

Washington State Joint Transportation Committee
Shore Power Study
Responses to RFP Questions
December 19, 2024

Limitation on proposed contract amendments: Paragraph 10 of the certificates and assurances form included in the RFP packet provides an opportunity for the proposing firm to suggest amendments to the general terms and conditions. Past amendment requests demonstrate a need for clarification of that opportunity.

A number of paragraphs in the JTC's general terms and conditions deal with responsibilities in the event of a contract dispute. These paragraphs are:

- ¶13 Attorney's fees
- ¶18 Disputes
- ¶19 Governing law
- ¶10 Indemnification
- ¶13 Limitation of authority

The JTC is a small agency of a much larger entity – the state of Washington. Contract provisions regarding rights and responsibilities on the parties are handed down to us from the Washington State Attorney General. Any liability from a contract dispute would ultimately be a liability not of the JTC, but of the State of Washington. The JTC does not have authority to alter any of the paragraphs listed above. Accordingly, the opportunity to request amendments to the contract general terms and conditions does not extend to those paragraphs.

Please consider the contractual context. JTC studies are advisory. They do not require any action be taken in response, nor what form that action may take. Further, any such action would take the form of legislation or perhaps policy changes at an administering agency. Such changes may include some, all, or none of Contractor recommendations. It is difficult to imagine a situation where the Contractor would incur liability. Given that context it is unlikely that the existing language governing relative liability would ever be invoked. Over the 20+-year history of the JTC, it never has.

Questions 1: Is there any target for MWBE participation that firms need to meet?

Response: No, we gather data on MWBE status of proposers, but the JTC does not have a target.

Question 2: Regarding the budget, is the \$465,000 identified intended for both phases, or is it only for phase 1?

Response: The \$465,000 is for both phases.

Question 3: Can you please share the list of firms who have submitted a Notice of Intent to Bid?

Response: No, we do not share that information. Nor do we share proposals submitted from other firms. The only exception to that is that the successful proposal is incorporated into the final contract and so is available as part of that public record.

Question 4: The RFP text appears to include multiple weblinks using blue underline font, however none of them seem to be working. Could Washington State please provide a copy of the RFP with functional links?

Response: I doublechecked the links on the document I pulled up from the web site and those are working on this end. However, to remove any confusion and to ensure that all potential bidders have access to the cited materials, I will send an email to each contact person with either the cited material attached or a link to the materials. In checking the links I also noted that one of the documents I cited to was not the one I intended to link. I will correct that oversight in the email as well.

Question 5: RFP page 9, section XI.D.4 Cost Approach, requires that bidders submit *“a detailed budget, including direct and indirect labor, travel, and any other expenses (itemized). The cost description shall identify projected work hours and hourly rate(s) for each employee, by name and task, who will be assigned to this project.”* Given that this is a competitive solicitation of bids, we respectfully note that requesting prospective contractors to provide their sensitive direct/indirect labor cost and profit information may not be appropriate. Would Washington State please confirm that bidders are allowed to propose their fully loaded commercial labor rates (without disclosing direct/indirect labor costs and profit)?

Response: You may list fully loaded labor costs.

Question 6: Would Washington State please confirm that the resulting contract type will be Firm-Fixed-Price (FFP), with milestone and/or progress payments for the required tasks/deliverables outlined in the scope of work?

Response: We prefer time and materials contracts but will consider a firm fixed price proposal if submitted as long as the costs are broken down by task.

Question 7: Task 2 of the RFP calls for assessment of the emissions reductions associated with applying California regulatory standards in Washington. Is the JTC seeking estimates of the gross emissions reductions achieved (without consideration of increased emissions from electricity production) or the emissions reductions net of any emissions increase associated with increased electricity production?

Response: Both measures would be useful.

Question 8: Over what period of time would the JTC like the requested analysis to estimate impacts (e.g., through 2030, 2035, 2040, etc.)?

Response: On-going estimates at different points in time ending in 2055