

# **Request for Qualifications/Proposals**

## **Intermodal Rail Facility Operations**

### **Proposal Due Date and Time**

November 14, 2024, 11:00 a.m. Pacific Time

#### **Sole Point of Contact**

Port of Benton's Contracts Specialist is the sole point of contact for this Request for Qualifications/Proposals. All communication between bidding Proposers and the Port shall be with the Contracts Specialist.

**Sheri Collins, Contracts Specialist**  
**Phone: 509.375.3060**  
**Email: [scollins@portofbenton.com](mailto:scollins@portofbenton.com)**



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## **1 INTRODUCTION**

### **1.1 Purpose**

The Port of Benton, hereafter called “Port,” is issuing this Request for Qualifications/Proposals (RFQ) from firms experienced and qualified in operating and maintaining an Intermodal Rail Facility and in the operation, maintenance, marketing and coordination of rail-to-truck and truck-to-rail operations on existing Port owned and operated industrial track, at a future facility known as the Northwest Intermodal Rail Facility, proposed in Richland, Washington.

The Port’s existing short line industrial track connects to both Union Pacific (UP) and BNSF Railway (BNSF) rail lines with daily service by both Class I railroads. In addition, the Port is in partnership with the City of Richland on its approximately 10,000-foot industrial spur, which is connected to the Port’s track, as well as an existing 8,800-track-foot loop track operated by Central Washington Corn Processors (CWCP) for the delivery and transloading of agricultural feed Unit Trains.

The Port is seeking an entity to work with the Port, City of Richland, other local governments, economic development authorities, shippers, Class I railroads, and short-line railroads for the movement of products and containers to and through the Northwest Seaport Alliance Gateway at the future Northwest Intermodal Rail Facility to be built on Port owned property. This partnership will work to develop innovative and efficient operating, maintenance, and shipping methods in order to provide competitive rail service for the region’s rail shipping community and to sustain the operator financially. The intent is to leverage the Port’s and City of Richland’s existing industrial track along with the existing loop track to further develop and grow the existing truck-to-rail and rail-to-truck transloading of products to and from the Pacific Northwest.

The purpose of this RFQ is to identify the best possible operator that is most likely to lead to the successful operation of the facility for the benefit of the Port.

### **1.2 General Background**

Rail transportation is important to increasing trade and economic activity in Washington state. Currently, short lines form an important part of the network for shipping many goods to foreign and domestic markets. The intent of this effort is to further leverage the existing truck-to-rail and rail-to-truck operations occurring on Port and City of Richland track.

The existing Port track, known as the Southern Connection Rail Line, extends 11 miles of main track from Richland Junction (adjacent to Columbia Center Boulevard in Kennewick, Washington) to Horn Rapids Road in north Richland to the Horn Rapids Industrial Park. The Port's track also connects to the U.S. Department of Energy's ("DOE") Hanford Site industrial track north of Horn Rapids Road. The Port owns approximately 16 miles of track, including sidings and connecting spur tracks, from MP 18.84 at Richland Junction to MP 29.73 at Horn Rapids Road in Richland, Washington ("Southern Connection"). DOE's predecessor, the Atomic Energy Commission, constructed the original Southern Connection around 1950 to provide rail service to the Hanford Site. Predecessors of BNSF Railway and the Union Pacific railroads received "equal joint" operating rights on this track to allow them to serve the facility and future customers.

In 1998, the Port accepted the Southern Connection (see attached Exhibit A – Map of Port Track) from DOE through an Indenture (see attached Exhibit B - Indenture) to prevent it from being abandoned and to act on its policy of preserving rail infrastructure.

The Southern Connection is the only rail route that serves this area of Benton County and currently serves several rail customers, many of which need additional rail service, particularly to the seaports. Additionally, the Port continues to work with several Beneficial Cargo Owners (BCOs) in that area, also looking for additional truck-to-rail and rail-to-truck operations to gain further access to the seaports, specifically the Northwest Seaport Alliance (NWSA).

The Port has worked with the NWSA and interested companies for the last decade, attempting to perform or enhance these operations. To assist with facilitating the development of the Northwest Intermodal Rail Facility, the Port and the City of Richland are working to complete a cooperative land exchange that will allow the Port to own and control much of the land around the existing track and specifically the land around and adjacent to the existing loop track operations. The Port has identified approximately 450 acres of properties potentially served by rail as part of the future Northwest Intermodal Rail Facility operations areas. (See attached Exhibit C – Proposed Intermodal Properties).

### **1.3 Objective**

The ultimate objective is to select the best-qualified operator to partner with the Port for the development of an economically sustainable Intermodal Rail Facility operation that meets the rail shipping needs of current and future BCOs seeking

access to and from the NWSA gateway, as well as successfully leveraging the Port's existing rail infrastructure.

A successful operator will possess demonstrated experience in operations of an Intermodal Rail Facility, including business development, good customer service, efficient operations, experience with the Class I railroads, and experience marketing to exporters and importers through the NWSA gateway. The Port's immediate strategy to reach that objective is to secure an operator that can demonstrate the following experience:

- Managing and operating an Intermodal Rail Facility, specifically dealing with a truck-to-rail and rail-to-truck container yard
- Coordinating and working with UP and BNSF
- Working with the NWSA gateway or similar seaport is preferred
- Working with existing BCOs either importing or exporting products through the seaport
- Excellent customer service to potential shippers
- Loading and unloading rail equipment, acquiring line haul rates, submitting shipping instructions and tracking shipments from origin to their destination
- Working independently and with prospective shippers, the Port, local governments, and economic development agencies to explore new business development opportunities along the Southern Connection, including site and facility development
- Working proactively with the Class I railroads to remove barriers that inhibit commerce and develop alternative methods of operation that meet Class I railroads current and prospective business models

#### **1.4 Overview of the proposed Intermodal Rail Facility**

The current interchange with UP and BNSF occurs at MP 18.84, and the trackage continues onto DOE rail at MP 29.73. Any customer served by UP or BNSF can ship to and from the Port's entire Southern Connection track and connect to any current customer on either the Port or City of Richland track with either Class I railroad. In addition, the Port's current short line operator, Columbia Rail, provides inspection, maintenance, and track safety on the Port's track and can provide additional spotting of cars as well as assistance with coordination with shipping and receiving cars.

In addition, the Port owns or controls approximately 450 acres, most of which is undeveloped, adjacent to the existing Port track. All of this land can be and is rail-

served. This includes electrical, water, sewer, and fiber available to most sites adjacent to the existing Southern Connection Rail Line.

The Port owns the lease for the land where the existing 8,800 track feet of loop track is located. Central Washington Corn Processors (CWCP) currently operates the loop track. While subject to operation and maintenance fees, this loop track can be served by trains for other customers, including the initial phases of an Intermodal Rail Facility.

The Port is planning and obtaining funds for an initial site development west of the existing loop track consisting of 10 to 20 acres that will be leveled and surfaced to allow the beginning operations of the Northwest Intermodal Rail Facility served either by the loop track or new ladder track west of the existing loop track.

The Port also owns an approximately 90,000-square-foot rail operations and maintenance facility with a nearly 17,000-square-foot locomotive and rail car high-bay maintenance shop. The shop includes multiple high-bay storage and maintenance bays with hydraulic lifts, jib cranes, and below-track service pits that could be used for a variety of rail operations. This facility needs upgrades, and the Port is seeking grant funding to bring this 1950s facility up to date.

The Port's current rail system operator, Columbia Rail, provides rail operations on the Southern Connection.

### **1.5 Funding**

The Port has preliminary approval for approximately \$1.8 million in funding to develop the initial phase of the Northwest Intermodal Rail Facility. Additionally, the Port has applied for potential funding for future phases of development, estimated at \$6 million. The Port has also received funding for and has initiated multiple other rail projects, improving the existing Southern Connection to be prepared for a significant increase in rail activities.

## 2 TERMS OF THIS REQUEST FOR PROPOSAL

### 2.1 Contracts Specialist

The Contracts Specialist for the Port is the **sole point of contact** for this procurement. All communication between the Proposers and Port upon receipt of this RFQ shall be in writing with the Contracts Specialist as follows:

**Sheri Collins, Contracts Specialist**

Phone: 509.375.3060

Fax: 509.375.5287

Email: [scollins@portofbenton.com](mailto:scollins@portofbenton.com)

All mail must be addressed to:

**Sheri Collins, Contracts Specialist**

**Port of Benton**

**3250 Port of Benton Blvd.**

**Richland, WA 99354**

(Hand Deliveries must go to the entryway Reception Desk)

**Communication regarding this RFQ with any other Port personnel will be considered unofficial and non-binding to the Port. Proposers are to rely on written statements issued by the Contracts Specialist.**

### 2.2 Schedule of the Request for Qualifications/Proposals

All Proposers must adhere to the following schedule of activities. Proposers mailing proposals should allow normal mail delivery time to ensure timely receipt of their proposals by the Contracts Specialist listed in this RFQ. Notwithstanding the provisions of RCW 39.26, late proposals will not be accepted, nor will time extensions be contracted.



Activity	Due Dates	Time
Issue RFQ	09/29/2024	
Letter of Intent Due	10/24/2024	12:00 PM Noon
Written Questions Due	11/01/2024	12:00 PM Noon
Amendment – Answers to questions	11/07/2024	5:00 PM
<b>Proposals Due</b>	<b>11/14/2024</b>	<b>11:00 AM</b>
Evaluation of Proposals	11/15-11/22/2024 est.	
Notify Top Proposers for Interviews	12/03/2024 est.	5:00 PM
Proposer Interviews (if needed)	12/09-12/12/2024 est.	
Send Notification of Apparently Successful Proposer	12/19/2024 est.	5:00 PM
Proposer Request for Optional Debriefing	01/06/2025 est.	5:00 PM
Negotiation of Contract and Commission Approval	01/06-02/12/2025 est.	
<b>Service Commencement shall be dependent upon completion of all pre-award requirements and execution of contractual agreements.</b>		

Times given are for Pacific Standard Time (PST) or Pacific Daylight Time (PDT), as appropriate.

### 2.3 Exceptions to RFQ

Proposers should carefully review this RFQ and ALL its attachments before submitting any written questions. Any Proposer wishing to take exception to any of the contents of this RFQ must notify the Contracts Specialist in writing as specified in Section 2.1 of this RFQ.

### 2.4 Proposer Questions and Answers

Specific questions concerning this RFQ must be submitted in writing to the Contracts Specialist at the address specified in Section 2.1 of this RFQ. Faxed and emailed submissions of questions are acceptable. The Contracts Specialist must receive questions no later than the date and time specified for Written Questions Due in Section 2.2 of this RFQ.



## **2.5 Letter of Intent to Propose (Fax or Email Acceptable):**

**The Contracts Specialist must receive a letter indicating the Proposer's intent to respond to this RFQ at the address specified in Section 2.1 of the RFQ no later than the date and time listed in Section 2.2.**

Each Proposer must include the following information in the Letter of Intent to propose:

1. Proposer name
2. Proposer's authorized representative for this RFQ (This representative shall also be named the authorized representative identified in the Proposer's proposal)
3. Name and title of authorized representative
4. Address
5. Telephone number
6. Email address
7. Statement of intent to propose

Only Proposers submitting a Letter of Intent will receive amendments and other information regarding this RFQ.

**Failure to submit a Letter of Intent to Propose by the deadline specified in Section 2.2 will result in the rejection of the Proposer's proposal.**

Note: The RFQ Letter of Intent will provide the right to inspect the Southern Connection Rail Line and proposed Northwest Intermodal Rail Facility site and tour the existing facilities, but only to Proposers who submit a Letter of Intent. Submittal of a Letter of Intent does not bind the entity to submit a proposal.

## **2.6 Response Overview**

In response to each RFQ requirement, Proposers must clearly state whether or not their proposed team, key staff, and qualifications will meet the requirements of this RFQ. The Proposer will be scored based on how well the Proposer meets the Port's requirements. Failure to meet an individual requirement will not be the basis for disqualification; however, failure to respond may be considered non-responsive and be the basis for disqualification of the proposal.



## 2.7 RFQ Evaluation

The process for awarding this RFQ may be done in phased sections. The Proposer's proposal will be evaluated based on the process outlined below. If necessary, the top-scoring Proposer(s) will proceed to the next step in this RFQ process. Proposals with tied scores will be treated equally, and the tied Proposer's proposals will be forwarded to the next phase if they are among the top-scoring Proposers and further process is chosen.

## 2.8 Proposal Interviews

Top proposals will proceed to the interview phase if needed. An Evaluation Committee will evaluate proposals that pass the administrative review and conduct the interviews. Proposals will be assessed initially on a pass/fail basis based on an administrative review of the Proposer's submission of the General Requirements provided in Section 6 and whether a complete proposal has been received.

Evaluation Committee reviews will be based on the written responses submitted by Proposer to the entire RFQ. The scores of the written responses will determine the top-qualifying Proposers. Proposals will be evaluated strictly per the requirements set forth in this RFQ and any amendments issued.

The Evaluation Committee will rank Proposers, and short-listed Proposers may be interviewed. The Proposer's identified Project Manager is recommended to represent the Proposer in the interview. References will be checked for one or more of the final candidates. The Port reserves the right to select a Contractor based solely on written proposals and not convene oral interviews.

In-person interviews may be utilized to select the winning proposal. The top-scoring finalists from the written evaluation may make an oral presentation, which will determine the final contract award. The Contracts Specialist will contact the top-scoring Proposer(s) to schedule a time and location. Commitments made by the Proposer at the oral interview, if any, will be considered binding.

Oral presentations, if requested, will be limited to one hour and thirty minutes (1:30), of which one hour will be for the Proposer's presentation and thirty (30) minutes will be for questions from the interview team. The presentation shall be led by the designated Project Manager for the Proposer and should include key personnel who will be involved in the performance of the work. Presentations shall include an overview of the proposed approach and project methodology they

intend to use to successfully manage and control this project. References to a recent, relevant, successful project are desirable.

Proposers who have submitted the top proposals and have been selected to participate in the interview process will be contacted no later than December 9, 2024.

Interviews will occur at the address below or by video conference. Interviews are at the option of the Port.

Port of Benton  
3250 Port of Benton Blvd  
Richland, WA 99354  
Commission Conference Room

## **2.9 Submission of Proposals**

**Emailed, mailed, or hand-delivered proposals will be accepted.** The proposal, whether mailed, emailed or hand delivered, **must be received by Port no later than 12:00 p.m. (noon) local time in Richland, Washington, on the due date found in Section 2.2.** The proposal is to be sent to the Contracts Specialist at the address noted earlier in Section 2.1. The envelope or email should be clearly marked to the attention of the Contracts Specialist, who is the Port's sole point of contact for this procurement. Additionally, the proposal shall be clearly marked **Proposal for Port of Benton Intermodal Rail Facility Operations.**

Proposers mailing proposals should allow normal mail delivery time to ensure timely receipt of their proposals by the Contracts Specialist. Proposers who hand deliver proposals should allow time for traffic congestion. Proposals emailed shall allow for and verify proper delivery to the Port. Proposers assume the risk for the method of delivery chosen. Port assumes no responsibility for delays caused by any delivery service.

Any proposal that does not conform to all stated requirements or contains unauthorized conditions, limitations, or provisions may be rejected.

After the time and date for receipt of proposals, each proposal will be evaluated as described below.

**Proposals not received by 12:00 p.m. noon on the date specified in Section 2.2 will not be accepted. They will be automatically disqualified from further consideration and returned to the Proposer unopened.**

The proposals must respond to the procurement requirements. The proposal must be complete and must stand on its own merits. Failure to respond to any portion of the procurement document may result in rejection of the proposal as non-responsive.

## **2.10 Proprietary Information/Public Disclosure**

Materials submitted in response to this competitive procurement shall become the property of the Port. Additionally, all proposals shall be deemed a public record as defined in RCW 42.56.001 to 42.56.903, "Public Records."

Proposals received shall remain confidential until the contract, if any, resulting from this RFQ is signed by the authorized person and the apparent successful Proposer or until the Port determines to not contract with any entity.

Any information in the proposal that Proposers desire to claim as proprietary and exempt from disclosure under the provisions of RCW 42.56. 001 to 42.56.903 must be clearly designated. The particular exception from disclosure upon which the Proposer is making the claim and the RFQ page on which it is found must be identified. **Each page claimed to be exempt from disclosure must be clearly identified by the word "CONFIDENTIAL" printed on the lower right-hand corner of the page.**

The Port will consider a Proposer's request for exemption from disclosure; however, the Port will make a decision predicated upon Chapter 42.56 of the Revised Code of Washington. **Marking the entire proposal exempt from disclosure will not be honored and will be considered non-responsive and disqualified for further consideration.**

The Proposer must be reasonable in designating information as confidential. If any information is marked as proprietary in the proposal, such information will not be made available until the affected Proposer has been given an opportunity to seek a court injunction against the requested disclosure.

### **2.11 Revisions to the RFQ**

In the event that it becomes necessary to revise any part of this RFQ, an amendment will be provided to all Proposers who submit a timely Letter of Intent to Propose as specified in Section 2.5.

The Proposer is instructed to disregard any oral representations it may have received. Proposal evaluation will be based on the material contained in the RFQ and any amendments to the RFQ that have been issued.

The Port reserves the right to revise the RFQ and/or to issue amendment(s) to the RFQ. For this purpose, the answers to questions that are submitted to the Contracts Specialist, together with other pertinent information, shall be provided as an amendment to the RFQ.

The Port also reserves the right to cancel or reissue the RFQ, in whole or in part, before the execution of a contract. In the event it becomes necessary to revise any part of the RFQ, an amendment will be provided to prospective Proposers who submitted a timely Letter of Intent to Propose as specified in Section 2.5. In addition, all amendments will be posted to the Port of Benton's website under <https://portofbenton.com/business-with-us/#bids>.

If a conflict exists between amendments or between an amendment and the RFQ, the document issued last shall take precedence.

It is incumbent upon each potential Proposer to carefully examine these requirements, terms and conditions. Should any potential Proposer find discrepancies, omissions or ambiguities in this RFQ, the Proposer shall at once request, in writing, an interpretation from the Port's Contracts Specialist. Any inquiries, suggestions or requests concerning interpretation, clarification or additional information shall be made to the Port's Contracts Specialist in writing (including facsimile and email transmissions) and as specified in Section 2.2.

### **2.12 Waivers**

The Port reserves the right to waive specific terms and conditions contained in this RFQ. Proposers shall understand that the proposal is predicated upon acceptance of all terms and conditions contained in this RFQ unless the Proposer has obtained such a waiver in writing from Port before submission of the proposal. Such a waiver, if contracted, will be contracted to all Proposers.

### **2.13 Intentionally Deleted**

### **2.14 Operating Lease Agreement**

The Port may not enter into an Agreement without the consent and approval of the Port of Benton's Commission. The selection of a Proposer found to be the most qualified does not obligate the Port to enter into an Agreement.

### **2.15 Disadvantaged Business Enterprise Participation**

Disadvantaged Business Enterprises (DBEs) include any business majority-owned by a minority, woman, veteran, or disabled person.

Under the voluntary provisions, Proposers are encouraged, but not required to:

- 1) Advertise opportunities for subcontractors or suppliers in a manner reasonably designed to provide DBEs and other small businesses capable of performing the work with timely notice of such opportunities. All advertising should include a provision encouraging participation by DBE firms. Advertising may be done through general advertisement (e.g., newspapers, journals, etc.) or by soliciting proposals directly from DBEs and other small businesses.
- 2) Provide DBEs and other small businesses that express interest with adequate and timely information about plans, specifications, and contract requirements. Break down total requirements into smaller tasks or quantities, where economically feasible, in order to permit maximum opportunity for participation by DBEs and other small businesses.
- 3) Utilize the services of available minority community organizations, minority contractor groups, local minority assistance offices and organizations that assist in recruiting and placing DBEs and other small businesses.
- 4) Establish delivery schedules where requirements of the contract permit that encourage participation by DBEs and other small businesses.

The actions described in this section should supplement efforts to provide information to all qualified firms, and nothing in this section is intended to prevent or discourage the Bidders/Proposers/Contractors from inviting proposals for participation from non-DBE or DBE firms.

There is no required DBE goal for this project.

**2.16 Responsiveness**

The Contracts Specialist will review all proposals to determine compliance with administrative requirements and instructions specified in this RFQ. Failure to comply with any part of the RFQ may result in rejection of the proposal as non-responsive.

**2.17 Minor Irregularities**

The Port reserves the right to waive minor administrative irregularities contained in any Proposal, such as typographical errors. Omissions will not be considered minor, including but not limited to the required authorizing signature or entire sections or sub-sections.

**2.18 Intentionally Deleted****2.19 Costs to Propose**

The Port will not be liable for any costs incurred by the Proposer in preparation of a proposal submitted in response to this RFQ, in preparing or conducting a presentation or interview, or any other activities related to responding to this RFQ.

**2.20 Independent Status of Proposer**

In the performance of this Contract, the parties will be acting in their individual, corporate or governmental capacities and not as agents, employees, partners, joint ventures, or associates of one another. The parties intend to create an independent contractor relationship through this Contract. The employees or agents of one party shall not be deemed or construed to be the employees or agents of the other party for any purpose whatsoever. Proposer shall not claim any right, privilege or benefit that would accrue to an employee under chapter 41.06 RCW or Title 51 RCW.

**2.21 No Obligation to Contract**

This RFQ does not obligate the Port to contract for services specified herein.

**2.22 Rejection of Proposals**

The Port reserves the right at its sole discretion to reject any and all proposals received without penalty and not to issue a contract as a result of this RFQ.

**2.23 Commitment of Funds**

The Port of Benton Commission, or the Executive Director if delegated by the Commission, are the only individuals who may legally commit the Port to the expenditures of funds for a contract resulting from this RFQ. The Port has not received final approval for the funds necessary to complete development of this site

and the Port is not obligated to proceed until funds are available.

#### **2.24 Single Proposer**

If only one proposal is received, the Port will determine if the Proposer is qualified. If so, the Port may enter into negotiations with the Proposer to determine if a favorable financial agreement can be reached.

Any such analysis and the results shall not obligate the Port to accept such a single proposal, and the Port may reject such proposal at its sole discretion. In the event of such price or cost analysis, Port shall have the right to extend the proposal's effective date for up to 90 days.

#### **2.25 Announcement of Apparent Successful Proposer**

When the Evaluation Committee has determined the apparent successful Proposer, Proposers shall be notified by email. For the purpose of any subsequent actions, the announcement date of the apparent successful Proposer shall be the date of the announcement letter.

#### **2.26 Announcement of Unsuccessful Proposer(s)**

A Proposer may be determined as unsuccessful during one or more of the evaluation steps as specified in Section 10.

Proposers determined to be unsuccessful will be notified on the same date as the announcement of the apparently successful Proposer. For the purpose of any subsequent actions, the date of announcement of the unsuccessful Proposer shall be the same date as the announcement letter.

#### **2.27 Debriefing of Unsuccessful Proposers**

Proposers who submitted a proposal but were not selected will be given the opportunity to attend a debriefing conference. The Contracts Specialist must receive the request for a debriefing conference based on the dates shown in Section 2.2.

Discussion will be limited to a critique of the requesting Proposer's proposal. Comparisons between proposals or evaluations of the other proposals will not be allowed. Debriefing conferences may be conducted in person, via telephone, or by video conference and will be scheduled for a maximum of one hour.

#### **2.28 Resolution of Complaints and Protests**

##### **2.28.1 Complaints**



All complaints must be received, in writing, by the Contracts Specialist not less than five (5) business days before the deadline for bid submission as identified in Section 2.2. Complaints may be made on only these grounds:

- The solicitation unnecessarily restricts competition;
- The solicitation evaluation or scoring process is unfair or flawed; or
- The solicitation requirements are inadequate or insufficient to prepare a response.

Complaints not based on these criteria will not be considered.

### **2.28.2 Protests**

Protests may be made after Port has announced the apparently successful Proposer. Protests may be made on only these grounds:

- Arithmetic errors were made when computing the score.
- The Port failed to follow procedures established in the solicitation document or applicable state or federal laws or regulations.
- There was bias, discrimination, or conflict of interest on the part of an evaluator.

A person authorized to bind the Proposer to a contractual relationship must sign the protest letter. The Port must receive the written protest within two (2) business days after the Port has announced the apparently successful Proposer.

Upon receipt of a protest, the Port will hold a review. Individuals not involved in the acquisition will objectively review the written protest material submitted by the Proposer and all other relevant facts known to the agency. All available facts will be considered, and the Port Commission, Executive Director, or their delegate will issue a decision within ten (10) business days of receipt of the protest. The protesting Proposer will be notified if additional time is required.

### 3 PROPOSAL INSTRUCTIONS

#### 3.1 Proposal Requirements

The Proposer must provide all required information specified in this RFQ in a timely manner. Proposals that do not provide all the requested information and do not follow the required format shall be disqualified.

#### 3.2 Signatures

The Proposal shall be signed by a person authorized to legally bind the Proposer to a contractual relationship, e.g., the President or Executive Director if a corporation, the managing partner if a partnership, or the proprietor if a sole proprietorship. **All required original signatures must be in blue ink only.**

#### 3.3 Letter of Submission

The Submittal Letter shall be on official Proposer letterhead and signed by a person authorized to bind your organization to a contract. Your Submittal Letter must include the following in the order given:

- Proposer's name
- Name and title of the Proposer's authorized representative
- Address
- Telephone number
- Statement indicating as a condition of contract award, Proposer will provide proof of insurance from carrier

#### 3.4 Proposal Format

Proposals must be submitted on eight and one-half by eleven (8 ½" x 11") paper or via email ready to print on 8 ½" x 11" paper or electronically in PDF format. The sections of the proposal are to be submitted in the order noted below:

1. Signed or Certified Letter of Submittal
  - a. Letter of Submission
2. Financial and Business Requirements
  - a) Financial Information
  - b) Proposer Identification
  - c) Authorized Representative
  - d) Principal Officer Identification
  - e) Subcontracting
  - f) Contract Terminations
  - g) Insurance

- h) Certification of Proposal
  - i) Contracts with Port of Benton
  - j) Former Port Employees
  - k) Contract and General Terms and Conditions
- 3. Business References
  - a. Names and Contact Info for references
- 4. Statement of Qualifications/Proposal
  - a. Evidence of Experience Operating an Intermodal Facility
  - b. Evidence showing experience with BCOs using the Gateway
  - c. Evidence showing experience collaborating with the Class I railroads and Short Lines.
  - d. Proposed Business Development Plan
  - e. Proposed Operating Plan and Proposed Team
  - f. Marketing and Customer Service Experience
- 5. Management Proposal
  - a. Project Management
  - b. Experience of the Proposer
  - c. Employee Training and Safety Program
- 6. Revenue and Expense Proposal
  - a. Identification of Preliminary Operations Revenue and Expenses
  - b. Intentionally Deleted
  - c. Acknowledgement of Award not based on Price Alone
  - d. Acknowledgement to Collect and Pay all Taxes Applicable
  - e. DBE Costs if applicable. No DBE goal is mandatory, but it is desirable

Proposals must provide information in the same order as presented in this RFQ with the same headings. This format will not only be helpful to the evaluators but should also assist the Proposer in preparing a thorough response.

#### **3.4.1 Number of Copies**

Send **one (1)** signed original Proposal and **an electronic PDF** version via email or on a new, previously unused USB thumb drive to the Contracts Specialist listed in Section 2.1.

## **4 FINANCIAL/BUSINESS SECTION INSTRUCTION**

### **4.1 Introduction**

Proposers must provide all information requested in Section 4. Proposals that do not provide all of the requested information and do not follow the required format shall be disqualified. The section numbers and titles must be restated in Proposer's proposal.

This section will be scored on a pass/fail basis.

### **4.2 Financial Information**

The Proposer must provide all information requested in the exact order specified below.

#### **4.2.1 Financial Statements**

The Proposer must provide the last three (3) years of comparative financial statements or annual reports with the name, address, and telephone number of a contact in the Proposers company's principal financing or banking organization.

#### **4.2.2 Alternatives for Non-Public Corporations**

If the Proposer is not a publicly held corporation, it must comply with Section 4.2.1 by providing the following information:

##### **4.2.2.1 Business Description**

Describe the proposing organization, including size, longevity, client base, areas of specialization, and expertise and any other pertinent information in such a manner that would enable proposal evaluators to determine the stability and financial strength of the organization.

##### **4.2.2.2 Banking Reference**

- 1) Provide a reference from the company's current bank.
- 2) Provide a credit rating and name the rating service.
- 3) Provide a credit rating report and the name of the service providing the report.

#### **4.3 Proposer Identification**

The Proposer must provide all information requested in the exact order specified below.

1. Legal Name of the Proposer
2. Address (principal place of business)
3. Telephone Number
4. Federal Employee Identification Number
5. Legal Status (e.g., Corporation, partnership, etc.)
6. State licensed to operate in
7. Date established
8. Doing Business As (d.b.a.), if applicable

#### **4.4 Proposer Licensed to do Business in the City of Richland, Washington**

Within thirty (30) days of being identified as the apparently successful Proposer, the Proposer must have submitted applications for all applicable local, city and state licenses. The Proposer must collect and report all business and payroll-related applicable taxes.

#### **4.5 Intentionally Deleted**

#### **4.6 Authorized Representative**

Provide information regarding the Proposer's only point of contact for communication relating to this RFQ.

- Name
- Title
- Address
- Telephone Number
- Email Address

It is the Proposer's responsibility to keep this information current. All information and documents will only be sent to the authorized representative identified in this section by the Proposer.

#### **4.7 Principal Officer Identification**

Provide information regarding the Proposer's Principal Officers (e.g., President, Vice President, Treasurer, Chairperson of the Board, partners, etc.).

- Name
- Title
- Address

#### **4.8 Subcontracting**

If any functions will be performed by a subcontractor (any person not in the full-time employ of the Proposer), the Proposer must include the subcontractor name, address, and description of work to be performed. In addition, supply the subcontractor's response to the information requested in the Sections 4.2 and 4.3 of this RFQ.

#### **4.9 Contract Terminations**

If the Proposer, or any of its subcontractors, has had a contract terminated for default in the last five (5) years, describe such incident. Termination for default is defined as notice to stop performance due to the Proposer's non-performance or poor performance, and the issue of performance was either (a) not litigated due to inaction on the part of the Proposer or (b) litigated and such litigation determined that the Proposer was in default.

Submit full details of the default terms. Identify the other party and its name, address, and telephone number. Present the Proposer's position on the matter. The Port will evaluate the facts and may, at its sole discretion, reject the proposal on the grounds of the past experience.

If the Proposer or any of its subcontractor(s) has experienced no such termination for default in the past five (5) years, indicate accordingly.

#### **4.10 Insurance**

The Proposer must indicate in the submittal letter and as a condition of contract award that they will provide proof of insurance from the Proposer's insurance carrier outlining the extent of the Proposer's liability coverage.

The Proposer shall, at its own expense, obtain and keep in force railroad operating and liability insurance covering liability assumed by the Proposer under the terms set forth in the Operating Lease with a limit of not less than \$5 million dollars (\$5,000,000) per occurrence and \$10 million dollars (\$10,000,000) aggregate Railroad Protective Liability Insurance. Additionally, Proposer shall obtain and keep in force \$1 million per occurrence and \$2 million aggregate general liability combined with a \$2 million Excess Liability Policy during the term of the contract. The Proposer shall furnish evidence to Port within fifteen (15) calendar days of receipt of notice of award, in the form of a Certificate of Insurance, that insurance will be provided. Proposer must secure an automobile liability insurance policy to cover the damage that becomes due in case of bodily

injury, death of a person or property damage arising out of ownership, maintenance or use of any motor vehicle or trailer owned, hired, leased, used on behalf of or borrowed by Proposer, contractor or subcontractor. The policy must also include coverage for any equipment subject to motor vehicle laws, Proposer and owner (if different than Proposer) and any subcontractor liability or responsibility. Business auto liability insurance must be written in the amount of not less than \$1 million combined single limit for each accident, with the auto liability insurance falling under the Excess Liability Insurance as an underlying auto policy.

#### **4.10.1 Insurance**

The Proposer shall always carry and maintain insurance as defined herein during the contract term. The Proposer must state and provide a certificate of coverage that it currently holds insurance must state that it currently holds insurance that meets or exceeds the limits set forth in the Sample Contract or agree to acquire the necessary insurance within fifteen (15) calendar days of contract execution. The Port must be named as a payee on vehicles that Port holds title.

#### **4.10.2 Additional Provisions**

The required insurance policies shall include the following provisions:

1. **Additional Insured.** The Port of Benton and all authorized contract users shall be specifically named as an additional insured or insured(s) on all policies. All policies shall be primary over any other valid and collectible insurance.
2. **Material Changes.** A thirty (30) calendar day written notice shall be given to the Port prior to termination of or any material change to the policy(policies) as it relates to this contract, provided that thirty (30) calendar days written notice shall be given for surplus line insurance cancellation for nonpayment of premiums. Such notice shall not be less than ten (10) calendar days prior to such date.
3. **Identification.** Policy must name the Port of Benton.
4. **Insurance Carrier Rating.** An insurance company authorized to do business within the State of Washington shall issue the insurance required above. Insurance is to be placed with a carrier that has a Best's rating of A- or higher.

5. **Excess Coverage.** The limits of all insurance required to be provided by the Proposer shall be no less than the minimum amounts specified. However, coverage in the amounts of these minimum limits shall not be construed to relieve the Proposer from liability in excess of such limits.

#### **4.11 Certification of Proposal**

Provide a signed copy of the Proposal as specified in Section 3.4. The form must be signed and dated **in blue ink only** by a person legally authorized to bind the Proposer. Each Proposer shall certify his or her preparation of the Proposal and stipulate in writing that the Proposal is valid for 120 calendar days after receipt by the Port.

#### **4.12 Contracts with Port of Benton**

If the Proposer is currently under a Contract or has contracted with the Port of Benton within the past twenty-four (24) months, provide the following information:

1. Port Location/Site
2. Contract and/or Contract Identification (Number and/or Name)
3. Contract begin and end dates
4. Brief statement describing the type of services provided

#### **4.13 Former Port Employees**

If the Proposer employs or has any current or former Port of Benton employees on their governing board as of the date of the Proposal, those individuals must be identified. If, following a review of this information, it is determined by the Evaluation Committee that a conflict of interest exists, the Proposer may be disqualified from further consideration.

Information must be provided in the order below for each Former Port Employee identified.

1. Name of individual
2. State employment separation date
3. Title and/or Position within Proposer
4. Statement of responsibilities within Proposer
5. Port job title and/or classification
6. Current status of employment
7. Port employment separation date



#### **4.14 Contract and General Terms and Conditions**

The apparent successful Proposer will be expected to enter into a contract with the Port within 120 days, or extension as agreed to in writing by both parties.

## **5 BUSINESS REFERENCES**

### **5.1 Business Reference**

Proposers must complete Exhibit D for each business reference in response to this section. At a minimum Proposer will list names, addresses, telephone numbers, and email addresses of three business references for which work has been accomplished and briefly describe the type of service provided. Do not include current Port staff as references. The Proposer may include contract references or separate business references.

## **6 STATEMENT OF QUALIFICATIONS/PROPOSAL**

### **6.1 Proposal Requirements**

Proposer must provide all required information specified in this RFQ. Proposals that do not provide all of the requested information and do not follow the required format may be disqualified.

### **6.2 Introduction**

#### **6.2.1 Evidence of Experience Operating an Intermodal Facility**

The Port requires a Proposer with relevant and recent experience operating an Intermodal Facility with similar size and conditions. Evidence should include verifiable information on existing or recent operations and references.

#### **6.2. Evidence showing experience with BCOs using the NWSA Gateway.**

Provide evidence of experience with similar BCOs to those currently served by the NWSA gateway. Preferred experience would be with BCOs currently being served by the NWSA gateway. Provide contact information for references for the Port to contact. Provide phone number and email contacts. Provide a description of the experience and how it may relate to this site's operations.

### **6.3 Evidence showing experience collaborating with the Class I's.**

Provide evidence of experience working with and collaborating with the UP and/or the BNSF railroads and any Short Lines. This experience should be relevant to the operations of an intermodal facility, container yard, etc. Provide contact information for references for the Port to contact. Provide phone number and email contacts. Provide a description of the experience and how it may relate to this site's operations.

Describe the Proposer's philosophy guiding interactions with Class I railroads and other short-line operators. Please illustrate how your company proposes to deal with franchise issues as they arise.

### **6.4 Proposed Business Development Plan**

Rail-to-truck and truck-to-rail operations are currently being conducted in the Horn Rapid Industrial Park. Most of the existing operations are Central Washington Corn Processors transloading livestock feeds from Unit Train to truck and Lineage Inc. transferring from truck to rail for southern and eastern movements. Additionally, there are smaller rail-to-truck operations at Delhur Industries (Bentonite) and BioGro, Inc. liquid fertilizer truck-to-rail operations. The purpose of this proposed Intermodal Facility is to focus on the exports and imports from the BCOs in eastern Washington and beyond, as well as container shipments through the NWSA gateway.

This will require business development since the movement of products from this existing site via rail to the NWSA gateway is not currently occurring. This will require the selected operator to collaborate with Ocean Carriers as well as the Class I railroads to develop this business. A business development plan, including estimated budgetary financing, will be critical to this project and this RFQ.

Successful Proposer shall outline their plan to develop this business with discussion of projections for revenue and expenses through the first two years.

## **6.5 Operating Plan and Proposed Team**

The Port seeks an operational approach that addresses the needs of shippers (BCOs), Ocean Carriers, NWSA and the Class I railroads. The preferred outcome is to provide options for export and import products through the NWSA. Submit an Operating Plan including but not limited to the following:

- Location of existing and proposed main office for new Intermodal Rail Facility operations.
- Description of proposed personnel and equipment resources.
- Detail the proposed team's experience, including identifying any key personnel.
- Description of the proposed schedule of service to shippers, the expected number of crew members and their respective jobs, and related shipper service issues.
- Description of experience at other similar facilities would relate to this location.
- Description of proposed rail service and evidence of an understanding of which ocean carriers can be served by which Class I railroad.
- Discussion of how container trains could coordinate with existing use of the rail.
- Discussion of how to secure empties for this site and how you will need to receive containers for rail shipment, i.e., weights, inspection, etc.
- Initial development of the site may possibly coordinate with the adjacent Central Washington Corn Processors (CWCP) scale facility and possible coordination with existing CWCP operations.

## **6.6 Marketing and Customer Service**

Detail marketing strategies to generate both short-term and long-term contrail traffic growth. The Marketing Plan will include the following:

- Resume information on those people the Proposer will commit to working on marketing for the first year of the new operation.
- Proposer commitment for time spent annually in the first year doing marketing (e.g., one person working half-time dedicated to the Intermodal Facility).

- Examples of marketing efforts and successes the Proposer has undertaken, including any start-up experience Proposer may have.
- Example of Proposer's joint marketing efforts and successes with Class I partners as well as state and local economic development groups for new development.
- Describe your experience working with shippers with limited knowledge of using rail, including loading and unloading cars, moving containers and tracking shipments.
- Outline a customer service strategy that will ensure customer satisfaction during the start-up and long-term phases. List your procedures for handling service complaints.

## **7 MANAGEMENT PROPOSAL**

### **7.1 Proposal Requirements**

Proposer must provide all required information specified in this RFQ. Proposals that do not provide all of the requested information and do not follow the required format may be disqualified.

### **7.2 Management**

#### **7.2.1 Team Structure/Internal Controls**

Provide a description of the proposed project team structure and internal controls to be used during operations, including any subcontractors. Provide an organizational chart of your firm indicating lines of authority for personnel involved in the performance of this potential contract and relationships of this staff to other programs or functions of the firm. This chart must also show lines of authority to the next senior management level. It should also identify the Port personnel the Proposer deems necessary to work with in order to be successful. Include who within the firm will have prime responsibility and final authority for the work, including contract work.

#### **7.2.2 Project Oversight/Stakeholder Contributions**

Explain how you will work with the various regional stakeholders to keep them informed of project progress. Stakeholders are intended to offer project oversight as well as support and assistance should a need arise.

### **7.2.3 Staff Qualifications/Experience**

Identify key personnel and staff, including subcontractors, who will be assigned to the potential contract, indicating the responsibilities and qualifications of such personnel, and include the amount of time each will be assigned to the project. Provide résumés for the key personnel, including information on the individual's particular skills related to this project, education, experience, significant accomplishments, and any other pertinent information. The Proposer must commit that the key personnel staff identified in the proposal will actually perform the assigned work.

Provide the operating job structure with a brief description of duties, the levels of manning, the anticipated sources of labor, and the operating rules and practices envisioned to be used.

Identify the place(s) where you would base your operations and which personnel would work from those places. If you have existing intermodal operations, please describe those operations and how much time you expect each position to be devoted to Port Intermodal Rail Facility.

## **7.3 Experience of the Proposer**

### **7.3.1 Experience Areas**

Indicate the experience that the Proposer and any subcontractors have in the following areas:

- Company history and structure, including affiliates;
- Intermodal management and operating experience;
- Safety record;
- Additional experience with terminal operations, including interaction with the Class I and short line railroads;
- History of labor relations; and
- Current relationship with western Class I railroads;
- Planning and implementing a successful business plan.

### **7.3.2 Qualification Experience**

Indicate other relevant experience providing evidence of the Proposer's qualifications, and those of any subcontractors, for the performance of the potential contract.

### **7.3.3 Contract Experience**

Include a list of contracts the Proposer has had during the last two to five years that relate to the Proposer's ability to perform the services needed under this RFQ. List contract reference numbers, contract period of performance, contact persons, telephone numbers, and fax numbers/email addresses. Proposer must include in its response to this section "**<Proposer Name> grants permission to Port of Benton to independently contact the references at the Port's convenience.**"

### **7.4 Employee Training and Safety Program**

The proposal shall clearly explain the Proposer's policy for maintaining employee training and safety programs. Explain how these programs meet or exceed policies and guidelines. The following questions are intended as a sample of information that may be included in a Training and Safety Statement, which is a part of the final proposal.

- Which operating rules program do you adhere to?
- Does your company or entity have an employee whose role is focused on safety and/or operations oversight?
- How often do you discuss safety, including hazard identification?
- How often are employees provided safety-related training?
- Please describe any programs that you have that focus on safety.
- Have you received any awards related to safety or training?

## 8 REVENUE & EXPENSE PROPOSAL

### 8.1 Proposal Requirements

Proposer must provide all required information specified in this RFQ. Proposals that do not provide all of the requested information and do not follow the required format may be disqualified.

### 8.2 Identification of Revenue & Expenses

Proposers must submit in response to this section the completed. Proposer should outline, at least in general budgetary terms, expected revenues and expenses for the first three years of operation. This should include anticipation of fees and summary description of expected expenses for a successful operation.

#### 8.2.1 Additional Costs Identification

The Financial Plan shall clearly delineate where any public funding is assumed. *(Please note: **No public funding** is currently confirmed available to sustain operations or perform maintenance or rehabilitation for the proposed Intermodal Facility. Any inclusion of public funding in the Revenue & Expenses estimate should clearly define what action Proposer will take to pursue funds and which funding sources will be considered.)*

#### Revenues

Proposers will make assumptions about their per-car revenue expectations based on their past experience and on the nature of the commodities. Proposer will clearly state these revenue assumptions in detail, e.g., by commodity if available. Proposers will also provide their expectations for other revenue to be generated by the proposed facility.)

#### Costs

Proposer will list all costs including, any proposed lease payment or minimum maintenance commitments. Proposer will include the costs of providing liability insurance coverage.

#### The Budget Plan Format

Proposers submit Budget Plans including but not limited to the items below.

- Pro forma balance sheets for 3 years.
- Pro forma Income Statements for 3 years

- Pro forma cash flow projections monthly for the first year.
- Statement explaining how start-up capital and operating funds in the Finance Plan will be provided by Proposer.

Develop a rate and fee structure that is simple and fair for shippers, i.e., per can charge.

#### **8.2.2 Subcontractor(s) Cost Identification**

The Proposer must separately specify and price any subcontractor's cost if applicable.

If a subcontractor will not perform any functions, Proposer must state "Not applicable" to this section in its proposal.

### **8.3 Award Not Based On Price Alone**

The evaluation process is designed to award this procurement not necessarily to the Proposer with the least cost but rather to the Proposer whose proposal best meets the requirements of this RFQ. The Proposer must indicate its acknowledgment of this requirement in their proposal.

### **8.4 Taxes**

Proposer will be required to collect and pay all taxes, if applicable. The Proposer must indicate its acknowledgment of this requirement in their proposal.

### **8.5 DBE Costs**

If Proposer and/or subcontractor(s) are certified by the Washington State Office of Minority and Women's Business Enterprises (RCW 39.19.120), the Proposer must set out in the Cost Proposal the portion to be paid to the certified DBE firms. Costs for subcontractors, which are not certified, are also to be broken out separately. However, there is no required DBE goal for this project.

### **8.6 Scoring of Revenue & Expenses Proposals**

The score for the Revenue & Expenses Proposal will be evaluated using both cost and qualifications criteria. Each section will be scored and the Proposer with the highest score will be considered best qualified.



## 9 BEST VALUE TO PORT

### 9.1 Best Value

Proposer must describe in detail what value its service will provide to the Port, such as the reliability of the proposed service, the benefit the Port will see from accelerated growth of train traffic, the benefit its service will provide to existing and new customers in the area, the benefit its service will provide to transportation providers in the area i.e., benefit of removing truck traffic, and the Proposer will assist with or develop other economic development for the Port in land or rail revenue.

Best Value to Port is a measure of short-term and long-term usefulness, quality, expandability, richness of function, customer support structure and options and confidence that the Proposer will aggressively support the product, enhance the product and incorporate advanced technology as it matures.

### 9.2 Scoring of Best Value

This section is worth 10 points and will be scored on the best overall value to the Port.

## 10 EVALUATION AND CONTRACT AWARD

### 10.1 Evaluation Procedure

The evaluation process is designed to award this proposal not necessarily to the best financial proposal but rather to the Proposer whose proposal best meets the requirements of this RFQ. However, Proposers are encouraged to submit proposals consistent with Port's efforts to best manage Port finances.

Responsive proposals will be evaluated strictly per the requirements stated in this solicitation and any addenda issued. The evaluation of proposals shall be accomplished by an evaluation team, to be designated by the Port, which will determine the ranking of the proposals.

A Port Evaluation Committee comprised of Port staff and local stakeholder representatives will evaluate responses to the Request for Proposals. Stakeholders may include but are not limited to representatives of the railroads, NWSA, or existing or future customers. The evaluation/selection process will consist of evaluating the written proposal and may require an interview.

#### **10.2 Clarification of Proposal**

The Contracts Specialist may contact the Proposer for clarification of any portion of the Proposer's proposal.

#### **10.3 Award Based On Multiple Factors**

The evaluation process is designed to award the contract to the Proposer whose proposal best meets the requirements of this RFQ. The Port of Benton Commission, with a recommendation from Port Executive Management, will make the final decision/selection after analysis of the proposals has been submitted.

#### **10.4 Evaluation Weighting and Scoring**

The following weighting and points will be assigned to the proposal for evaluation purposes:

Criteria	Score
RFQ Compliance Review	Pass/Fail
Financial and Business Requirements	Pass/Fail
Business References	Pass/Fail
Statements of Qualifications/ Proposal (50%)	50 points
Management Proposal (25%)	25 points
Cost Proposal (15%)	15 points
Best Value to Port (10%)	10 points
<b>Total Points Possible</b>	<b>100 points</b>

#### **10.5 Pass/Fail Evaluations (Minimum Requirements)**

Proposers receiving a failing score from either the administrative review, Financial and Business Requirements or Business References sections shall be viewed as not meeting the minimum requirements and will be eliminated from further consideration.

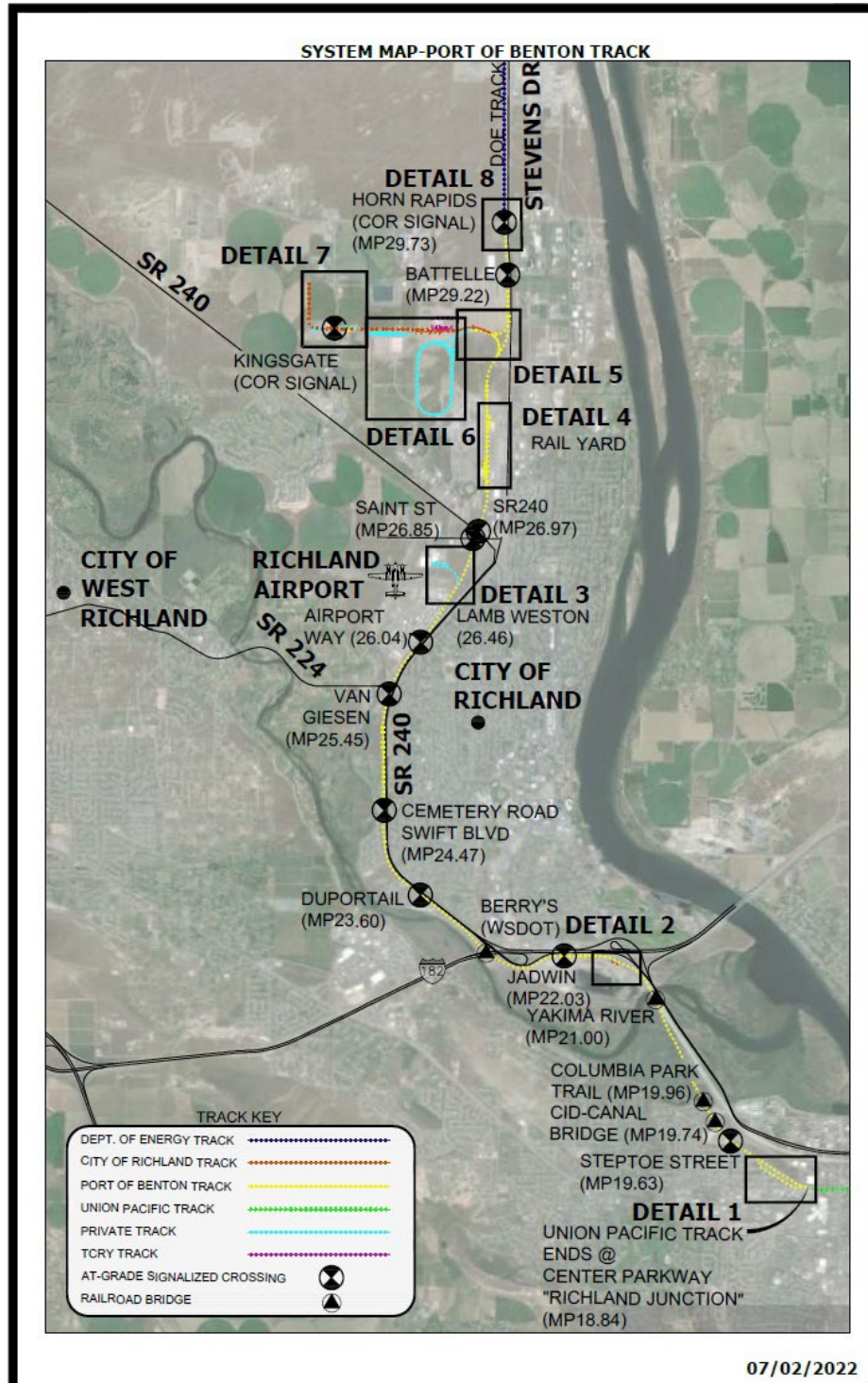
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## EXHIBIT A – MAP OF PORT TRACK





PORT OF  
**BENTON**

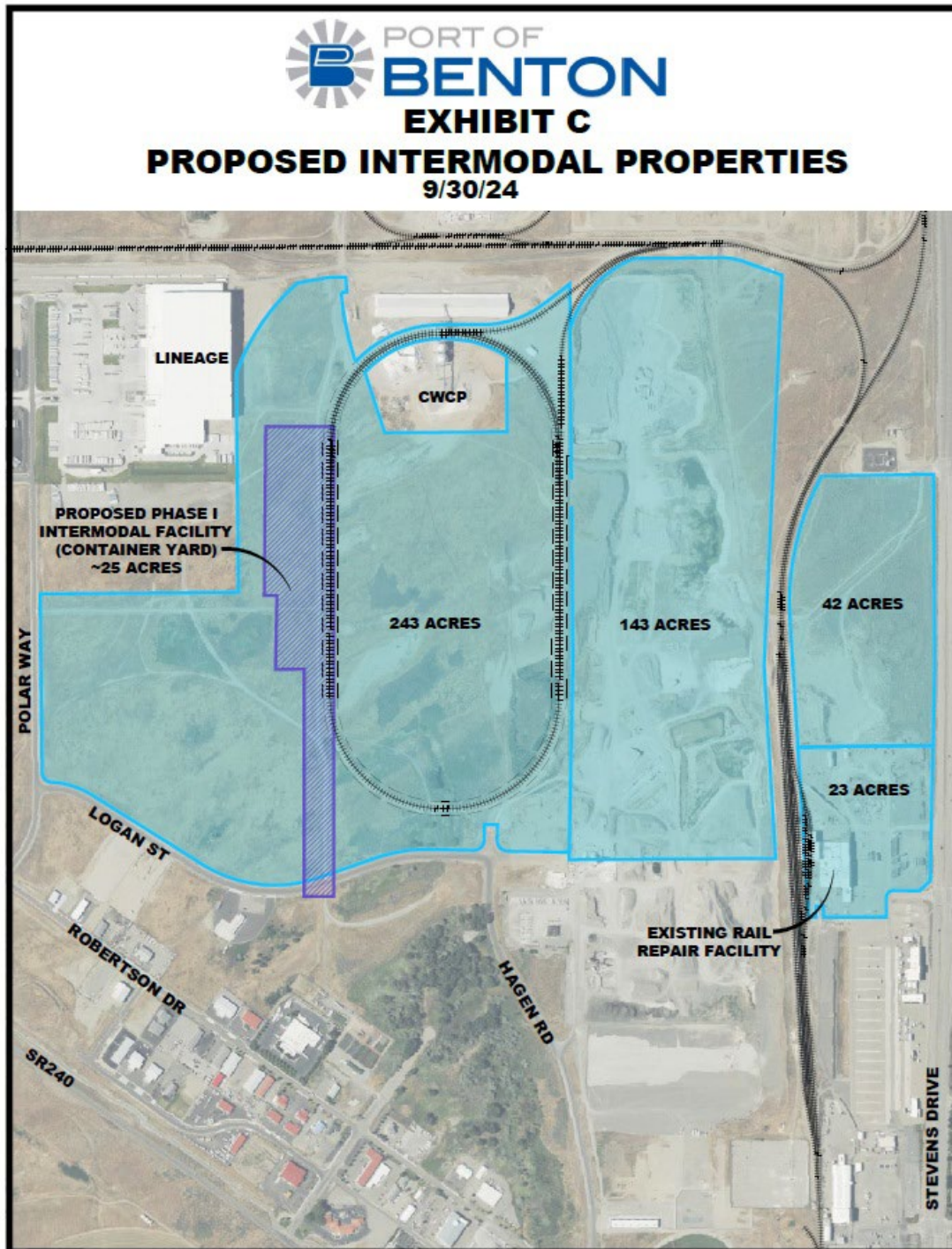
## EXHIBIT B – INDENTURE

Attached PDF





**EXHIBIT C – PROPOSED INTERMODAL PROPERTIES**



**EXHIBIT D – BUSINESS REFERENCES**

**Include verification of permission for the Port to contact references.**

**Business Reference #1**

Business Name	Address	Telephone Number	Email Address

Brief description of type of service provided:

**Business Reference #2**

Business Name	Address	Telephone Number	Email Address

Brief description of type of service provided:

**Business Reference #3**

Business Name	Address	Telephone Number	Email Address

Brief description of type of service provided:

## Existing & Future Customers

