

# Guidelines for Boulder County Open Space Agricultural Leases

## Applicability

This process guides the manner in which Boulder County Parks & Open Space (BCPOS) agricultural lands are leased to farmers and ranchers. No agricultural lands are to be leased or assigned in ways other than those described below.

## Purpose

The primary goal of the agricultural leasing process is to implement a standardized and transparent operating procedure for evaluating and selecting the best steward for a property, preferably one with a focus on applying regenerative practices and improving soil health. Additional goals are to:

- Use an approach that is compatible with the goals of the BCPOS's agricultural lands, water, and resource stewardship.
- Use a fair and efficient way to identify qualified farmers and ranchers interested in managing county agricultural lands.
- Maintain and support working agricultural lands, including the preservation of water resources, by keeping county agricultural lands in productive agricultural use.
- Provide opportunities for young farmers and historically disadvantaged farmers, including farmers of color and indigenous farmers, to farm and steward open space agricultural lands.
- Help existing agricultural operations be successful and improve stewardship wherever possible.
- Integrate agricultural management practices that support priority ecological values or sensitive species where critical or important habitat have been identified.
- Maintain an agricultural program within the means and staff capacity of BCPOS's Agricultural Resources Division.
- Maintain and support a diversity of agricultural operations and uses on county agricultural lands, consistent with the Cropland Policy.
- Minimize the failure rate of agricultural operations on county open space lands.

## Ethics and Transparency

BCPOS employees responsible for the care and stewardship of county assets have a responsibility to ensure that their conduct does not violate the public trust. To that end, staff members commit to act in a manner that does not give the appearance that they have violated the public trust. Appropriate actions include:

- Acting in the best overall interest of the county and its residents.
- Interacting with all farmers and ranchers with courtesy, consideration, and even-handedness.

- Assuring that there is a fair, competitive access to agricultural leasing opportunities.
- Protecting information gained confidentially from public disclosure, to the extent permitted by law.
- Reporting unethical practices or corruption whenever discovered or suspected to a responsible manager.

BCPOS employees commit to implement the leasing process with as much transparency as possible. This means that copies of documents related to the agricultural leasing process, including lists of available properties and Requests for Proposals (RFP), will be posted on the Boulder County website. After a lease has been awarded, all documents related directly to the selection process, such as proposals, questions and answers related to proposals, proposal evaluations and decisions, lease agreements, etc., become public records and are available for public inspection in accordance with county policy and the requirements of the Colorado Open Records Act (CORA) and may be obtained by submitting a CORA request through the County Attorney’s office.

## Decision to Offer Boulder County Open Space Agricultural Land

BCPOS staff members commit to indicate any agricultural property/properties being offered for lease on the county website as early as possible so that potential proposers can be alerted to upcoming opportunities. This announcement will include information about the location and any unique characteristics for the property and the timeline of the proposal process. The decision about availability is subject to change at any time based on new information, staff capacity and limitations, or other considerations, but such changes will be updated on the county website in a timely manner.

Factors to be considered in making the decision to offer BCPOS agricultural properties for lease to a new tenant shall include whether:

- An existing BCPOS farmer or rancher under lease with the county has indicated an intent to stop leasing the property;
- An existing BCPOS farmer or rancher has violated the terms of a current lease from the county;
- A newly acquired agricultural property or recently restored agricultural property has become available;
- The property is likely to be productive for agricultural use without significant impacts to other department land protection or use goals, such as natural habitat or trail connections; and
- The property has adequate access, irrigation water (*except in the case of a dryland property*), soil, and infrastructure for the proposed agricultural use.

## Choice of Lease Method

BCPOS staff will use either negotiated leases or competitive sealed proposals to select a farmer or rancher to lease county agricultural properties. Typically, BCPOS staff will utilize competitive sealed proposals but reserve the option to use negotiated leases in special instances in which:

- **Option Years**—By far the most common type of lease for agricultural properties is an option year lease offered to returning tenants who are in good standing with the county, both in terms of rental payments and full compliance with the original lease terms and conditions. Option years are frequently offered as part of the original lease language (typically a one year lease, plus 2–3 option years). All options are contingent upon both the landlord and the tenant agreement to extend the lease and the good standing of the tenant. The landlord reserves the right to not extend

options to tenants who are not in good standing at the conclusion of each year. We value good returning tenants as the best stewards, in part because of their experience with the peculiarities of each properties and its current operations.

- **Short Notice**—A property becomes available on short notice either from a current tenant ending a lease prematurely or a new property acquisition becomes available with short notice relative to the growing season.
- **Proximity and Purpose**—A property becomes available that is near and/or has congruent or complementary purposes to another property subject to an existing lease.
- **Other Considerations**
  - An existing property or new acquisition becomes available which, in the sole discretion of the BCPOS Ag Resources staff, requires a temporary tenant steward to maintain the property and/or other resources in good condition and for the best interests of the county.
  - In most cases in which a lease is negotiated, BCPOS staff will issue a Request for Proposal (RFP) before the next growing season or at the end of the lease developed under the negotiated lease in order to allow all potential tenants the opportunity to make a proposal.
  - In instances in which emergency grazing leases may be required to sustain livestock, prevent weed infestation, or prevent overgrazing, BCPOS staff can and will attempt to lease a property for shorter periods of time than a full year or growing season. The BCPOS Ag Resources staff will endeavor to make such a temporary assignment if a suitable emergency grazing pasture is available. The assignment, duration, terms, and conditions (especially specific grazing practices or restrictions) shall be at the sole discretion of the staff.
  - The property could significantly improve the viability of a farm or ranch operation on a different BCPOS property currently under lease by the county, either due to its relative proximity to that operation and/or the water rights or water delivery means pertinent to the property.
  - The incorporation of the property into the operations of an existing lease could free up another property for competitive sealed proposals.
  - The property could mitigate impacts of an existing operation to its neighbors.
  - The property could offer an additional opportunity for a diversified agricultural operation consistent with the goals of the Agricultural Resource Division policies.
  - An administrative efficiency could be gained.
  - The property needs considerable work and/or timely intervention to restore it to optimum agricultural viability.

## Decision on Type of Lease

There are four standard types of agricultural leases in use on BCPOS agricultural properties:

1. Cash Rent
2. Crop Share
3. AUD Grazing (*can be separate or a part of a Cash or Crop Share lease*)
4. Emergency or Prescriptive AUD Grazing

These types of leases derive from the BCPOS Cropland Policy and past practice where the preference has been for issuing one-year agricultural leases with tenant options for two one-year renewals under the current terms and conditions. The term of a lease may be extended under special circumstances, such as an EQIP-funded irrigation or infrastructure project or if the award of the lease is based in part upon the intention of the proposer to achieve organic certification after a three-year transition period. Other alternative, or so called “flexible” types of lease arrangements may be possible ([https://www.agriculture.com/farm-management/real-estate/land-rents/latest-on-flexible-cash-l-leases\\_302-ar32589](https://www.agriculture.com/farm-management/real-estate/land-rents/latest-on-flexible-cash-l-leases_302-ar32589)), but the four standard types will work well with a vast majority of agricultural operations in Boulder County.

Special consideration, requirements, restrictions, lease rates, etc. may be given to certain crops or practices (e.g., industrial hemp) that are cultivated on only a portion of a leased property.

Under a lease agreement, the county controls the agricultural operation through binding lease specifications and payment terms as set by the county and as agreed to by the tenant.

Under an agricultural lease, the county, as landlord, surrenders exclusive possession of the property to the farmer or rancher, as tenant, for a specified time in return for a periodic payment. If the farmer or rancher operates legally, maintains proper insurance, and makes payments on time, the lease remains in place for the term and the tenant possesses the discretion to exercise any further options to renew the lease, as set forth in the lease. Leases generally provide the tenant with exclusive possession of the property and is non-transferable without the county’s approval, and tenant responsibilities and limits on possession or use are further specified in the lease terms. The BCPOS Department Director has been delegated the power to enter leases for up to three years with revenue up to \$50,000.00 per year. The Board of County Commissioners must approve leases for a term of more than three years or if revenue is estimated to be more than \$50,000.00 per year.

BCPOS staff commits to document the choice of lease type expected to be offered and its rationale in any Request for Proposal. This decision is subject to change at any time based on new information, staff capacity limitations, or other considerations, but such changes will be updated on the county website in a timely manner.

Factors to be considered in the decision on type of lease agreement will include:

- Condition of the property for agricultural productivity;
- Other open space values or uses provided by the property; and
- Administrative efficiencies, cost-effectiveness, and staff capacity.

## Competitive Sealed Proposals

County staff commits to use the following guidance for the competitive sealed proposal lease method as the default process:

### ➤ *Contents of the Request for Proposal*

An RFP issued by the county will include at minimum the following information:

- A statement that the lease shall be offered to the responsible proposer whose proposal represents the best value to the county in terms of expected quality, cost recovery, and efficiency and, as a result, is determined to be most advantageous to the county, taking into consideration the criteria that are set forth in the RFP.
- A statement of specifications, expectations, performance requirements, type of lease to be offered, term including renewal, insurance requirements, and any special instructions for agricultural use of the property.
- A detailed map of the property to be offered including such information as property boundaries, boundaries of the agricultural use area, access, fencing, water availability, topography, buffer areas, and special instructions for use of the property.
- The specific criteria and the relative weight of each criteria that will be used to evaluate the proposals (*see further guidance below*).
- The lease rate at which the property will be offered.
- Proposal submission requirements and schedule (including time and place for the mandatory pre-bid meeting and tour), requirements for electronic and paper sealed submissions (including a checklist of items to be considered for responsiveness), location or electronic mail address for proposal submission, and the time and date after which proposals will no longer be accepted.
- A request for a description of experience as a farmer or rancher including key staff capabilities, equipment capabilities, financial preparedness, and other information required to evaluate the RFP's criteria.
- A request for references, including as many of the following as available:
  - Two neighboring landowners to proposer's current operation;
  - A landowner who leased to or has agreed to allow proposer to use their land;
  - A ditch rider or water commissioner who has worked with proposer on their current operation; and
  - Any additional similar references that proposer believes would be helpful in evaluating the proposer's ability to accomplish the goals of the proposed operation.
- A request for information, if applicable, pertaining to the proposer's potential or certified eligibility as a small disadvantaged business, ability to qualify as a young farmer/rancher, and/or a member of a diverse or historically disadvantaged group or an EEOC protected group including, but not limited to ethnicity, race, religion, sex, etc.
- A statement that the proposer understands that information submitted is prepared at the proposer's expense and becomes a county record. Therefore, proposers should give specific attention to portions of their proposal (that should be easily separable from the non-confidential portions) that they consider to be confidential business information and provide any justification why such materials should not be disclosed by the county in response to an open records request, if the

County attorney determines that such portions meet the criteria for an exception from disclosure under the Colorado Open Records Act (CORA).

- A requirement for provision of the name, address, telephone number, and electronic mail address of a single contact person or representative for the proposer.
- A statement that the county reserves the right to reject any or all proposals and to waive any minor informalities or irregularities; and
- A model of the agricultural lease agreement expected to be offered.
- A notification that failure to comply with the RFP process requirements and/or submission of a proposal to anyone other than the County Purchasing Office will result in immediate rejection of the proposal from consideration.

## ➤ *Proposal Evaluation Criteria and Scoring*

Each RFP will contain the specific criteria and the relative weighting of each criteria that will be used to evaluate the proposals. In general, this will be consistent with the following standard criteria and weighting, although documented exceptions stating the rationale may be made to provide the best value to the county for a specific property. The standard criteria and their weights shall generally be consistent with the following:

	<i>Seven Principal Weighted Criteria for Evaluating Sealed Proposals</i>	<i>Score</i>
1	<b>EXPERIENCE:</b> Proposer has clearly demonstrated high quality and successful past performance in the commercial agricultural business, and experience in operating practices related to the type of operation proposed.	15
2	<b>FIT &amp; FLEXIBILITY:</b> Proposed operation supports the Boulder County BCPOS agricultural and resource management objectives and would be able to reasonably accommodate multiple management objectives such as wildlife values, public trials of experimental crops or cropping systems, and requests for public tours, etc., that are frequently required of BCPOS tenants.	20
3	<b>ORGANIZATION &amp; APPEARANCE:</b> Proposer’s current agricultural operation is demonstrably well maintained and organized, the property meets county code (e.g., storage of materials, weed management), etc. If proposer does not meet the standard with a current operation, the proposer may document other past activities or jobs where those standards have been met. Each proposer is encouraged to provide affidavits from neighbors to attest to their maintenance of the property.	15
4	<b>EQUIPMENT:</b> Equipment is either owned by or demonstrably available to the proposer and is adequate to the proposed operation. A simple list of equipment is not adequate. At a minimum, the proposer will need to submit photographs of equipment if owned and/or affidavits of availability of equipment as part of the proposal if not owned. All equipment should be operable and well maintained.	15
5	<b>FINANCES:</b> Demonstrated ability of proposer to meet the financial demands of proposed operation or an affidavit of good standing with a lender.	10
6	<b>EQUITY &amp; DIVERSITY:</b> Proposer meets eligibility requirements for a small disadvantaged business or can claim an affiliation with one or more Equal Employment Opportunity Commission (EEOC) protected groups or historically disadvantaged groups, such as, but not limited to; age (younger operators), gender (female), race, ethnicity, or sexual orientation.	10
7	<b>PRACTICES &amp; SUSTAINABILITY:</b> Proposer declares the style of farming or ranching practices that will be used and how well they fit with the county’s agricultural sustainability focus. Classifications include, but are not limited to: Regenerative, Certified NOP Organic, Pesticide Free, Natural, Integrated Pest Management (IPM) and soil health improvements per county goals.	15
<b>Total (Max points)</b>		<b>100</b>

County staff will use the following specific guidance for evaluating the criteria listed above:

*Criterion (1) Agricultural Experience* is an assessment of relevant past agricultural experience. This is important because ranching and farming in Boulder County within the urban interface is difficult, and the county would like to minimize the risk of operational failure of agricultural operations on its properties. This criterion will be evaluated and scored based on the following information as available via public record as well as information and references provided in the proposal; experience that the county has had with the proposer; interview with the proposer (as needed); and/or staff direct and indirect evaluation of the proposer’s current operation. Guidance for scoring is provided in the following table:

<i>Assessment Level—Criterion (1) Agricultural Experience</i>	<i>Score</i>
Considerable agricultural experience relevant to the property and proposed operation—proposer has commercially ranched or farmed in Boulder County full-time for ten or more years like the proposed operation with demonstrated knowledge of best agricultural practices, stewardship, and markets relevant to the proposed operation and property.	11-15
Good level of agricultural experience—proposer has commercial farming or ranching experience but, for example, less than ten years or part-time, in locations other than Boulder County; with approaches different than the proposed operation; or with lesser demonstrated knowledge of best agricultural practices, stewardship, and markets relevant to the proposed operation and property.	6-10
Lower level of agricultural experience – proposer's commercial farming or ranching experience may be academic, part-time, unproven, unsuccessful, or poorly demonstrated. Note this can be partially compensated for in criteria #6.	1-5
Unable to be evaluated	0
<b>Total (Max points)</b>	<b>15</b>



*Criterion (2) Fit and Flexibility* is an assessment of how well the proposed operation fits the county’s objectives and any management requirements for the property. These are described in the Request for Proposals. This includes a consideration of how the proposed operation might support the goals of the Cropland Policy. This criterion will be evaluated and scored based on the following information, as available: information provided in the proposal; experience that the county has had with the proposer in terms of understanding the proposed operation; and/or interview with the proposer (as needed). Guidance for scoring is provided in the following table:

<i>Assessment Level—Criterion (2) Fit &amp; Flexibility of Proposed Operation</i>	<i>Score</i>
Excellent fit between the proposed operation and the county’s management objectives for the property—proposed operation is headquartered near the property such that response times for a problem would be minimal; proposed operation incorporates best management practices that conserve soil, water, rangeland, and other resources; proposed operation supports multiple goals of the Cropland Policy; proposed operation includes best management practices fitting those that have proven effective for the situation; proposed operation demonstrates good local food production market opportunity.	14-20
Good fit between the proposed operation and the county’s management objectives for the property – proposed operation has some evident qualities of excellent fit, but also some evident qualities of a lower level of fit.	7-13
Lower level of fit between the proposed operation and the county’s management objectives for the property—proposed operation is not headquartered within reasonable proximity of the property; proposed operation includes management practices that have not proven to be effective for relevant situations consistent with the county’s management objectives; proposed operation minimally supports goals of the Agricultural Resource Management Plan or other resources values.	1-6
Unable to be evaluated	0
<b>Total (Max Points)</b>	<b>20</b>

*Criterion (3) Organization and Appearance* will be evaluated on a “reasonableness” standard by staff and appearance of the current operation and is important due to the potential high administrative costs and distraction of addressing citizen complaints and enforcing an appearance standard. County goals supported by this criterion include maintaining rural character and open viewsheds. This criterion will be evaluated and scored based on the following information, as available: photographs and descriptions provided in the proposal; references; and staff direct evaluation of a current operation. Whether the current operation meets this criterion will be measured against the objective standard of the observation of a reasonable person of normal sensibilities or a reasonable operation based on standard industry practices. Guidance for scoring is provided in the following table:

<i>Assessment Level—Criterion (3) Organization and Appearance</i>	<i>Score</i>
Good organization and appearance—noticeable equipment is functional, well-maintained, and stored in an organized manner; operation appears clean and well-organized; inoperable equipment and debris, if any, are not evident from a public road; pastures and fields are weeded and attractive; irrigation infrastructure is tidy and organized, fields appear fully irrigated; and/or buildings are well-maintained and attractive.	11-15
Acceptable organization and appearance—operation has some evident qualities of good organization and appearance, but also some evident qualities of poorer appearance.	6-10
Poorer organization and appearance—operation is similar in ways to ones about which staff has had complaints in the past; apparently inoperable or abandoned equipment is evident from a public road; pastures and fields are weedy, over-used, and disorganized; and/or irrigation infrastructure is poorly maintained and untidy.	1-5
Unable to be evaluated	0
<b>Total (Max Points)</b>	<b>15</b>

*Criterion (4) Equipment* is an assessment of whether the proposed operation and equipment demonstrably available to the proposer are in alignment. This is important because it shows an understanding of the proposed operation and an ability to secure the necessary resources. This criterion will be evaluated and scored based on the following information, as available: information provided in the proposal; experience that the county has had with the proposer in terms of understanding the proposed operation; and/or interview with the proposer (as needed). Guidance for scoring is provided in the following table:

<i>Assessment Level—Criterion (4) Equipment Available</i>	<i>Score</i>
Excellent alignment between the proposed operation and the equipment available—list of machinery and equipment is complete and appropriate to the proposed operation; proposer demonstrates availability and has multiple years of experience with machinery and equipment needed.	11-15
Good fit between the proposed operation and the equipment available—operation has some evident qualities of excellent equipment alignment and availability, but also some qualities of a lower level of fit.	6-10
Lower level of fit between the proposed operation and equipment available—list of machinery and equipment is incomplete or not entirely appropriate to the proposed operation; proposer does not demonstrate ownership or reliable access to necessary equipment; proposer does not demonstrate experience with necessary equipment.	1-5
Unable to be evaluated	0
<b>Total (Max Points)</b>	<b>15</b>

*Criterion (5) Finances* is an assessment of whether the proposer has demonstrated an ability to meet the financial demands of the proposed operation including insurance and lease payment amount. This is important because a financial failure poses a risk to the property itself and to the county’s ability to meet objectives for the property and its overall agricultural program. This criterion will be evaluated and scored based on the following information, as available: information provided in the proposal; experience that the county has had with the proposer in terms of past performance of timely payment; and/or interview with the proposer (as needed). Guidance for scoring is provided in the following table:

<i>Assessment Level—Criterion (5) Demonstrated Financial Ability</i>	<i>Score</i>
Low financial risk—proposer demonstrates a sound financial plan relevant to the proposed operation with measurable financial goals; the resources to start up and sustain the proposed operation; adequate liability insurance; and/or prior on time payment history with BCPOS or an affidavit of good standing with a reputable lender.	8-10
Medium financial risk—operation has some evident qualities of low financial risk, but also some qualities of a higher risk.	4-7
High financial risk—proposer does not have a sound financial plan; resources are not apparent to start up and sustain the proposed operation; insurance is less than adequate.	1-3
Unable to be evaluated	0
<b>Total (Max Points)</b>	<b>10</b>

*Criterion (6) Equity & Diversity* is intended to promote diversity and inclusion across the population of farmers and ranchers using county agricultural lands. The county recognizes that the pool of potential tenants is not as diverse as it would hope to see. The county also acknowledges that many of the prior criteria are most easily satisfied by proposers who are older, well-established, financed, and experienced operators. This criterion helps address the lack of diversity and equity and the explicit and implicit biases in meeting the other qualifications under prior sections of the evaluation matrix. The county wishes to increase the diversity among its pool of tenant stewards and it is specifically encouraging proposers who can claim Small Disadvantaged Business status, or fit one or more EEOC protected classes including, but not limited to, age (younger proposers), gender (female proposers), race, ethnicity, or sexual orientation, or underserved local demographic groups. This criterion will be evaluated and scored based on the following information, as available: statements in the proposal, other evidence of Small Disadvantaged Business certification by the EEOC, and/or a notarized affidavit. Guidance for scoring is provided in the following table:

<i>Assessment Level—Criterion (6) Diversity</i>	<i>Score</i>
Proposer is currently a Small Disadvantaged Business certified in accordance with 13 CFR Part 124.1002; OR can claim affiliation with one or more of the protected classes, as listed above.	10
Proposer self-represents and has demonstrated that they meet the eligibility requirements of 13 CFR Part 124.1002 OR can claim affiliation with one or more of the EEOC protected classes listed above.	5
Proposer has not demonstrated that it meets the eligibility requirements of 13 CFR Part 124.1002 or Unable to be evaluated.	0
<b>Total (Max Points)</b>	<b>10</b>

*Criterion (7) Practice & Sustainability* is an assessment the proposer declares as the “style” of farming or ranching practices that the proposer intends to use and how well they fit with the county’s focus on sustainable agriculture and improving/maintaining soil health. The county recognizes that there are many different styles and approaches to agricultural operations and the county wishes to encourage practices that are more sustainable in terms of economic, social, and environmental outcomes. The style of management also impacts directly on the proposer’s equipment and financial demands. Classifications include, but are not limited to: Regenerative, Certified NOP Organic, Pesticide Free, Natural, or Conventional.

<i>Assessment Level—Criterion (7) Practice &amp; Sustainability</i>	<i>Score</i>
Proposer declares an intent to farm/ranch using the five Regenerative Practices as defined by Gabe Brown. Specifically, these are enumerated as minimize disturbance; leave no bare soil; maximize diversity; keep a living root in the soil for as long as possible; and livestock integration.	12-15
Proposer declares an intent to transition (if required for up to 3 years) and Certify as NOP Organic Practices as soon as possible.	8-11
Proposer declares an intent to farm/ranch following an All-Natural plan (essentially Organic, but not NOP Certified)	6-7
Proposer declares an intent to farm/ranch Pesticide Free, but to use synthetic fertilizers as needed.	5
<b>Total (Max Points)</b>	<b>15</b>

## Notice of Request for Proposal

Boulder County Purchasing will contact prospective bidders through the 3<sup>rd</sup> party bid/RFP notification process administered by Rocky Mountain E-Procurement Systems and send such notice, with the RFP attached, to a list of interested agricultural use parties (described below). Notice will also be posted on the county website. Proposal preparation time will be set to provide potential proposers a reasonable time to prepare their proposals with a minimum of twenty-one calendar days provided from the date of the Notice of RFP to the date by which proposals are due (unless waived in writing by the BCPOS Director such as for a re-solicitation). The notice will contain:

- A description of the agricultural property or properties offered for agricultural use;
- A link or web address to the Request for Proposals;
- The time and place of the mandatory pre-bid meeting and tour of the property;
- The time and place to submit any clarifying questions on the Request for Proposal to be answered in writing for all prospective proposers;
- The time until and place where proposals will be received;
- The expected date that the agricultural property or property will be offered for agricultural lease;
- A statement that the county reserves the right to reject any or all proposals and to waive any minor informalities or irregularities therein;
- A statement that the proposal is prepared at proposer's expense and becomes county record and therefore a public record; and
- A statement of availability for potential proposers to be added to the list of interested agricultural use parties.

County staff commits to maintaining a list of interested agricultural use parties who would like to receive notice of opportunities (Bid List) for agricultural leases of county properties. Any person may request and be added to this list at any time by electronic message, signing up via the county website, or by letter sent to the BCPOS Agriculture Division. A person on the Bid List is retained on this list until they ask to have their name removed or their email has been returned as undeliverable.

## Mandatory Pre-Bid Meeting and Tour

For each property offered for agricultural use, county staff will hold a mandatory pre-bid meeting and tour of the site unless waived in writing by the BCPOS Director such as for a re-solicitation. All prospective proposers, or an identified representative, must attend and sign the log at the meeting. County staff will conduct the meeting and tour to orient potential proposers to the property, answer questions about the agricultural lease opportunity, and explain the proposal requirements.

County staff will have other people familiar with the history of the property in attendance, if possible, or available to answer questions submitted. The mandatory pre-bid meeting and tour will be held long enough after the Notice of Invitation has been issued to allow prospective proposers to become familiar with the Request for Proposal document, but sufficiently before the opening of proposals to allow consideration of the pre-bid meeting and tour results in preparing proposals. Nothing stated by staff at the mandatory pre-bid meeting and tour will change the Request for Proposal requirements or content unless a change is made by written addendum. A record of attendance will be kept of all mandatory pre-bid meetings and tours and will be submitted to Boulder County Purchasing.

## Questions and Addenda to Request for Proposal

Significant clarifying questions submitted in writing by the time and to the place indicated on the Request for Proposal will be answered in writing by county staff. The clarifying questions and their answers will be sent to everyone who supplied contact information at the mandatory pre-bid meeting. Only the written answers to clarifying questions will change the Request for Proposal requirements or content.

Addenda will be distributed to prospective proposers and posted on the county website, within a reasonable time to be considered in preparing proposals.

## Opening of Proposals

Each proposal will be time and date-stamped. Before the opening of proposals, the identity of any proposer will not be disclosed, and the contents will not be available to BCPOS staff. Proposals that meet the RFP criteria and are judged responsive by Boulder County Purchasing will be forwarded to the BCPOS Lease Coordinator. Proposals received after the submission deadline indicated on the notice (unless amended) will be considered non-responsive and will not be opened or considered, and proposers of such proposals will be notified of this determination.

## Responsiveness of Proposals

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

- Attendance by the proposer or an identified representative at the mandatory pre-bid meeting;
- Compliance with all material requirements of the Request for Proposal;
- Submission of proposal in the form specified in the Request for Proposal, including any required signatures;
- Submission of proposal by the time and date and at the location or electronic address specified in the Request for Proposals or addendum;
- Submission of all other information required by the Request for Proposals or addenda; and
- Submission of all required disclosure statements.

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

## Evaluation of Proposals

Offer of an agricultural lease opportunity, if any, will be made to the responsible proposer whose proposal represents the best value to the county in terms of expected quality and efficiency, and as a result is determined to be most advantageous to the county, taking into consideration the criteria that are set forth in the Request for Proposal. In evaluating proposals, staff will only consider the criteria set forth in the Request for Proposal and any amendments to that invitation.



## Evaluation Team

The BCPOS Ag Resources Division Manager shall establish a proposal evaluation team consisting of:

- Ag Resources staff
- Outside expertise such as CSU Extension, NRCS, etc.

Proposals will be reviewed and scored by the proposal evaluation team consisting of no fewer than four persons with knowledge, expertise, and experience sufficient to make a fair and reasonable evaluation. Members of the evaluation team not necessarily constitute a standing committee but shall be appointed and/or volunteer to serve on an evaluations team for select properties or a select group of properties offered at one time.

Responsibilities of the proposal evaluation team members require that they:

- Disclose any real or apparent conflicts of interest and remove themselves from the team, as appropriate;
- Read the Request for Proposal and any addenda;
- Read and rate every proposal independently of other team members;
- Keep ratings confidential during the individual scoring prior to signing and dating the work;
- Do not discuss proposals outside of team meetings prior to a recommendation;
- Score consistently; and
- Attend all team meetings, discussions, or interviews.

Each member of the proposal evaluation team commits to use rating sheets or other written evaluation forms to initially and independently score each proposal. Evaluators will sign and date each of their rating sheets. Initial ratings may be amended following team discussion and the amended ratings recorded on amended rating sheets, but copies of all initial and amended rating sheets or evaluation forms will be maintained by the Ag Resources Division.

The proposal evaluation team will evaluate all responsive proposals and may choose to check references and/or enter discussions with one or more of the initially top-ranked proposals to promote understanding of the county's requirements and a proposer's proposal and capabilities. County staff commit to accord fair treatment to proposers with respect to any opportunity for reference checks, discussions, and/or revisions of proposals but such activities may be limited to a competitive range sub-set of proposers based on an initial ranking of proposals.

## Offer of Lease

The proposal evaluation team will provide a ranking of all responsive proposals and a recommendation for lease to the BCPOS Director for approval. Each recommendation will include at minimum a justification for the selection and a summary of the compiled rankings, and any special terms or conditions to be included in the lease.

If approved by the BCPOS Director, the Ag Resource Division representative will offer a lease to the selected proposer. If accepted, the BCPOS Agricultural Resource Specialist and Lease Coordinator will prepare a lease in accordance with the terms of the Request for Proposal and the submitted proposal. If not accepted, the agricultural resource specialist will seek approval to offer a lease to the next ranked proposal. BCPOS staff will notify all proposers who submitted unsuccessful proposals of the results in a timely fashion.

## Negotiated Leases

County staff will use the following guidance for the negotiated lease method:

- Preliminary Discussions—county staff may engage in preliminary discussions with a farmer or rancher who might be interested in using a county property for agricultural use to explore the feasibility of a proposed negotiated lease.
- Negotiations—county staff may negotiate with qualified farmers or ranchers regarding the terms of a proposed offer of lease. They commit to maintain a written record of the conduct of negotiations and the basis for any determination to continue or suspend negotiations with each qualified farmer or rancher. County staff may request a proposal from the qualified farmer or rancher to serve as the basis for an offer of a lease.

## Acknowledgement

We gratefully acknowledge that the general format and a good deal of the content of this document were borrowed from the City of Boulder’s Open Space and Mountain Parks (OSMP) department. In turn, we recognize that a good deal of our past BCPOS agricultural leasing procedures were used by OSMP to craft its current policy.