

Memo

To: Letter of Intent Submitters – Ferry Privatization RFP

From: Paul Neal

Date: April 28, 2020 **UPDATED** May 1, 2020

A number of you followed up on your letters of intent with questions about the RFP. I have listed and answered those questions below:

1. *Do subconsultants need to have a Washington business license?*
 - a. No, as long as the lead consultant signing the contract has a Washington business license.
2. *Is it OK if the lead consultant is in the process of obtaining a Washington business license but has not yet completed that process?*
 - a. Yes, as long as the successful lead consultant has a valid Washington business license on the contract signing date.
3. *Do you expect the legal analysis (Task 1) to be done by a lawyer? If so, does that lawyer need to be admitted to the WA bar?*
 - a. The legal analysis should be provided by an attorney who is a member of a state bar, though not necessarily Washington.
4. *Does the consultant providing the legal analysis need to be a firm primarily engaged in legal advisory or can it be provided by a legal expert working for an advisory practice whose primary service is not legal advisory?*
 - a. As long as the legal expert is a licensed attorney the primary focus of his firm's practice is not disqualifying. That said, an attorney with a maritime law background would score higher in the evaluation process.
5. *Does the legal advice also need take into account Federal Transit Authority requirements?*
 - a. The legal analysis needs to provide a comprehensive analysis of all applicable or potentially applicable legal requirements/impediments, wherever they may come from. If the federal transit authority has applicable regulations, those would need to be

examined. Presumably, a comprehensive legal analysis would include of review of FTA requirements to see if any were applicable.

6. *Is the \$245,000 inclusive of transportation costs, insurance and US taxes?*
 - a. Yes
7. *Is the 10-page limit only for the technical approach or does the 10-page limit include the management approach and/or other sections?*
 - a. The 10-page limit applies only to the technical approach section of RFP response.
8. *Do you anticipate the office will be open on May 5, 2020?*
 - a. While that is not our call, it appears unlikely that our offices will be open on that date.
9. *Please confirm that even if state offices are open on May 5, 2020 that hard copy proposals can be submitted after that date provided an electronic copy is submitted on May 5, 2020.*
 - a. That is correct. Even in the unlikely event that our office is open on May 5, an electronic (PDF) submittal by that date will meet the requirements of the RFP provided:
 - i. The complete proposal (including links as discuss in 16, above) is included in the email
10. *Due to social distancing requirements, will interviews be held, delayed or be conducted virtually?*
 - a. Interviews will be conducted as scheduled, however, they may be virtual meetings. In that event we will most likely be using Microsoft Teams to conduct the meeting.
11. *Is the JTC willing to negotiate on the general terms and conditions? (specific requested changes included.)*
 - a. As a general rule, the JTC is willing to negotiate contract terms. It would be premature to evaluate proposed changes at this time, as that conversation will only be relevant to the successful proposer, which may or may not be the party requesting changes. That said, it is unlikely that the JTC would accept any changes that shift liability from the contractor to the Committee.
12. *Page 4, Task 4 – The RFP makes reference to “analyses previously conducted by interested parties.” Is there a list of these previous studies and will the studies be readily available to the successful consultant?*
 - a. The JTC has not compiled a list of previous studies. That will be a task for the successful consultant. The reference in the RFP recognizes that the Anacortes-Sidney run has been on the chopping block repeatedly such that local entities have analyzed the economic impact of the ferry on the region. The successful consultant will identify, gather, review, and critique those analyses.

13. *Will the revenue and financial (operational and capital costs) forecasting tools developed for WSDOT/ Washington State Ferries Long Range Plan be made available to the successful consultant?*
- a. To the extent those tools are 1) the property of WSF; and 2) not subject to a confidentiality agreement; they would be available to the successful consultant.
14. *Will copies of contracts, leases, agreements, and written understandings concerning or affecting the existing Anacortes-Sidney international ferry service, between WSF and the federal government, state, counties, municipalities, Canadian government, province, and BC municipalities, with respect to vessel and terminal operations, customs/immigration, and regulatory compliance be made available to the successful consultant? Examples might include the leases for the Sidney and Anacortes ferry terminals, agreements with the State Board of Pilotage on exemptions for WSF masters to act as "pilots" for the international crossing, etc.*
- a. Yes. The documents you reference are public documents and would be available to the consultant. It will be the responsibility of the consultant to identify, gather, and analyze those documents.
15. *Should we include three references for each subconsultant or keep the overall total to three?*
- a. 3 references for each consultant, references are not needed for subconsultants.
16. *For the sample projects requested, can we give a short description then link the complete document?*
- a. Yes. This is an excellent idea. It would be best if, to the extent possible, all persons submitting a proposal followed this approach to help ensure that the submitted proposals are not so large that emailing becomes a problem. Samples requested are from the prime consultant only.