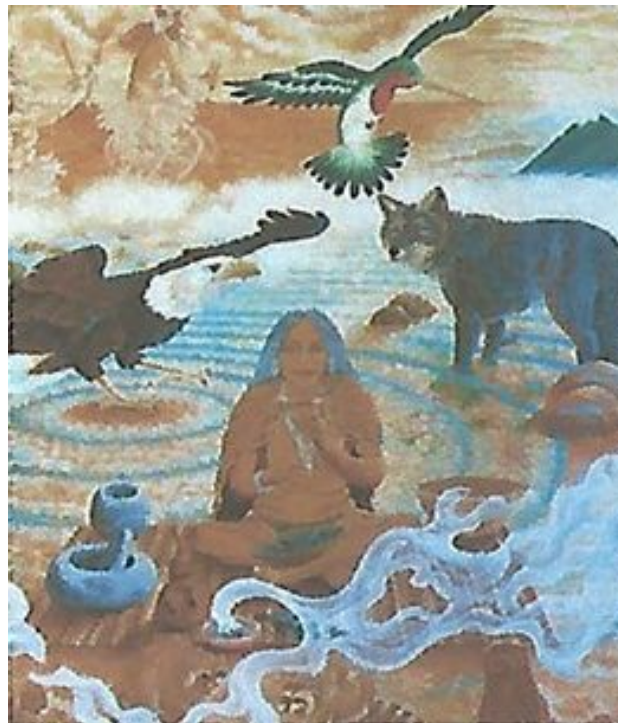




City of Pacific Grove Request for Proposals to develop a Cultural Resource and Tribal Monitoring Compliance Protocol	
Issue Date	August 28, 2020
Closing Date	September 25, 2020, 2:00 pm* <i>*Late proposals will not be accepted</i>
Contact Person	Joyce Halabi, Deputy Public Works Director (831) 648-5722 x4201 jhalabi@cityofpacificgrove.org



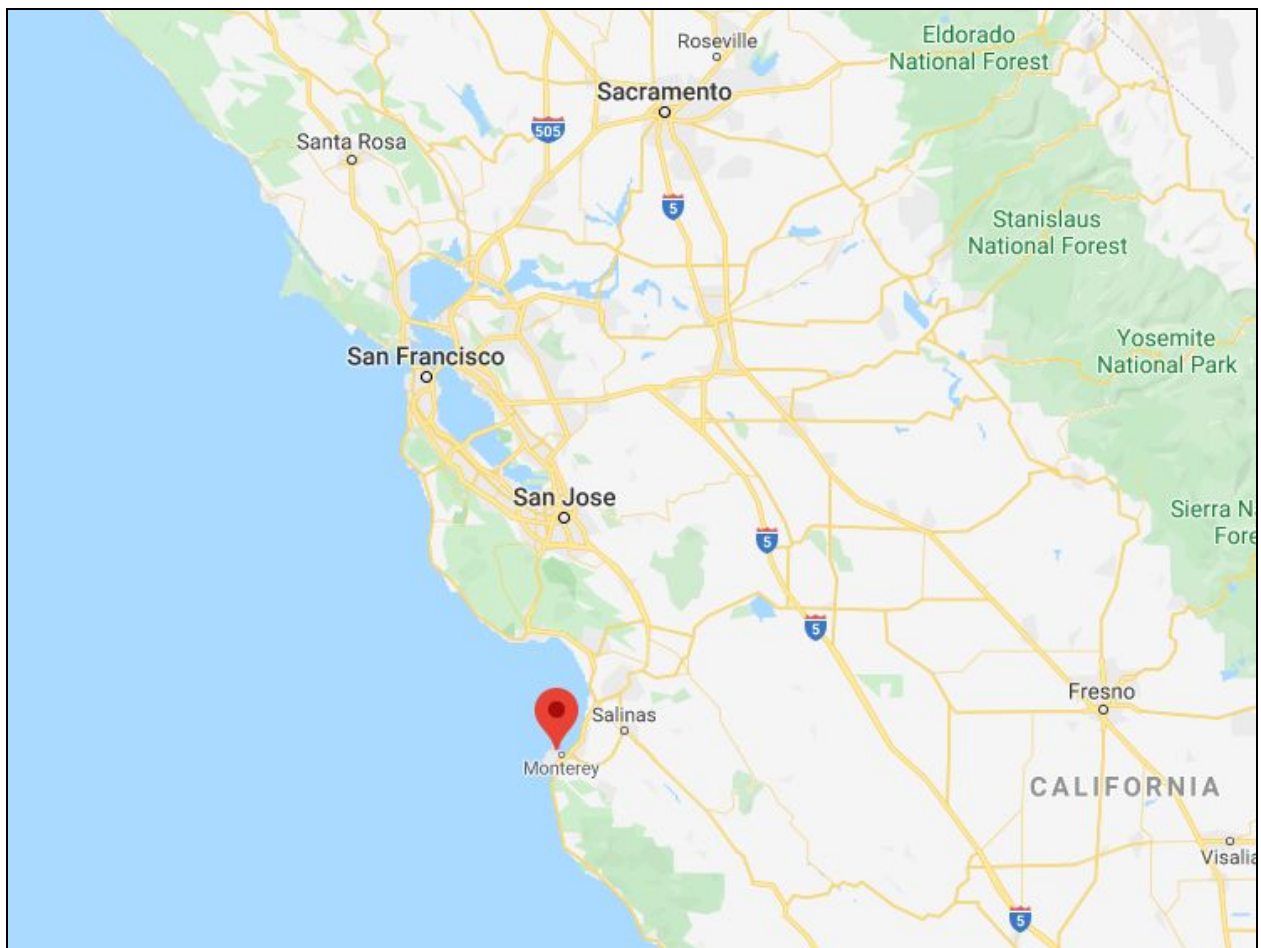
*Ex'celen Alpapisi" – The Esselen Story Teller
Artwork by: Guillermo "Yermo" Aranda*

INTRODUCTION AND HISTORY

The City of Pacific Grove (City) is soliciting proposals for the development of a Cultural Resource and Tribal Monitoring Compliance Protocol.

About the City of Pacific Grove

Pacific Grove is located approximately 100 miles south of San Francisco at the southernmost point of the Monterey Bay, on the northeastern portion of the Monterey Peninsula. The City shares borders with the City of Monterey, portions of unincorporated Monterey County within Pebble Beach, federal lands managed by the Presidio of Monterey, and with the coastline adjacent to Monterey Bay. The City, founded in 1875, spans approximately 1,414 acres with a population of over 15,000 residents.



Pacific Grove History

The natural advantages of settling along the Monterey Peninsula were recognized by native peoples thousands of years before the City was founded. In particular, the

upwelling of cold water off Monterey Bay encouraged one of the richest concentrations of sea life along the Pacific Coast.¹

Given its access to rich marine resources, it is not surprising that Pacific Grove's coastline shows ample evidence of occupation by native groups. Numerous small, likely seasonal archaeological sites composed of middens or mortar sites have been recorded along the shoreline in Pacific Grove.

Pre-1500 AD the area was historically occupied by the Costanoan or Ohlone people. Costanoan refers to eight separate language groups situated roughly from modern-day Richmond in the north to Big Sur in the south. The Rumsen tribelet occupied the Monterey area.² The Ohlone linguistic group numbered at least 15,000 before European contact.

Early European explorers from the 16th and 18th centuries provided the first written descriptions about the native Californians they encountered, although details are sparse.

Information from the archaeological record continues to fill in the gaps of our understanding of prehistoric lifeways. Prehistoric research in the Monterey Bay dates back to the early 1900s, although the bulk of archaeological excavations date to the 1960s and later.

Based on a large body of research for the prehistoric era of the greater Central California coast, prehistory spans a period of approximately 10,000–12,000 years, and divides into six different periods. Researchers distinguish these periods by perceived changes in prehistoric settlement patterns, subsistence practices, and technological advances. These periods are shown in the table below.

Temporal Period	Date Range
Paleo-Indian	Pre-8000 cal BC
Millingstone (or Early Archaic)	8000 to 3500 cal BC
Early	3500 to 600 cal BC
Middle	600 cal BC to cal AD 1000
Middle-Late Transition	cal AD 1000-1250
Late	Cal AD to 1250-1769

¹ [City of Pacific Grove Historic Context Statement](#), October 2011

² [American Tin Cannery Hotel and Commercial Project Draft FIR](#), July 2020

Source: Jones et al. (2007) via Dudek (2018)

The Native American period in Pacific Grove is not represented by any extant built resources. The dwellings and other structures constructed by native peoples have disappeared over the two centuries of Euro-American presence in the area. Likewise, several sites are known to have been partially excavated or disturbed by artifact hunting.

It is likely that additional archaeological resources, such as the sub-surface remains of shell middens, campsite deposits, and burials, are present in Pacific Grove. These would most likely be encountered during excavation activities in areas near the shoreline or in proximity to sources of water. Indications of such deposits include concentrations of shells and/or bones, as well as objects including stone tools or flakes, mortars and other stone-grinding implements, and shell beads. There is also a possibility that such remains exist as submerged cultural resources located adjacent to the shoreline.

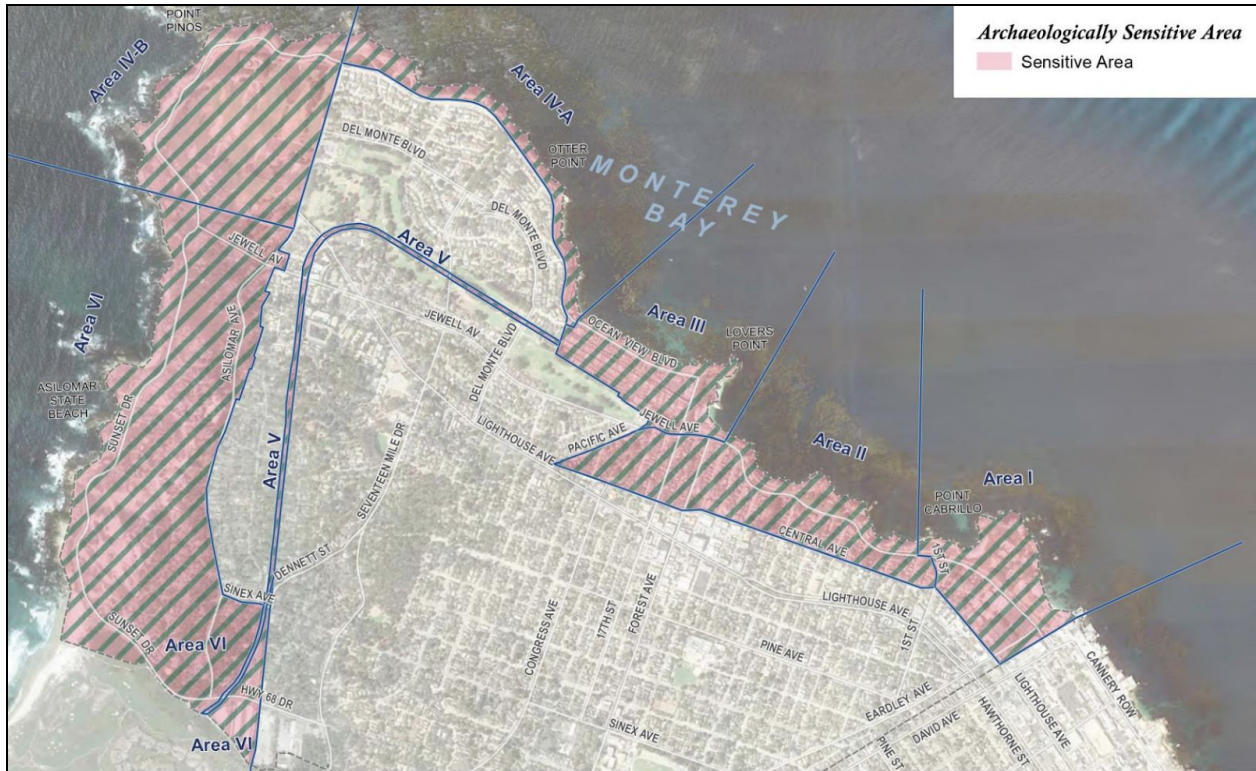
Additional historic context can be obtained from the [City of Pacific Grove Historic Context Statement \(2011\)](#).

PROJECT BACKGROUND, CHALLENGES & OBJECTIVES

Project Background

Many areas of Pacific Grove are sensitive in terms of tribal, cultural and archeological resources. The City recognizes the importance of preserving and protecting cultural and archeological resources from vandalism and inadvertent destruction.

The General Plan (1994) and certified Local Coastal Program (2020) designate the Coastal Zone as an archaeologically sensitive area. The City continues to recognize the neighborhoods known as the Beach Tract and Fairway Homes as archeologically sensitive even though they are outside the coastal zone. These neighborhoods were identified in the City's earlier 1989 Local Coastal Program as sensitive and numerous discoveries of artifacts and other resources have been made, usually through the disturbance of soils authorized under issued planning and building permits.



[Land Use Plan](#) **Figure 7**, Archaeologically Sensitive Area

Although portions of the coastline have been disturbed by the installation, repair and improvement of utility facilities, roadwork, and related construction activities, other areas have intact archaeological deposits.

Future excavation activities to repair and replace infrastructure, along the coastline and throughout the City, may impact cultural resources. To protect these vital resources, while acknowledging excavation activities will continue to occur, the City wishes to establish a proactive and comprehensive Cultural Resources and Tribal Monitoring Protocol.

Existing Challenges

Various federal, state, and local governing documents provide guidance on aspects of the ground disturbance process. However, explicit policy triggers are largely limited to projects that are subject to CEQA and, therefore, require formal consultation under Assembly Bill (AB) 52, or fall within the City's Coastal Zone. Projects requiring ground disturbance that do not trigger these thresholds fall within policy grey areas, are subject to interpretation, or have no formal guidance.

Project Objectives

The objective of this project is to develop a comprehensive and proactive protocol that outlines the requirements and responsibilities for ground disturbance activities for all public and private projects within City bounds.

It is our vision that the final protocol will serve as a vital tool for City Staff, the public, developers, and contractors by explicitly defining triggers and subsequent requirements and procedures pertaining to all aspects of disturbance, from archeological reports required during the permitting process to in-field monitoring requirements.

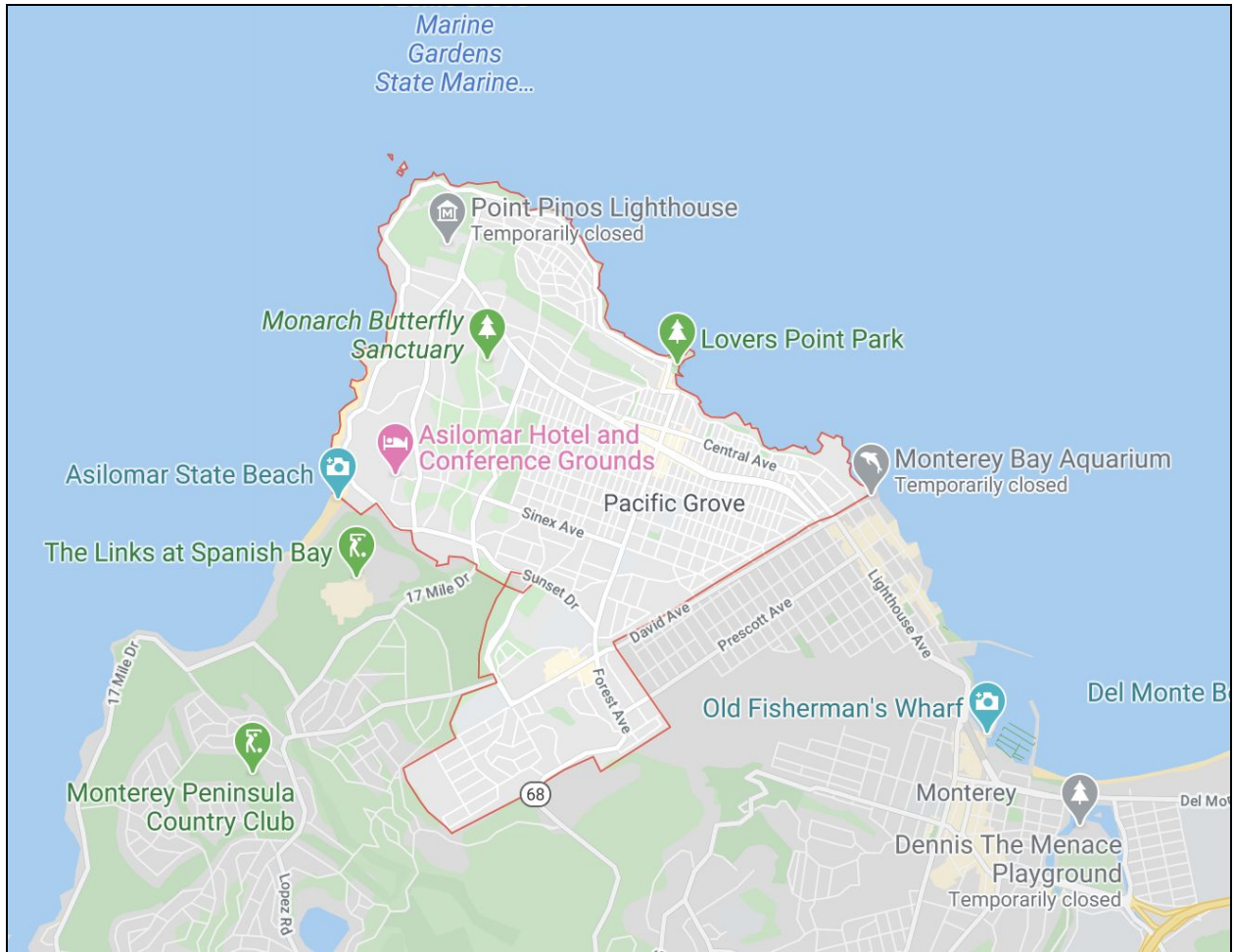
The protocol will synthesize the requirements found in several governing documents and bolster current policy grey areas/gaps, to serve as a one stop shop to determine the level of potential archeological significance, and the actions required by the City to protect cultural and archeological resources.

The protocol shall encompass the following aspects:

1. A general policy statement of the importance of archeological and cultural resources in the context of Pacific Grove
2. Outline all relevant local, state and federal laws and regulations pertaining to ground disturbance and tribal monitoring
3. Map identified sensitive areas (for confidentiality of specific site locations, bubble maps are recommended)
4. Identify specific triggers for archeological reporting, and archaeological and tribal monitoring
5. Detail field procedures related to ground disturbing activities
6. Prescribe field protocols for inadvertent discovery of cultural resources, archeological features, or human remains during excavations

Project Boundary

The Cultural Resource and Tribal Monitoring Compliance Protocol shall provide guidance on all ground disturbing activities that occur within City limits. Final protocols developed may vary based on the specific locations.



LOCAL REGULATORY CONTEXT

In addition to various federal and state regulations related to archaeological resources and/or monitoring -- which include, but are not limited to, the California Environmental Quality Act, California Coastal Act, California Health and Safety Code, and Assembly Bill 52 --the City has a number of governing documents and long range plans that note the significance of cultural resources and/or provide procedural guidance to ground disturbance activities.

A brief overview of the local regulatory context is provided below. Links to the documents referenced are also provided.

The City of Pacific Grove General Plan

The 1994 General Plan is a principal policy document for guiding future conservation and development of the City, with the exception of the Local Coastal Program Land Use Plan which governs in the coastal zone. The General Plan represents an agreement among the citizens of Pacific Grove on basic community values, ideals, and aspirations

to govern a shared environment. Zoning, subdivision, and public facilities ordinances, decisions, and projects must be consistent with the General Plan.

[Element 7, Historic and Archaeological Resources](#), of General Plan designates the entire coastal zone as an archaeologically sensitive area. The document also states,

“a 1974 survey of Monterey County found archaeological sites within the Pacific Grove Planning Area. A 1977 archaeological survey conducted in connection with the Monterey-Pacific Grove regional sewer project revealed the existence of a 4,000-year old village site. More recent studies also indicate the likelihood of prehistoric cultural resources.”

Element 7, Goal 4 directs the City to “ protect Pacific Grove's archaeological resources” and enumerates guiding policies 20-23, noted below, and Programs AA -EE for issuance of development permits for any project within areas potentially containing archaeological resources.

GENERAL PLAN ARCHAEOLOGICAL GOALS, POLICIES, AND PROGRAMS	
POLICY 20	Support the enforcement of existing State and federal laws pertaining to pilfering of archaeological sites.
POLICY 21	Ensure the protection and preservation of artifacts in those areas already identified as containing archaeological remains (LUP, 2.4.4.1).
POLICY 22	Work with the California Archaeological Inventory to develop information that will allow the prediction of additional sites likely to contain archaeological remains.
POLICY 23	Refer development proposals that may adversely affect archaeological sites to the California Archaeological Inventory.

Pacific Grove Local Coastal Program

The [City of Pacific Grove's Local Coastal Program \(LCP\)](#), certified March 11, 2020, governs land use and development in the Pacific Grove Coastal Zone and is comprised of a Land Use Plan (LUP) and Implementation Plan (IP). The certified LCP also serves as the coastal element of the Pacific Grove General Plan.

Pacific Grove's Coastal Zone comprises approximately 458 acres of land as shown on Figure 1, Coastal Zone and Planning Areas. The Coastal Zone also extends offshore three nautical miles from the mean high tide line, and the Coastal Commission retains jurisdiction in that area.

Figure 1: Coastal Zone and Planning Areas



- Legend**
- Planning Area Boundaries
 - City of Pacific Grove
 - Major Roads
 - Coastal Zone

Source: City of Pacific Grove, Google Earth 2013

Figure 1
Coastal Zone and Planning Areas

City of Pacific Grove Land Use Plan

Page 7, Land Use Plan

With minor exceptions, development within that zone requires issuance of a Coastal Development Permit. Development includes activities such as the construction of buildings, divisions of land, and some uses of land that change the intensity of use or public access to coastal waters.

Land Use Plan (LUP)

The LUP conforms to the requirements in Chapter 3 of the California Coastal Act. Section 3.3 of the LUP, *Cultural Resources (CRS)* contains a generalized Archaeological Sensitive Map (Figure 7) and enumerates *Land Use Plan Policies for Archaeological Resources, CRS-1 - CRS-4*.

CRS-1.	<p><i>The City will conduct consultations with any federally-recognized California tribal government listed on the most recent notice of the United States Federal Register and any non-federally recognized California tribe listed on the California Tribal Consultation List maintained by the California Native American Heritage Commission that identifies as native to the Monterey Peninsula, including the Ohlone Costanoan Esselen Nation, in accordance with state law. California Register of Historic Resources; and conduct the further research needed in order to</i></p>
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	<i>determine the present condition of each site and to make an assessment of their potential eligibility for listing on either register, and therefore, their potential historical importance.</i>
CRS-2.	<i>The City will ensure the protection, preservation, and proper disposition of archaeological resources within the Coastal Zone by assessing the potential impact of proposed development and ensuring, to the maximum extent feasible, that tribal concerns are considered before actions on proposed development are taken and that such impacts are avoided, minimized, or mitigated in conformity with the Coastal Act and other applicable legal requirements.</i>
CRS-3.	<i>The City will assist developers and landowners by providing early identification of sensitive sites so that archaeological resources can be considered and protected during the early phases of project design. The City shall require new development to prepare an archaeological report by a qualified professional and, where appropriate, shall require mitigation measures to adequately protect and preserve potential archeological resources.</i>
CRS-4.	<i>The City will update the background information for all archaeological sites identified within the Coastal Zone to develop a current assessment of the resources' potential historical significance and evaluate their vulnerability to climate change, including those sites recommended or determined to be eligible for listing in either the National Register of Historic Places or the</i>

Implementation Plan (IP)

[The IP](#) conforms with and carries out the provisions of the LUP. *Section 23.90.200 Cultural Resources* provides context on the protocol and requirements for applications for development potentially affecting cultural resources.

The Shoreline Management Plan

The [Shoreline Management Plan](#) is a guidance document with a long-term, 30-year outlook. The main focus of the plan is on providing a continuous recreational trail along the shoreline, while simultaneously looking for opportunities to enhance and offer long-term protection from coastal erosion and sea level rise to other coastal amenities, public infrastructure, and natural and cultural resources.

During development of the SMP, a [Cultural Resource Assessment](#) was prepared. Consultants identified significant historic and prehistoric resources along the shoreline that could be potentially affected by future coastline excavation. The study relied on background research of previous studies and reports, and a field survey of the area by trained archaeologists. The archaeologists' investigations found the shoreline to be highly sensitive for archaeological resources.

A records search, submitted to the Northwestern Information Center of the California Historical Resources Information System, identified 141 studies and reports, 57 previously conducted cultural studies, 17 previously identified cultural resources sites within the project area, and 17 additional resource sites within a 1/8 mile buffer of the coastline.³

³ The records search area included a 1/8-mile buffer of the coastline for previously recorded sites and a 50-meter (approximately 165 feet) buffer for previously conducted studies.

A search of the Native American Heritage Commission (NAHC) Sacred Lands File showed that Native American traditional cultural places have been documented in the study area. All archeological studies and reports are stored in a confidential file and are not made public.

Assembly Bill 52

In accordance with Assembly Bill 52, the City conducts monthly tribal consultation meetings with the Ohlone Costanoan Esselen Nation (OCEN) tribe to discuss public and private projects that meet AB52 requirements. OCEN represents at least 19 villages of native peoples from the Monterey Peninsula and regions to the south.

As of 9/29/19, the Esselen Tribe of Monterey County is also consulted in matters subject to AB 52. The Esselen Tribe and OCEN are the only Native American groups to have requested formal consultation under AB 52.

SCOPE OF SERVICES

Scope of Work.

The scope of work for the project includes:

1. Background Research. The selected consultant must perform the necessary background research and obtain an understanding of:
 - The City's existing archaeological and cultural resources and monitoring practices for public and private projects
 - Local, state, federal legislation and requirements pertaining to ground disturbance and tribal/archeological monitoring
 - Areas of archeological sensitivity within the City based on background research of previous studies and reports, and searches with the Center of the California Historical Resources Information Systems, California Native American Heritage Commission, and/or other relevant databases.

2. Protocol Development. The consultant will develop a comprehensive protocol that encompasses the following elements:
 - A general policy statement
 - Overview of all relevant laws and regulations
 - Map of identified sensitive areas (for confidentiality of specific site locations, bubble maps are recommended)
 - Triggers for archeological reporting, and archaeological and tribal monitoring based on General Plan and LCP policies and standards and other State and federal requirements.
 - Field procedures for ground disturbance activities

- Field protocols for inadvertent discovery of cultural resources, archeological features, or human remains during excavations

The intent of the protocol is to develop a clear and proactive protocol for all aspects of ground disturbance activities.

3. Consultation with the OCEN and the Esselen Tribe. The consultant shall meet with the OCEN tribe and Esselen tribe during protocol development to discuss the general direction of the protocol and obtain feedback.
4. Public Meetings (Planning Commission & City Council). The consultant shall provide a brief presentation (approximately 15 - 20 minutes) at one Planning Commission meeting, and subsequently one City Council meeting as part of the protocol vetting process.
5. Coordination with City Staff. The consultant shall closely coordinate with City Staff through regularly scheduled check-ins.
6. Finalize Protocol. Based on feedback from staff, the City Council, Planning Commission and public, the consultant shall finalize the protocol.

SUBMISSION REQUIREMENTS

Submission Contents

In order to be considered, all submissions must include the following components:

1. Executive Summary. The Proposer shall submit an executive summary detailing the key aspects of the proposal. The executive summary should include a clear statement of the Proposer's understanding of the RFP, identify the Proposer's key team members and their roles with respect to the proposed Project.
2. Statement of Approach. The proposer shall briefly describe the proposed approach and processes for the project and summarize the other significant aspects of the proposal noting how the proposer meets the requirements of the RFP.
3. Comparable Experience. The proposer shall highlight experiences and projects relevant to the services requested in this RFP.
4. Reference Sheet. The proposal shall include 3 client references for which the proposer has performed similar work (Attachment 1).
5. Cost Proposal. In a separate sealed envelope, a cost estimate for the scope of services shall be provided.

Submission Deadline

One original paper copy and an electronic version of the files on USB must be received by the City no later than 2:00 pm on September 25, 2020 to the following:

Joyce Halabi
Public Works Department
City of Pacific Grove
c/o City Clerk
300 Forest Avenue
Pacific Grove, CA 93950*

**Due to COVID-19, City Hall is closed to the public. Hand delivered proposals must be dropped at the Pacific Grove Police Department's mail drop off box located at 580 Pine Avenue, available between 7 am and 11 pm.*

Submittals must be in a sealed envelope or box labeled "CULTURAL RESOURCE AND TRIBAL MONITORING COMPLIANCE PROTOCOL PROPOSAL."

SELECTION PROCESS AND EVALUATION CRITERIA

The selection team, composed of Community Development and Public Works Staff, will evaluate and rank the proposals based on demonstrated competence and professional qualifications for performance of the services required.

Proposals should contain information sufficient to enable the selection team to properly evaluate the competence and qualifications of the consultant for achieving the project objectives. Proposals will be evaluated and ranked based on the following criteria:

Criteria	Total Points
Project Understanding	25
Proposed Approach	25
Cost-effectiveness	25
Comparable Experience and Staffing	25
TOTAL	100

The City reserves the right to select a consultant that best meets the overall needs of the City based primarily on the goals and requirements set forth in the RFP. Failure to incorporate all the requested information may result in the disqualification of the

proposal. The lowest cost will not be the sole factor for recommending a contract award. Factors to be considered in the selection process include, but may not be limited to, the following:

- The completeness of the submittal in response to the requirements of the RFP.
- Relevant experience of the consultant in producing similar studies and ability to satisfy the requirements.
- Understanding of the scope of work and project approach

The City will review proposals for compliance with the RFP and will schedule interviews with a limited number of respondents. The interviews will provide an opportunity for the respondent to present their proposal, for staff to verify the capabilities of the respondent, and to clarify any responses to the RFP. The City reserves the right to request additional information as deemed necessary and appropriate.

This RFP and the selection process shall in no way be deemed to create a binding contract or agreement of any kind between the City and any respondent. It is expected that the City will award a contract following a review of staff recommendation. However, the City may also decide to delay or to not make a decision as anticipated.

SCHEDULE

Once awarded the selected consultant shall develop a project schedule to ensure adequate planning, coordination, scheduling and reporting during the protocol development and review process. The project schedule will assist the City in monitoring the progress of the work and processing payment requests.

The schedule shall include project deliverable submission dates, review periods as well as a summary of the adoption schedule with important milestones noted. Once the City has approved the schedule this will serve as the baseline. The consultant shall regularly measure and report on project progress against the baseline schedule. No modification of the schedule baseline shall be done without prior approval of the City.

The project schedule shall be updated on a monthly basis throughout the contract period and until substantial completion.

Kick Off Meeting

The consultant shall participate in a project initiation meeting with key members of the consultant team, City staff and agency partners to collect background materials and information; review the project goals, objective, scope and schedule; and establish work and communications protocols. The City will provide the consultant with the

confidential studies and reports on record to assist with the background research activities.

Progress Meetings

The Consultant shall participate in monthly meetings with the City, prepare agendas, record and distribute minutes. Coordinate and integrate the work of all sub consultants. Agenda items shall include:

- Project status
- Modifications
- Schedule update
- Community engagement updates
- Other items as necessary.

Budget and Schedule Monitoring

The Consultant will be required to monitor the contract's budget and schedule. Ensure timely submission of invoices for all work as completed. Any work outside the scope of services must have pre-approval in writing by the City prior to any work being completed on an out of scope task.

ADDITIONAL RFP INFORMATION

Contract

The contracted firm will be required to sign a contract with the City relating to the work to be performed. A sample contract can be viewed at the following link:

https://www.cityofpacificgrove.org/sites/default/files/forms/public-works/sample-contract_city-pacific-grove.pdf

Response Material Ownership

The material submitted in response to the RFP becomes the property of the City of Pacific Grove and will only be returned to the contracted firm at the City's option. Responses may be reviewed by any person after the final selection has been made. The City of Pacific Grove has the right to use any or all ideas presented in reply to this request. Disqualification of a Consultant does not eliminate this right.

Acceptance of Proposal Content

The contents of the proposal of the successful Consultant may become contractual obligations if the City of Pacific Grove wishes to execute a contract based on the submitted proposal. Failure of the successful Consultant to accept these obligations in a contract may result in cancellation of the award and such Consultant may be removed from future solicitations.

Reference Checks

The City of Pacific Grove reserves the right to contact any reference or any client listed in the documents for information which may be helpful to the City in evaluating the Consultant's performance on previous assignments

General RFP Conditions

- A. The City reserves the right to reject any and all proposals, to waive any informality, to request interviews of Consultant(s) prior to award and to select and negotiate the Contract services in the best interest of the City.
- B. The Consultant shall guarantee to perform the services offered and the total price of the proposal for a period of no less than 60 days from the deadline for submission of proposals.
- C. The City reserves the right to accept all or part of any proposal, and to negotiate a contract for services and cost with the selected Consultant.
- D. The Consultant shall provide all necessary personnel, materials and equipment to perform and complete all work under this proposal.
- E. The Consultant shall be unbiased and vendor neutral.
- F. The City intends to recommend award of a contract to the City Council for the requested services within one (1) month of receipt of the proposals. The Consultant shall be prepared to commence work immediately upon execution of a contract with the City.
- G. Unless otherwise stated, invoices are to be submitted to the Public Works Department division upon delivery of service to the City. The invoice must include an itemization of all services provided, including unit list price, net price, extensions total amount(s) due, and amounts previously paid.
- H. Unless otherwise stated, payment will be made within thirty (30) days of the completion of the service, in an acceptable fashion, to the City, and receipt of invoice, whichever is later.
- I. This contract will be for the services described in the RFP response; however, this agreement should not be considered exclusive. As deemed necessary, the City reserves the right to obtain these services from any other vendor.
- J. Unless otherwise specified all costs listed are firm for the term of the contract.
- K. Neither party shall be liable for any inability to perform its obligations under any subsequent agreement due to war, riot, insurrection, civil commotion, fire, flood, earthquake, storm or other act of nature.
- L. Notification of the parties shall be considered to have been constructively received when it is mailed via the United States Postal Service or delivered in hand to the parties as stated in the contract.

M. Proposal shall also mean quotation, bid, offer, qualification/experience statement, and services. Proposers shall also mean vendors, proposer's, bidders, or any person or firm responding to a Request for Information.

**ATTACHMENT 1
REFERENCES SHEET**

List at least three (3) municipalities/organizations of the same general size where a similar service has been provided.

Reference #1	
Agency Name	
Contact Person	
Tital	
Address	
Phone Number	
Email	

Reference #2	
Agency Name	
Contact Person	
Tital	
Address	
Phone Number	
Email	

Reference #2	
Agency Name	
Contact Person	
Tital	
Address	
Phone Number	
Email	

