

**Proposal for Mitigation Credits, Neuse River Basin, 03020201 hydrologic unit
Questions and Answers**

Q1. From Page 7, under Credit Status and Maturity, it appears that the heading above the first table of credit price adjustment “Credits from an **approved site** with an Approved Mitigation Banking Instrument by Proposal Due Date”, means that an approved UMBI would need to have an approved Modification to the UMBI for any additional sites that were not approved under the original UMBI. Further, any sites being actively proposed under an historically approved UMBI, but not yet approved via an approved Modification to the UMBI, would have price adjusted using the second table with the heading “Credits from an **unapproved site** or without an Approved Mitigation Banking Instrument by Proposal Due date.” Is this a correct understanding of which sites are adjusted under which table?

A1. *Yes, that is correct. Unapproved sites from an UMBI will be adjusted using the second table. These credits should be reported under Category 3 of Exhibit A, Bid Schedule.*

Q2. Exhibit C, Section 2 a: This paragraph states that the Banker represents and warrants that the Credit(s) to be sold to NCDOT are currently available and have been released by the applicable authorities, including, but not limited to the United States Army Corps of Engineers, Wilmington District. However, the RFP states that it is possible to contract for unreleased credits. Is the intention that this sentence applies to the Banker only at the actual time of the sale rather than at the time the contract is executed? Please clarify.

A2. *Yes, that is correct. Proposals can include credits that have yet to be released. NCDOT may contract for these credits but the sale will only occur after release.*

Q3. Exhibit C, Section 2 c: Is there an affidavit of credit sale template to be used?

A3. *No, there is not.*

Q4. Exhibit C, Section 5: This section states, in part, “...**all finished and unfinished deliverable items** under this contract prepared by the Banker shall, at the option of the State, become its property, and the Banker shall be entitled to receive just and equitable compensation for any acceptable work completed on such materials.” Please clarify as this sentence does not comport with the purpose of this contract and does not fit with the concept of mitigation credits.

A4. *Yes, you are correct. This line will be removed from the final contract.*

Q5. On the Exhibit ‘A’ Bid Schedule page, Category 2 for unreleased credits refers to an “approved site”. If an offered bank site, administered under an approved Umbrella Mitigation Banking Instrument (UMBI), has completed the public notice process to amend the UMBI for that site to formally be included, and that site is listed on the USACE RIBITS website as a pending bank, would it be considered an “approved site”?

A5. *No it would not be considered an approved site. A new site added to an existing UMBI is considered approved once the bank sponsor receives notification from the USACE approving the modification of the UMBI.*