

**Request For Proposals
Redevelopment Plans & Studies
Former ASARCO Smelter
East Helena, Montana**

**Montana Environmental Trust Group, LLC
Trustee of the Montana Environmental Custodial Trust**

June 8, 2011



The Montana Environmental Trust Group, LLC, Trustee of the Montana Environmental Custodial Trust (the Custodial Trust) is seeking proposals from qualified consultants to perform studies and prepare plans and other deliverables related to potential future sale, reuse and redevelopment of Custodial Trust property in East Helena, Lewis & Clark County, Montana. The subject property is owned by the Custodial Trust (the Custodial Trust Property or the Property) and is comprised of approximately 1,500 acres of land, subdivided into twenty two (22) lots. See the attached map which depicts the Custodial Trust's land holdings in East Helena (Exhibit I). Background information and the three-phase scope of services covered by this request for proposals (RFP) are described hereafter. Requirements for submissions are set forth in ¶VI. of this RFP document.

RFP responses should be submitted electronically to Cynthia Brooks at cb@g-etg.com. The deadline for all submissions is June 30, 2011 at 5:00 pm Mountain Time. Submissions received after the deadline will not be considered. Questions about the RFP should be submitted by e-mail to cb@g-etg.com. The Custodial Trust will provide written responses to questions which will be posted on the Custodial Trust's website at www.mtenvironmentaltrust.org.

The Custodial Trust reserves the right to accept or reject any and all submissions, to waive any discrepancies in the RFP requirements, to make any changes to the scope of services or the RFP and/or to take any action deemed to be in the best interest of the Custodial Trust and the Beneficiaries of the Custodial Trust—the United States and the State of Montana.

I. Introduction: History, Land Use and the Property

A. The ASARCO Smelter.

The historic use of the Property centered on the American Smelting and Refining Company (ASARCO) smelter which processed lead, zinc and other ores beginning in 1889. The site was originally selected because of its proximity to Helena, the Burlington Northern Santa Fe Railway (f/k/a the Northern Pacific Railway) and Prickly Pear Creek. Throughout the twentieth century, the City of East Helena developed in sync with the operation and expansion of the smelter. ASARCO was the primary employer of East Helena residents until 2001 when the plant was shut down by ASARCO. A predominantly working class community, the symbiotic relationship between East Helena and ASARCO through most of their history is reflected the City's development, character and identity. Future reuse of the Property should respect and build upon the City's history and identity.

A century of heavy industrial use left extensive metals contamination in the soils, sediments and groundwater on the smelter property and surrounding lands. In 1984, the US Environmental Protection Agency (EPA) listed ASARCO's East Helena Smelter and adjoining property, including the City of East Helena, on the National Priorities List (NPL) of federal superfund sites. Pursuant to the EPA's authority under the Comprehensive Environmental Response, Compensation & Liability Act (CERCLA or "superfund"), in 1991 EPA required ASARCO to begin remediating areas contaminated with lead, arsenic and other constituents on the smelter property as well as residential yards and other lands in and around the City of East Helena with elevated metals contamination. In 1998, ASARCO and EPA entered into a multi-million dollar Settlement and Consent Decree to address the company's violations of the Resource Conservation and Recovery Act (RCRA) and the Clean Water Act (CWA) (the 1998 Decree). Today RCRA is the EPA's governing regulatory law for corrective actions related to the Smelter plant site and contamination in the ground water. Superfund continues as the primary regulatory framework for cleanup of soils in East Helena and surrounding property.¹

¹ For additional information, please see EPA Region 8 website:

<http://www.epa.gov/region8/superfund/mt/easthelena>.

At present, there are a number of structures and features on the East Helena Smelter property, including but not limited to: structures associated with former operation of the smelter (recognizing that a number of structures, including the smoke stacks, were demolished in 2008 and 2009); an operating water treatment plant which handles and treats storm and gray water at the site; a ~14 million ton pile of fumed and unfumed slag; several office buildings, including where the Custodial Trust's offices are located; rail spurs and rail siding; and ~30 acres of temporary caps/covers in those areas where the former smelter structures were demolished, excavated, backfilled and covered. (Temporary covers will need to be replaced with more permanent covers after corrective measure plans and future use of the Site are better defined.)

B. Agricultural Land.

In addition to the former smelter area, the Custodial Trust Property includes agricultural lands surrounding the plant area. These lands were acquired by ASARCO in the 1980s and 1990s from local ranchers and farmers to settle their claims for damage to their cattle and fields caused by smelter contamination. The Custodial Trust continues to work with a number of the local ranchers and farmers to allow limited grazing and growing on these agricultural lands while site investigations and cleanup activities proceed. As depicted on Exhibit I, the agricultural areas include: East Fields, Kleffner Farm, Lamping Fields and Dartman Fields.

C. Rodeo Grounds.

The Property also includes a small, outdoor stadium and surrounding unimproved land used for rodeo events during the summer. The Custodial Trust works with event organizers to continue to support these long-standing community-based activities. Any redevelopment of the Rodeo Grounds may require identifying an alternate site to host future rodeos and barrel races.

D. Former Smelter Manager's House.

The former ASARCO Smelter Manager's House is also located on the Property at the northernmost end of South Montana Avenue. (See Exhibit I.) Built in 1888, the structure is likely eligible for listing on the National Registry of Historic Places and reflects the historic and cultural significance of the Smelter to East Helena. If supported by the community and backed by the required funding and long-term stewardship arrangements, the Custodial

Trust believes that the Manager's House could be restored and preserved as a community asset. The surrounding grounds have been left largely intact and could provide valuable park land and/or open space.

E. Open Space/Undeveloped Land.

The balance of the Property consists of undeveloped land, open space and wetlands. Water bodies include Upper and Lower Lake and Prickly Pear Creek.

II. The Montana Environmental Custodial Trust (Custodial Trust).

A. ASARCO Bankruptcy.

In 1999, ASARCO was acquired by Mexico-based Grupo México. The East Helena Smelter was shut down in April 2001, and ASARCO filed for Chapter 11 bankruptcy in 2005. A plan of reorganization for ASARCO was approved by the bankruptcy court on December 9, 2009, which included the creation of three environmental custodial trusts to address ASARCO's environmental responsibilities at certain sites throughout the US. The Montana Environmental Custodial Trust was one of the trusts created in December of 2009. A Consent Decree and Settlement Agreement regarding the Montana Sites (the Settlement Agreement²) was entered into by a number of entities, including: the United States through the US Department of Justice (DOJ), the EPA and the US Department of the Interior (DOI); the State of Montana through the Montana Department of Environmental Quality (MDEQ) and the Montana Department of Justice (MDOJ); the Montana Environmental Trust Group, LLC, as Trustee for the Montana Environmental Custodial Trust; and ASARCO.

B. The Settlement Agreement for the Montana Properties.

Under the Settlement Agreement, ASARCO transferred to the Custodial Trust all of its land holdings in the State of Montana (the Montana Properties) and certain funds for the cleanup and restoration of the Montana Properties. Specifically, ASARCO transferred title to four Montana properties consisting of a total of approximately 4,000 acres of land along with \$138 million for cleanup and natural resource restoration of the Montana Properties. The four Montana Properties include the previously described East Helena properties and three mining sites (Upper Blackfoot Mining Complex (UBMC)/Mike Horse, the Black Pine Mine and Iron Mountain).

C. The Lead Agency.

The Settlement Agreement also designates a "Lead Agency" for the cleanup activities to be performed at the four Montana sites. Each Lead Agency (in consultation with the non-Lead Agencies) has ultimate decision-making

² A copy of the Consent Decree and Settlement Agreement regarding the Montana Sites, excluding appendices, can be viewed at the following link:
www.epa.gov/compliance/resources/cases/cleanup/cercla/asarco/docs/montana-sa-09.pdf.

authority over the approval of the trustee's proposed budgets governing the use/disposition of the funds allocated for cleanup. The Lead Agency can either: request that the Custodial Trust perform the cleanup under Lead Agency direction; or request that the Custodial Trust transfer the funds to the Lead Agency so the Lead Agency can itself perform the work. The designated Lead Agencies for the Montana Properties are: EPA for the East Helena cleanup; and the State of Montana for cleanup of the Upper Blackfoot, Black Pine and Iron Mountain sites

Thus, with respect to the East Helena Site, the Custodial Trust is responsible for holding the property, managing the funds earmarked for the cleanup of the site, and carrying out site investigations and clean-up activities approved by the EPA as Lead Agency. The Custodial Trust's environmental responsibilities include fulfilling ASARCO's obligations set forth in the 1998 Decree (as modified). At East Helena the EPA, in consultation with the State of Montana (MDOJ and MDEQ), approves the scope, cost, schedule and other aspects of the environmental work performed at East Helena by the Custodial Trust. Under the Settlement Agreement, if authorized by EPA, the Custodial Trust may undertake certain corrective measures or remedial actions in a manner that takes into consideration and integrates future land use into the cleanup. The Custodial Trust's authority to expend cleanup funds on site redevelopment is limited to marketing and selling the property, facilitating the reuse of the property as part of the Custodial Trust's property management role, and coordinating and integrating reuse with the corrective measures and remedial actions as part of the Custodial Trust's environmental responsibilities. Therefore, although the Custodial Trust may expend funds for the redevelopment planning covered in this RFP (and possibly other future RFPs), the actual redevelopment will need to be executed and implemented by others.

D. The Beneficiaries.

The sole beneficiaries of the Custodial Trust are governmental entities—the United States and the State of Montana (the Beneficiaries). In addition to fulfilling its fiduciary responsibilities to the Beneficiaries, the Custodial Trust must also secure the advanced, written approval of the Beneficiaries in order to sell, lease, transfer or convey any or all of the Custodial Trust Property. Specifically, under the Settlement Agreement, the Custodial Trust must secure the prior approval of the EPA and the State of Montana (MDOJ and/or

MDEQ) in order to sell, lease, convey, dispose of or otherwise transfer any real property interest in the East Helena site to any third party—public or private. The Custodial Trust must in addition secure the advance approval of the DOI for properties in East Helena where the DOI has performed natural resource restoration. Accordingly, future land reuses and the terms of any transfer, sale or lease must be acceptable to the EPA and the State (and possibly also DOI) or such sale, transfer and reuse(s) cannot be effected by the Custodial Trust. Consequently, the Beneficiaries are expected to take an active role in redevelopment planning for the Custodial Trust Property since any sale or transfer or disposition will require their approval.

It should also be understood that, under the Settlement Agreement, any proceeds from the sale of Trust Property shall be placed in the Custodial Trust Cleanup Account and may be used for further cleanup at East Helena. Consequently, the Trustee and Beneficiaries should consider whether a fair return is being obtained for property in any proposed sale to private entities.

III. Phase I Scope of Services—Existing Conditions/Opportunities & Constraints Plans.

Phase I of the scope of services entails documentation of naturally occurring conditions, manmade features, environmental issues and corrective measures that will individually and/or collectively create opportunities for land redevelopment (Opportunities) or impose obstacles/constraints on the technical, economic, sustainable and/or community-supported reuse of the Property (Constraints). For example, Opportunities for future commercial, industrial and/or retail uses may be created by available vehicular or rail access, actual and potential locations for utility corridors and/or the need for impermeable covers on contaminated areas of the Property. Similarly, the former ASARCO Manager's House, riparian areas along Prickly Pear Creek and grasslands near Upper Lake could afford Opportunities for future recreational uses, dedicated open space and/or enhanced habitat. On the other hand, Constraints on future reuse(s) may be created by the presence of floodplain or flood-prone areas, anticipated restrictions under institutional controls or the presence of interim or final corrective measures. Consistent with its fiduciary obligations and community-supported reuse plans, the Custodial Trust seeks to leverage and maximize available Opportunities for redevelopment and manage or mitigate Constraints on reuse. The Phase I goal is to develop an integrated, holistic understanding and depiction of the Opportunities & Constraints created by existing Property conditions, features, contamination and possible corrective measures to date. Phase I deliverables are described in ¶III.F below.

A. Existing Property Conditions (Natural).

The Consultant will assess and document existing, naturally occurring conditions on the Property, including, but not limited to: wetlands and water bodies; areas of sensitive or valuable habitat, wildlife and/or other natural resources; shallow bedrock and/or outcrop; topographic conditions; geotechnical conditions; floodplain, floodways and/or flood prone areas; and other naturally occurring land features, assets and areas.

B. Existing Property Features (Manmade).

The consultant will review and document existing, manmade features and/or improvements on the Property, including but not limited to: improved/unimproved and public (state, county and/or municipal) or private roads, including primary and secondary roads, driveways, at-

grade railroad crossings, bridges, etc. and their existing and potential capacity; subsurface and above-ground utilities (electric, natural gas, telephone, water, sewer, etc.) and their existing and potential service capacity; rail facilities and railroad rights-of-way (rail access, condition and capacity); the East Helena slag pile; closed landfill areas; sidewalks, bike paths and areas with existing pedestrian and/or bicycle access; buildings, structures, storage tanks, and other improvements (including foundations and excluding structures slated for demolition, temporary in nature and/or otherwise in poor condition); and existing, abutting or adjacent land uses and their potential impact on future reuse of the Property (such as the American Chemet facility and its need for access and egress). Assumptions regarding which manmade features may be retained and which may be eliminated from the documentation of existing features on the Property will be provided by the Custodial Trust.

C. Environmental Conditions (Contamination/Remedy).

The Consultant will document the following information related to site contamination and the associated remediation/corrective measures: areas where existing contamination (regulated under CERCLA or RCRA) may be left in place; areas that have received temporary cover and/or may be receive temporary or permanent cover; corrective action management units (CAMUs)—both current and potential future CAMUs; areas where corrective measures presently exist or may be installed (treatment facilities, monitoring wells, etc.) as part of the RCRA corrective action at the Site; current and future soil repositories; and areas that may be made subject to institutional controls. Information about current environmental conditions will be provided by the Custodial Trust and/or its environmental consultants.

D. Land Use Laws and Regulatory Context.

The Consultant will review, analyze and document applicable planning, subdivision, zoning, environmental permitting and other regulations and/or land use requirements that would govern, limit and/or influence future reuse options for the Property. The guidelines, regulations, statutes and other documents that may be considered for or applicable to this analysis could include but not be limited to:

- a. The City of East Helena zoning ordinances;

- b. The Lewis and Clark County subdivision regulations;
 - c. East Helena and/or Lewis & Clark County floodplain management guidelines and requirements;
 - d. Regional, state and/or federal wetlands protection regulations;
 - e. State, regional and/or local water resource protection requirements; and/or
 - f. Other land use and development restrictions, standards, dimensional/access/safety requirements applicable or potentially applicable to the Property.
- E. Opportunities & Constraints Plan. Based on the results and findings of ¶A., ¶B., ¶C. and ¶D. above, the Consultant will prepare one draft and one final plan that integrates the above findings and depicts how existing Property conditions, manmade features, environmental conditions and/or land use and regulatory context may create Opportunities for future trust land sales, reuse, and redevelopment and/or impose Constraints on sales, reuse options or land development scenarios (the Opportunities & Constraints Plan or the O&C Plan). A composite plan of this information should be developed and integrated into a draft O&C Plan. The final O&C Plan will be issued after review and comments are provided by the Custodial Trust and the Beneficiaries.
- Exhibit II depicts the property to be conveyed to the State of Montana in partial compensation for their claim against ASARCO for natural resource damages associated with the East Helena smelter. The draft and final O&C plans should depict this ~230-acre area as dedicated to public recreation, wildlife habitat, open space, and/or wetlands that is not available for redevelopment.
- F. Deliverables. Documentation described under ¶A., ¶B., ¶C. and ¶D. above should be sufficiently detailed to describe the nature and impact of each major Opportunity and Constraint on the Property and to document all major assumptions governing such Opportunities and Constraints. RFP submissions should include: proposed graphics, GIS and other systems to be used for the O&C Plans; proposed specifications for scale, key information, format, etc. for the draft and final O&C Plans; and other recommendations for presenting the Phase I deliverables.

IV. Phase II Scope of Services—Preliminary Market Analysis:

The Phase II scope of services consists of a preliminary analysis of key, job-creating market sectors and general development trends in the submarkets of East Helena, the Helena Valley, Lewis & Clark County and surrounding regions. The preliminary market analysis will not be a detailed property valuation study. Rather, it will entail a general review of growth, expansion and/or contraction trends in the submarket regions utilizing existing reports and resources and the likelihood and capacity of attracting end-users to the Custodial Trust Property from the most promising redevelopment options.

A. Market Sectors.

The preliminary market analysis will evaluate the performance, trends and likely success of key economic development sectors including: light and/or heavy industry; warehouse & distribution; office park; retail; residential (including single-family and multi-family dwellings); and other growth areas, as appropriate. The Custodial Trust envisions a “high level” analysis and report on current and projected (long-term) performance for these major market areas. The Consultant will also briefly review the potential merits of other types of land development options and recommend whether the Custodial Trust should evaluate the viability of the hotel development market, renewable energy generation or manufacturing facilities, and continued agricultural use of some of the farmland.

Site and property attributes critical to attracting certain development sectors will also be evaluated, including the importance of: infrastructure requirements—road, highway, rail, utilities, etc.; availability of labor; proximity to required inputs to production and end-markets; fit with local and regional demographics; importance of development incentives (such as tax increment financing (TIF), low interest loans, enterprise zones, access to public capital, etc.). Synergies between various sectors should be considered (i.e., office and retail), potential benefits of mixed use development(s) and market pull associated with community and/or public uses of portions of the Property (such as the ability for a museum, parks, open space and other tourist/destination centers to attract retail and other commercial uses). In analyzing these redevelopment scenarios, the Consultant should identify recent comparable projects and their key success factors. Finally the Phase II results should include a prioritization

of the highest growth sectors and identification of the end use(s) that could be implemented in 2 to 5 year, 5 to 10 year, 10 year or longer timeframes. Such implementation would need to be accomplished in a manner and with sufficient critical mass to help catalyze redevelopment of the remaining Custodial Trust Property and surrounding areas.

B. Key Assumptions.

The market analysis should assume that industrial uses (light and heavy) and/or warehouse/distribution uses could be sited on the smelter property, agricultural and other Trust land south of Highway 12 both west and east of the smelter site. (As previously indicated, if the Rodeo Grounds are redeveloped, an alternate location for the rodeo stadium, etc. may need to be identified.) Retail, office and/or other commercial uses could be sited on any Custodial Trust Property (except the Smelter area). Retail development should consider small scale retail space and larger scale, if supported by market conditions. The ability to enhance market potential in growth sectors through mixed-use development scenarios and/or incorporating sustainable development features and principals should also be considered. The analysis should further consider the potential for residential developments on the Trust property. The plan should consider and address how the properties should be marketed, the sequencing thereof and the full potential value of the property to the Trust.

C. Approach.

The Custodial Trust does not contemplate in-depth market research or studies to complete the Phase II scope outlined here. Rather the Consultant should review and, as appropriate, update existing studies and reports and consult available resources to accomplish the market analysis. Examples of studies and/or resources to be considered might include information, reports and feedback from government, NGOs and economic development resources such as: the Governor's Office of Economic Development; the Montana Department of Commerce; Montana State University; University of Montana; Montana Department of Fish, Wildlife & Parks; Montana Community Finance Corporation; Montana Business Assistance Connection; and regional and local economic, land and community development departments, agencies and NGOs.

D. Deliverables.

The primary deliverable for the Phase II scope of services is a written report documenting the findings from the market analysis and accompanying documentation (data, examples, etc.) to support the analysis. Submissions should include Consultant recommendations for resources, process and approach to the Phase II scope of services that will provide the most useful information in the most cost-effective and timely fashion. Recommendations should also identify those development sectors that should be targeted because of their potential “fit” with Custodial Trust Property, both in the short term and long term. Submissions should also indicate whether Consultant proposes to perform market analysis “in-house” or by a third-party contractor to the Consultant.

V. Phase III Scope of Services—Concept Redevelopment Plans.

Based on the results of the Phase I and Phase II scope of services, the Consultant will prepare a minimum of two concept plans/scenarios for redevelopment of the Custodial Trust Property.

A. Concept Plan A (A-1 and A-2).

Concept Plan A will incorporate the results of the preliminary market study along with the following redevelopment scenarios:

- a. **Slag Pile On- or Off-Site Reprocessing.** Concept Plan A will include two scenarios for Slag Pile Reprocessing. Concept Plan A-1 will include development of a slag reprocessing facility on the smelter property, including infrastructure to support transport of inputs to production for the sale and delivery of reprocessed material by rail and truck to markets. The on-site facilities will require approximately 10 to 15 acres of Property with access to the Slag Pile, rail, utilities and process water. Concept Plan A-2 entails siting crushing, handling and rail loading facilities for transport of (unfumed) slag for off-site reprocessing. Rail improvements required to support an efficient configuration of such an operation, including access to utilities and water should be integrated into the plan. Concept Plan A-2 would require at least 10 acres of Property adjacent to the Slag Pile.
- b. **Former Smelter Manager’s House & Surrounding Area.** Under Concept Plan A-1 and A-2, the former Smelter Manager’s House may be restored and redeveloped as a museum, community center or other beneficial public use. The surrounding property up to and including the riparian zone along Prickly Pear Creek south of Highway 12 would be connected to the State’s Claim property (Exhibit II) to create a continuous area for passive recreation, open space and enhanced habitat. The Manlove Cabin may be relocated to a site near the Former Smelter Manager’s House. Concept Plans A-1 and A-2 will endeavor to consider any preliminary recommendations from the EPA-Led Task Force to identify potential future beneficial uses of the former Smelter Manager’s House as well as potential sources of funding to implement the restoration and long-term O&M³.

³ The Manager’s House may be situated in the Prickly Pear Creek floodplain which could necessitate re-location of the house further away from the creek.

B. Concept Plan B (B-1 and B-2)

Concept Plan B will incorporate the following redevelopment scenarios:

- a. Slag Pile Left In Place. Concept Plan B assumes that the Slag Pile will remain in-place. The smelter property is expected to be either reused for industrial or commercial use (Concept Plan B-1) or it may receive an evapo-transpirative cover and be designated open space (Concept Plan B-2). Under Concept Plan B-2, future use will likely be limited to pedestrian access.
- b. Former Smelter Manager's House & Surrounding Area. Under Concept Plans B-1 and B-2 the former Smelter Manager's House may be restored as a potential office or other public or private use. The immediate grounds would be preserved around the house. Surrounding areas might be redeveloped for commercial, retail and/or light industrial use.⁴ Concept Plans B-1 and B-2 will explain how this concept would consider any EPA-Led Task Force recommendations. The State's area would be dedicated to public recreation, wildlife habitat, open space, and/or wetlands.

C. Concept Plan Assumptions.

Concept Plans A and B will all incorporate the following assumptions about reuse of Custodial Trust Property:

- a. Soil Repository. The current Soil Repository is situated on the East Fields. Assuming the East Fields will be the redevelopment catalyst for a non-agricultural use, a permanent soil repository will have to be located elsewhere on Custodial Trust Property. The permanent repository is expected to receive small quantities of soils and therefore will not require more than 5 to 10 acres of land. All concept plans should incorporate a permanent soil repository (possibly located near the CAMUs) or some alternate location consistent with the Phase I and Phase II findings and recommended by the Consultant.
- b. State of Montana's Claim. The land to be conveyed to the State of Montana as part of the resolution of their natural resource damage claim (Exhibit II) should appear as dedicated to public recreation, wildlife habitat, open space, and/or wetlands.

⁴ See Footnote #3.

- c. Rodeo Grounds. If redevelopment of the rodeo grounds is supported by the Phase I and Phase II analyses, an alternate location for siting this facility may be identified.

D. Critical Multi Stakeholder Input Into All Concept Plans.

The City of East Helena and the nearby residents of Lewis & Clark County are critical stakeholders to the cleanup and redevelopment of the Custodial Trust Property. The City of East Helena and the nearby residents of Lewis & Clark County have historic ties to the ASARCO Smelter. Together with the impact of Smelter contamination on their community and the potential benefits of redevelopment, make the goals, needs and concerns of these stakeholders important to the Custodial Trust. All concept plans developed under the Phase III scope of services should take into account the feedback, recommendations and priorities of these community-based stakeholders along with the views of the City of Helena, another significant local stakeholder. Accordingly, concept plans should endeavor to consider the recommendations, findings and principles in the following documents and initiatives and other relevant documents and initiatives:

- a. City of East Helena Growth Policy;
- b. Results of the EPA Redevelopment Design Charrette;
- c. Recommendations from the East Helena Institutional Controls Working Group and LEAP;
- d. Recommendations from the Custodial Trust Water Rights expert;
- e. Applicable recommendations from the Lewis & Clark County Growth Policy; and
- f. Recommendations from the Lewis & Clark County Water Quality Protection District and Board of Health.

E. Deliverables.

Draft and final conceptual plans depicting the above redevelopment scenarios will be developed. RFP submissions should include recommended graphics, planning tools, scale, form, and elements of the required Concept Plans as well as the ability to integrate final concept plans with other maps, plans and information completed or being prepared in connection with the cleanup activities at the East Helena site.

VI. Qualifications, Approach, Fee Proposal and Schedule Responsive to Custodial Trust RFP.

A. Consultant Qualifications.

Consultants should provide documentation and examples that demonstrate their experience, work quality, creativity and results with similar redevelopment planning studies and plans. Specific experience working with contaminated sites should be included. Contact information for references familiar with Consultants' work should also be provided. Prior experience on similar projects and feedback from references represent very important criteria in evaluating the merits of various submissions. The Custodial Trust is seeking to retain a Consultant or a Consultant-team that currently operates in and is located in the State of Montana, with experience in Lewis and Clark County.

B. Approach.

Consultants should describe how they plan to approach each of the three phases of work outlined in this RFP, including their proposed processes for:

- a. Familiarizing themselves with the Property and its context (Opportunities & Constraints);
- b. Performing the market analysis (including whether this analysis would be performed in-house or contracted to a third-party consultant or advisor);
- c. Proposed scale, format, system(s) and quality of deliverables (O&C Plans, Concept Plans, etc.);
- d. Recommendations for alternate approaches that would achieve the Custodial Trust's goals for each phase of the work outlined in this RFP;
- e. Communicating issues, concerns and progress to the Custodial Trust and the Beneficiaries; and
- f. Plans, if any, for utilizing the services of any third-party professionals.

Creativity and recommendations for process and approach described in the RFP submissions will be carefully evaluated. The Custodial Trust will also carefully evaluate the submissions to determine the Consultants' ability to efficiently and effectively gather the required information, prepare well-written deliverables and present thoughtful, well-designed, high-quality graphics and plans (O&C and concept development). Under

guidance from the Custodial Trust, the Consultant will be required to present its findings and deliverables to the Beneficiaries of the Custodial Trust.

Please note that the Custodial Trust is specifically requesting that the following activities be excluded from all RFP submissions: (i) detailed discussions with critical stakeholders regarding any aspects of the scope of services and/or progress related to the scope of services; (ii) discussions with formal or informal focus groups or forums to solicit feedback from the community and other stakeholders; and/or (iii) engaging in discussions with any stakeholders who are not Beneficiaries of the Custodial Trust regarding the scope of services. The Beneficiaries and the Custodial Trust have and will continue to provide the interface and exchange of information with community and other local and regional stakeholders.

In order to be deemed complete, all RFP submissions must disclose whether the Consultant has provided in the past and/or is currently providing professional services of any type to any entity, individual and/or organization that may be deemed a local, regional or state stakeholder to the East Helena project. The Custodial Trust reserves the right to disqualify any such Consultant from this RFP process on the basis of their past and/or present relationship with critical, non-Beneficiary stakeholders.

C. Fee Proposal.

Consultants must submit detailed estimates of their time and expenses for each phase of work covered by this RFP. Submissions must include hourly rates for specific personnel to be involved in this effort, the number of hours forecast for such individuals, the Consultants' percent markup on third party costs or expenses, overhead multiplier (if used) and not-to-exceed amounts for each phase of the work. Cost is an important factor to the Custodial Trust and will be a significant factor in the selection of a Consultant for this work.

D. Schedule.

Submissions must include a milestone schedule for performing each of the tasks involved in all three phases of work. Timely completion of the scope

of services will also be an important factor in the evaluation of all submissions.