

ISLAND TRANSIT: APPLICATION FOR PROJECT APPROVAL

TO USE THE DESIGN-BUILD (DB) ALTERNATIVE
CONTRACTING PROCEDURE

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TRANSMITTAL LETTER AND SUMMARY

19 October 2023

Attn: Talia Baker
PRC, Administrative Support
Dept. of Enterprise Services,
Engineering & Architectural Services
Post Office Box 41476
Olympia, WA 98504-1476

From: Todd Morrow
Executive Director
Island County Public Transportation Benefit Area dba Island Transit
19758 SR 20
Coupeville, WA 98239

Dear Talia Baker and members of the State of Washington Project Review Committee,

Please accept this transmittal as application to for approval to use the Design Build Procedure on a public works project.

CONTENTS OF SUBMITTAL

This submittal contains a single, bindered pdf consisting of: a transmittal letter and summary (developed in compliance with: *ProjectAppInfoSheet_Final.docx* updated 10/3/2023) a table of contents, responses to the PRC's ten standard questions, and an appendix.

PROJECT SUMMARY

This section provides a “snap shot” of Island Transit’s *Project Description* Application.

Island Transit is a public transit agency in Island County, Washington providing transit services. Island Transit seeks to use the Design Build Procedure pursuant RCW 39.10 Alternative Public Works Contracting Procedures to procure project.

This application shows how Design Build provides value to the project and the public.

SITE DESCRIPTION

The hydrogen fueling infrastructure shall be built at Whidbey Depot, which is Island Transit’s main operating base.

The hydrogen infrastructure will consist of:

- Hydrogen storage tank: 10,000-gallon, approximate capacity.
- Hydrogen fuel pump(s): SAE J2601 compliant dispenser with 450 bar dispensing capability, and SAE J2799 FCEV-compliant IrDA communications interface.

CONCLUSION

Thank you for accepting this submittal. Please reach out to our named person of contact with any questions.

Sincerely,

Island Transit

State of Washington
PROJECT REVIEW COMMITTEE (PRC)
APPLICATION FOR PROJECT APPROVAL
To Use the Design-Build (DB)
Alternative Contracting Procedure

IDENTIFICATION OF APPLICANT

- a) Legal name of Public Body: Island County Public Transportation Benefit Area dba Island Transit
- b) Mailing Address: 19758 SR 20, Coupeville, WA 98239
- c) Contact Person Name: Tom Aichele Title: Maintenance & Facilities Manager
- d) Phone Number: 360-632-2926 E-mail: aichele@islandtransit.org

1. BRIEF DESCRIPTION OF PROPOSED PROJECT

- a) Project Name: Island Transit Hydrogen Infrastructure Project
- b) County of Project Location: Island County

As part of Island Transit’s commitment to decreasing its reliance on fossil fuels and reducing carbon emissions, Island Transit is seeking a qualified contractor to design and build hydrogen fueling infrastructure to fulfill the hydrogen need for Whidbey Island’s future fixed route operation. The infrastructure shall have all necessary equipment including an onsite hydrogen storage system, vaporizers, cryogenic pumps, and dispensers.

The project scope of work includes equipment procurement, construction, commissioning and testing, training of personnel, and documentation. The project is guided by performance and functional requirements, which ensure sufficient peak and daily fueling capacity and ensure the design is built to relevant codes and is scalable for future fleet expansion.

2. PROJECTED TOTAL COST FOR THE PROJECT

A) PROJECT BUDGET

Costs for Professional Services (A/E, Legal etc.)	\$360,000
Estimated project construction costs (<i>including const. contingencies</i>)	\$4,215,000
Equipment and furnishing costs	\$3,000,000
Off-site costs	\$0
Contract administration costs (owner, cm etc.)	\$1,000,000
Contingencies (design & owner)	\$500,000
Other related project costs (briefly describe)	0
Sales Tax	\$702,525
Total	\$8,777,525

B) FUNDING STATUS

Island Transit has local and state funding on hand to see this project to final completion.

Ending Reserves: TDP Statement						
	2023	2024	2025	2026	2027	2028
Bus	12,100,886	4,984,441	12,590,924	10,353,665	3,922,540	651,043
Van	1,011,676	212,861	-	-	-	-
Support Vehicle	445,249	-	-	28,081	56,162	-
Other Capital	20,924,073	14,130,073	14,130,073	14,130,073	14,110,073	13,810,073
Land Acquisition	3,000,000	-	-	-	-	-
Fuel	800,000	1,000,000	1,200,000	1,250,000	1,300,000	1,350,000
Emergency Operations	2,399,988	2,499,988	2,599,988	2,699,988	2,799,988	2,899,988
General Cash	21,254,219	30,254,738	24,113,969	28,936,408	33,069,771	43,391,057
Total Ending Reserves	61,936,091	53,046,101	54,634,955	57,398,214	55,258,534	61,102,161

4. EXPLAIN WHY THE DB CONTRACTING PROCEDURE IS APPROPRIATE FOR THIS PROJECT

While hydrogen is one of the most abundant elements in the universe, it does not occur naturally in its pure state. The complexity of producing, shipping, storing, and benefiting from hydrogen fuel has delayed large-scale applications. It is only now emerging as a low-carbon fuel option for transportation. The use of the Design Build Procedure allows Island Transit to access this emerging technology and provide these benefits:

Opportunity for greater innovation in the design.

Greater efficiencies between the designer and the builder.

Opportunity for cost savings resulting from shorter procurement phase, streamlined design and construction phases, and access to ongoing fuel cell grade hydrogen production, transportation, and supply capabilities.

INNOVATION

Producing hydrogen, compressing, storing, dispensing, and using it as an energy source is complex and challenging. Each task is accompanied by unique obstacles, choices, and tradeoffs. However, climate concerns, tightening environmental regulations, and government incentives are accelerating innovation in the sector at a heartening rate. The Design Build Procedure allows Island Transit to benefit from innovative solutions across all project phases: design, construction, siting, methods, materials, and supply chain.

In contrast to traditional design, bid, build procurement, design build allows firms that specialize in the design, manufacture, and construction of hydrogen fueling solutions to propose unique designs and provide market expertise. In emerging markets this flexibility encourages innovation and allows Proposers to suggest creative design solutions that may not be publicly available.

Design / Builder Efficiencies

Design build offers the project a shorter contract time because of greater efficiencies between the designer and builder. In this project, though some aspects are complex and unique to the site, other aspects are aligned with similar projects across the country. With the design and construction teams working together as one, site preparations can begin while design details are still in development.

Cost SAVINGS

The design build delivery method allows proposers to propose solutions based on their unique design, equipment set up, and construction methodologies which have been successfully deployed previously, allowing for a more cost-effective design and delivery. This allows increased efficiency between the design and construction teams and is expected to save time and reduce the total construction costs.

5. PUBLIC BENEFIT

In using the Design Build Procedure, Island Transit seeks to provide the public with fiscal savings and superior quality and materials. Due to the fast pace of hydrogen infrastructure technology and equipment variability, the Design, Bid, Build delivery method is misaligned with the project needs. It is impractical for the engineer and design team to complete the design and send it out for bid while expecting to achieve the best results. Design bid build has several disadvantages for the design team, the owner, and ultimately the public.

The first disadvantage is time. Design Bid Build requires a substantial investment in the front-end engineering and design (FEED) phase of the project. During this phase, there is a clear risk that the innovations and technological advances of specialty teams, contractors, and manufacturers will outpace design development. Such misalignment would increase the likelihood of change orders and significantly increase costs and time needed to complete FEED. Once the project goes to bid, misalignment between the pace of technological advancement and the start of work continues to hinder the progress and quickly antiquates the design. The design of a hydrogen fueling system can also differ significantly when using equipment from different suppliers. In a traditional design, bid, build approach where the design is based on specific equipment, some suppliers might get eliminated and others favored, resulting in less competition. Alternatively, multiple designs would have to be developed to ensure adequate competition among bidders, resulting in an increased design cost. The Design Build approach would give the proponents the flexibility to develop their most efficient end solution by delivering performance rather than conformance to an established design.

The second disadvantage of design bid build is in the procurement of materials and a supply of fuel cell grade hydrogen. The procurement of these items should start early in the process and be accompanied by a strategically phased management plan. While it is possible for the owner to procure and furnish these items, Island Transit has neither the personnel, expertise, nor ability to store these items during such an undertaking. Furthermore, establishing the supply and delivery of hydrogen for the proposed operation is a crucial aspect of the project. Preventing threats and delays to operations requires hydrogen procurement to start early in the process.

Hydrogen production is still in its infancy and limited quantities are available for sale. The Design Build contracting procedure allows the Design Build team to address this challenge early in the process. Specialty firms will need to offer innovative solutions to guarantee long-term access to usable hydrogen fuel. One potential solution would require signing a power purchase agreement with established local producers, such as Douglas County PUD. In the second scenario the awarded firm would fulfill the supply requirements itself by expanding its production and distribution capacity to meet the needs of this project. In doing so, they further serve the public interest by investing additional resources into green infrastructure. Likewise, the firm would be able to utilize Federal dollars that are available for such investments. This type of arrangement is mutually advantageous for the private and public sector.

6. PUBLIC BODY QUALIFICATIONS

ISLAND TRANSIT TEAM QUALIFICATIONS

Island Transit has a history of procuring, managing, and delivering successful projects in the public transit sector. Tom Aichele, Island Transit's Maintenance and Facilities Manager, who will be supervising this project, has 10 years' experience with increasing responsibility for facilities, maintenance, and construction management, delivering design build and design bid build projects in the public and private sector. He also has a keen understanding of Island Transit's commercial and operational aspects. His expertise and oversight are crucial to successful management of the project in coordination with ongoing operations and maintenance activities at the facility.

Pete Schrum will be working under Island Transit's PM to coordinate activities as needed throughout the project. Pete is experienced managing and coordinating previous Island Transit projects.

Additionally, Island Transit has selected a team of professionals with extensive experience in delivering construction projects which is detailed in Island Transit's ten-year construction history, organizational charts, and consultant team bios. The Hatch team, acting as owner's representative, will be led by Jeffrey Whiteman. Jeffrey has more than fifteen years' experience managing large scale transportation projects with alternative delivery procedures including the \$500M Denver Union Station Redevelopment Project, which was awarded the DBIA Project of the Year. In addition to project management experience, Hatch brings engineering and subject matter expertise, including hydrogen expertise, electrical engineering, and documentation. Additional information is included in the following sections of this response.

Staff and Consultant Bios



Todd E. Morrow: Executive Director

Island Transit's Executive Director, Todd E. Morrow is a 20-year transit industry veteran. Throughout his career, he has worked to promote public transportation at the local, state, and federal level. Morrow continues to be an integral part of the Bus Coalition and serves on the Board of Directors. He also serves on the Boards of the Washington State Transit Association and the Island County Economic Development Council. He brings a wealth of experience to his role and has consistently focused on ensuring public transportation is at the table during discussions regarding regional economic health. Morrow is a visionary who believes transit has an important role addressing many of our current challenges.

RESPONSIBILITIES ON THIS PROJECT:

Todd Morrow will oversee the project, provide funding and ensure Island Transit's mission is fulfilled during the project.



Tom Aichele: Maintenance & Facilities Manager

Tom Aichele is spearheading Island Transit's efforts to transition to zero emission technologies. While at Island Transit, he has led the agency's construction projects through all phases: from project development through design, construction, and closeout. Tom was formerly with Collions Aerospace and was a partner in the company's move towards green technologies, finding ways to reduce their carbon footprint, while reducing costs. Tom Aichele has extensive construction management skills and experience acquired while working with public and private organizations. With a combined 20-years of experience in the field of facilities, construction, management, and fleet maintenance operations, serving nine of those years in the Air Force.

RESPONSIBILITIES ON THIS PROJECT:

Tom Aichele will provide supervision and coordination efforts to ensure that Island Transit's operational and procedural requirements are successfully met through the construction of this project. Tom is a key resource in developing the owner's program and his understanding of Island Transit's unique operation make him the SME on all things Island Transit.



Jeffrey Whiteman: PE Senior Project Manager

Jeffrey Whiteman is a seasoned Professional Engineer with over 25 years of experience in the Transportation, Transit, and Commercial Construction industries. He's an accomplished and versatile team leader in Engineering & Architectural Design, General Contracting, and Owner Representation. His project experience varies from small renovation projects to multi-billion-dollar transit and infrastructure projects.

RESPONSIBILITIES ON THIS PROJECT:

Jeffrey Whiteman will serve as Senior Project Manager and be responsible for supporting Island Transit by managing the project scope, schedule, budget, and quality controls. Jeffrey will lead the Hatch team and support the project during the procurement process by providing expertise and oversight to ensure for the successful delivery of the project. Additionally, Jeffrey will support client engagements with Stakeholders, Third Parties, and Authorities Having Jurisdiction to ensure for the safety and security of the facility.



Mihir Bodarya: PE Deputy Project Manager

Mihir Bodarya is an electrical engineer with extensive experience in zero-emissions infrastructure planning. Mihir has led the zero-emissions infrastructure planning and design efforts for agencies such as the Massachusetts Bay Transportation Authority in Boston, TransLink in Vancouver, BC, Ft. Collins in Colorado, and the Maine Department of Transportation. He understands facility and equipment operations having extensively coordinated with teams of engineers in designing electrical infrastructure for industrial capital and maintenance improvements projects. As both an electrical engineer and a business specialist, he is also well versed in the procurement specialized engineered products including developing specifications and performing technical bid evaluations.

RESPONSIBILITIES ON THIS PROJECT:

Mihir will be involved in writing performance specifications for the fueling stations as well as evaluating proposals against those specifications. He will be responsible for reviewing the engineering design to ensure that the system requirements are met and to identify any issues that could impact the constructability. He will be providing technical oversight during the construction, testing and commissioning phases. He will also assist with electrical infrastructure and utility capacity assessment including coordination with Puget Sound Energy for any required utility upgrades.



Matthew Post: Sustainable Fleet Specialist

Matthew Post is a subject matter expert in sustainable fleet technologies. Matt previously worked at the National Renewable Energy Laboratory, where he led efforts to research new zero-emissions fleet technologies. Matt has worked directly with agencies such as AC Transit, SunLine, Foothill Transit, SARTA, and OCTA to evaluate and document the performance of sustainable bus technologies. From this work, Matt has established metrics for the fuel economy, availability, lifetime, range, maintenance costs, and bus capital costs for emerging bus technologies. Matt also has extensive experience with hydrogen safety systems such as hydrogen contaminant detection, hydrogen dispenser flow meter benchmarking, and codes and standards research.

RESPONSIBILITIES ON THIS PROJECT:

Matthew Post will provide oversight and subject matter expertise for technical aspects of the project. His responsibilities will include quality assurance and review of performance, design, construction, and ensure applicable codes and standards are implemented into the constructed project.



Micah Silke: Procurement Lead and Document Specialist

Micah is a construction document specialist with a technical communications M.S. Micah has three years of experience in information development projects in the construction industry. His background includes project delivery, construction management, construction contract documents, and technical writing. His skills in technical writing include CSI specifications, procurement, contracts, operations and maintenance manuals, EHS, policies, procedures, and training. He has worked with tier one companies in renewable energy, gas, and transit.

RESPONSIBILITIES ON THIS PROJECT:

Micah Silke will serve as Island Transit's procurement lead and document specialist. He will be responsible for drafting procurement documents and addenda, responding to RFIs, attending interviews, site walks, and meetings, and consultation throughout the procurement, design, and construction of the project.

PROJECT CONTROLS

Our Maintenance & Facilities Manager is the onsite Project Manager and has experience with projects utilizing the DESIGN BUILD process. Hatch will also supply project management, an electrical lead, a hydrogen infrastructure lead, and the procurement and contract lead.

Legal counsel will be available for negotiations and construction contracts. Island Transit staff will ensure that guidelines and requirements are followed.

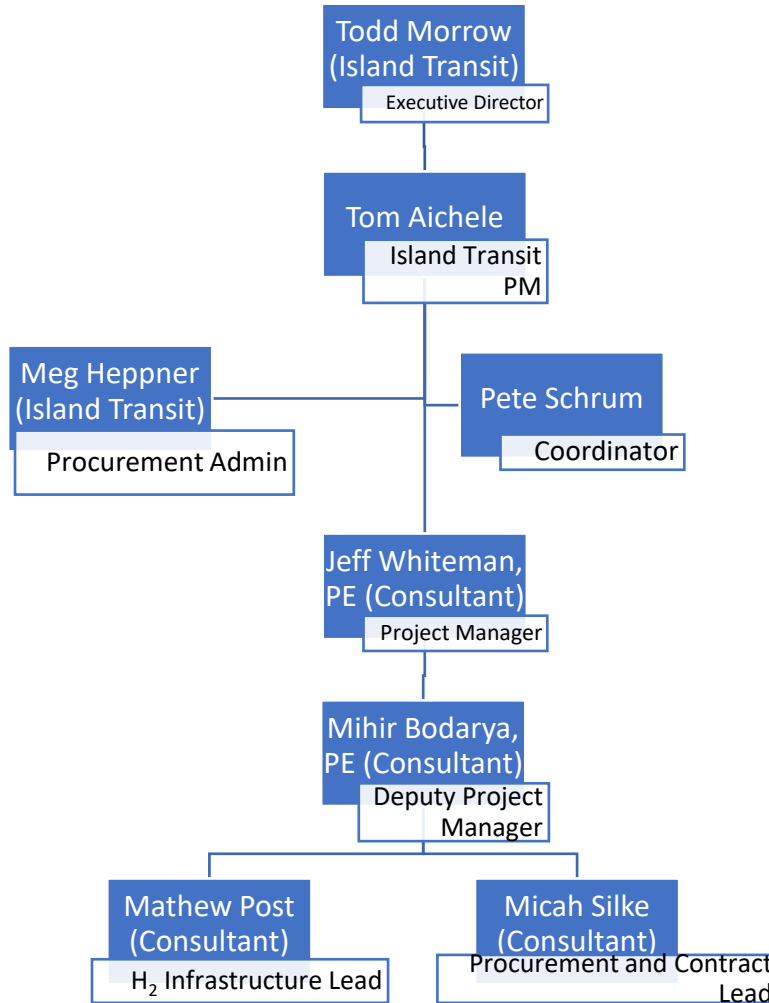
Hatch, Island Transit's representative, will work with the Design Builder to establish submittal plans and a submittal calendar and establish a documented communications plan to track and ensure regular communications regarding the project status, issues, risks, and schedule.

PROCUREMENT PROCESS

The project team from Hatch includes a Procurement & Documents Lead. He is an active Construction Specifications Institute member and well-versed in the requirements of RCW 39.10 Alternative Public Works Contracting Procedures and has begun the first steps of the process. As well, our legal firm Hendricks-Bennett PLLC is familiar with the design build process and will manage the output.

The procurement process will comprise two stages to evaluate candidates including a request for qualifications and a request for proposals. The design build contract will be awarded based upon the best value proposal. General Conditions from the Engineers Joint Construction Documents Committee will be adopted for the project and supplemented as needed by supplementary conditions. Draft copies of the RFP, RFQ, and other contract documents are included. See Appendix B: "Request for Qualifications," Appendix C: "Request for Proposal" for more information about procurement procedures.

ORGANIZATIONAL CHART



NOTE: ROLES AND RESPONSIBILITIES ARE INCLUDED IN STAFF AND CONSULTANT BIOS

ISLAND TRANSIT HYDROGEN INFRASTRUCTURE PROJECT TEAM EXPERIENCE LIST

HYDROGEN INFRASTRUCTURE PROJECT TEAM				PROJECT		Role During Project Phases		
NAME	SUMMARY OF EXPERIENCE	PROJECT NAME	Start & End Date	SIZE	TYPE	PLANNING	DESIGN	CONSTRUCTION
Tom Aichele	Air compressed system upgrade and replacement for dental air supply system at Navy Clinic.	Dental Air System Replacement, NASWI	2020-2021	\$2M	DB	PM	PM	-

Tom Aichele	Remodel of emergency response and storage facility at Navy Medical Facility	Emergency Preparedness Remodel, NASWI	2020	\$5M	DB	PM	PM	PM
Tom Aichele	Replacement of compressed air generation system	Compressed Air Upgrade for Collins Aerospace	2019	\$1M	DBB	PM	-	PM
Tom Aichele	PM for installation of multiple split-system units for manufacturing of aircraft heads-up displays	HVAC Upgrade for Collins Aerospace	2018	\$500K	DBB	PM	PM	PM
Pete Schrum		New Island Transit Main Base	06/18 – 08/19	25K	DBB	PM	PM	PM
Pete Schrum		Propane Servicing Station	05/19 – 07/19	20K	DBB	PM	PM	PM
Pete Schrum		Harbour Station Retrofit Lighting to LED	10/17 – 01/18	14K	DBB	PM	PM	PM
Pete Schrum		Camano Base Retrofit Lighting to LED	01/11 – 09/13	22M	DBB	Coordinator	-	Coordinator
Jeffrey Whiteman	Deputy PM, Certifying Professional Engineer for an Operations and Maintenance Facility with a 145-car capacity. Includes coordination of geotechnical, environmental, civil, structural, guideway, facilities, track, and rail systems.	OMC 4: TransLink	11/21 – Present	650M	CM	Deputy PM	Deputy PM	Deputy PM / Certifying P.Eng.
Jeffrey Whiteman	Design management, construction support, and discipline coordination.	Denver Union Station Redevelopment Project	04/10 – 07/14	500M	DB	Construction Services Design Manager	Construction Services Design Manager	Construction Services Design Manager
Jeffrey Whiteman	Owner's Rep.: Design, Construction, and Integration.	RTD – EAGLE P3.	07/14 – 06/19	2.3B	DESIGN BUILD / P3	Deputy PM	Deputy PM	Deputy PM

Mihir Bodarya	Conceptual Design and Engineering for Design Build Preparing conceptual electrical designs for on-route and in-depot charging infrastructure.	TransLink - ZEV Infrastructure Conceptual Design	11/21 – 11/22	\$105k	DB	Conceptual Design for	Electrical Engineer	-
Mihir Bodarya	Evaluated power availability, developed conceptual plans, and estimated cost for developing charging infrastructure at the depot facility and three transit terminals.	City of Ft. Collins - Zero-emissions Facility Analysis	03/21 - 09/22	\$54k	Planning	Electrical Engineer	-	-
Mihir Bodarya	Developed conceptual plans and cost estimates for charging infrastructure and hydrogen fueling station for technology assessment.	Intercity Transit - Zero-emissions analysis	11/22 – 10/23	\$50k	Planning	Electrical Engineer	-	-
Micah Silke	Technical Editor: O&M systems training	Batangas, PHL: Multi-Purpose Jetty and Gas Receiving Facility	03/23 – 07/23	\$135M	DB: EPC Turnkey	-	-	Closeout training documentation Technical Writer
Micah Silke	Lead writer: EHS policies and procedures for construction & general industry.	Wind, Solar, Battery: EHS Policies & Procedures	06/22– 02/23	\$800K	-	Technical Writer	-	-
Mathew Post	Principal Investigator: Led team to monitor and evaluate the status of FCEBs in US transit service	Fuel Cell Bus Evaluations	2020-2023	\$300K	Research	Principal Investigator	Principal Investigator	Principal Investigator
Matthew Post	Principal Investigator: Led team to assess current and developing hydrogen	Hydrogen Sensor Test Laboratory	2018-2023	\$1M	Research	Principal Investigator	Principal Investigator	Principal Investigator

	detection methods								
Matthew Post	Fleet Coordinator: Acquired and maintained fuel cell vehicles	FCEV Fleet Demonstrations	2013-2023	\$1M	Research	Principal Investigator	Principal Investigator	Principal Investigator	

7. ISLAND TRANSIT 10 YEAR CONSTRUCTION HISTORY

ISLAND TRANSIT CONSTRUCTION HISTORY (10 YEAR)										
#	Project Name	Project Description	Contracting Method	Planned Start Date	Planned Finish Date	Actual Start Date	Actual Finish Date	Planned Budget	Actual Budget	Reason for Budget or Schedule Overrun
1	Whidbey & Camano Bases Solar Array	Solar panels installation & connection to public utilities	D-B-B	Feb. 2022	Mar. 2022	Jul. 2022	Feb. 2023	401K	268K	Supply chain issues. DOC grant funded and panels needed to be Made in WA
2	Smith Prairie Road Overlay & Improvements	New roadway & connection to existing secondary access	D-B-B	April 2017	May 2017	April 2017	May 2017	140K	137K	NA
3	Whidbey Main Base Facilities	New Maintenance, Bus Wash & Fueling, and Administration & Operations Base	D-B-B	2001	2014	2001	2016	\$22.4M	\$22.4M	This project was federally funded in several phases over the years, starting with Planning and ending in Project Completion. Finish date was adjusted outward. Also, staff turnover and materials issues.

#	Project Name	Project Description	Contracting Method	DBE Planned Utilization	DBE Actual Utilization
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1	Whidbey & Camano Bases Solar Array	Solar panels installation & connection to public utilities	D-B-B	4.48%	NA*
2	Smith Prairie Road Overlay & Improvements	New roadway & connection to existing secondary access	D-B-B	5.58%	NA*
3	Whidbey Main Base Facilities	New Maintenance, Bus Wash & Fueling, and Administration & Operations Base	D-B-B	3.26%	NA*

* NOTE: Island Transit's Disadvantaged Business Enterprises Program is found on the agency's website: <https://www.islandtransit.org/Disadvantaged-Business-Enterprises-Program>. Island Transit has adopted Washington State Department of Transportation's (WSDOT) 2021-2023 DBE goal setting methodology. Therefore, the proposed overall Island Transit DBE goal for FY 2022-2025 is 4.8%. The previous goals (see above) also utilized WSDOT's DBE goal setting methodology.

The overall goal is based on the availability of ready, willing, and able DBE's that can participate in Island Transit's DOT-and FTA-assisted contracts. Island Transit's market area includes Island, Skagit, Whatcom, and Snohomish Counties. In evaluating the majority of Island Transit's past projects utilizing State and Federal funds, the agency recognizes that there is not a significant pool of certified DBEs, making it difficult to make race conscious/contracting goals feasible for the agency.

8. PRELIMINARY CONCEPTS, SKETCHES OR PLANS DEPICTING THE PROJECT

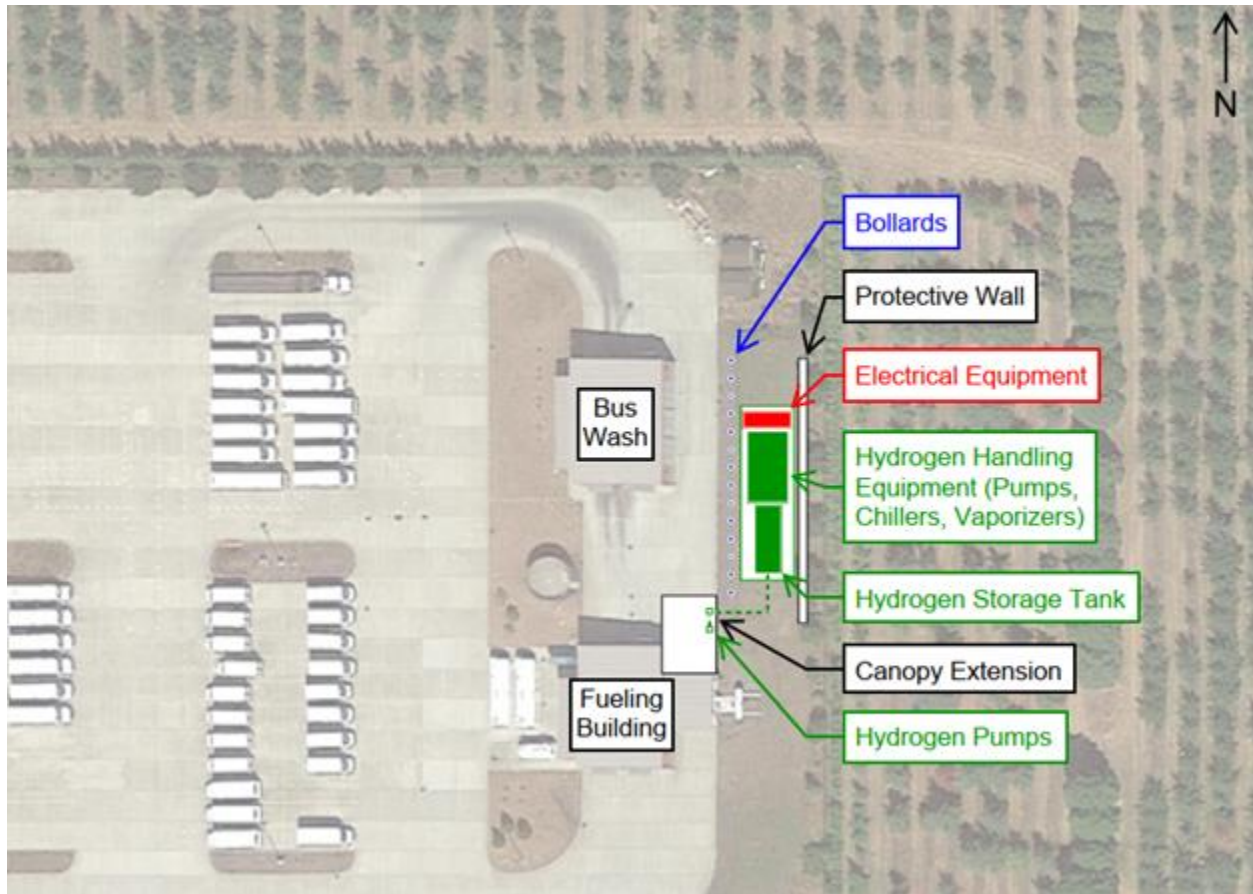


Figure 1: Whidbey Depot Hydrogen Station Conceptual Layout

9. RESOLUTION OF AUDIT FINDINGS ON PREVIOUS PUBLIC WORKS PROJECTS

Not Applicable.

10. SUBCONTRACTOR OUTREACH

ISLAND TRANSIT DBE PROGRAM

Island Transit has adopted Washington State Department of Transportation's (WSDOT) 2021-2023 DBE goal setting methodology. Therefore, the proposed overall Island Transit DBE goal for FY 2022-2025 is 4.8%. This section of the program will be updated at least triennially. The overall goal will be based on the availability of ready, willing, and able DBE's that can participate in Island Transit's DOT-assisted contracts. However, Island Transit's market area includes Island, Skagit, Whatcom, and Snohomish Counties. In evaluating the majority of Island Transit's past projects utilizing Federal funds, the agency recognizes that there is not a significant pool of certified DBEs, making it difficult at times to make DBE utilization goals attainable for the agency.

The procurement process established by Island Transit will require contractors to submit their plans for utilizing DBEs during the project. Island Transit's evaluation process will incorporate DBE performance as a weighted percentage of the total score based on the use of DBEs. Island Transit incorporates non-discriminatory elements to its DBE program to facilitate competition on public works projects by DBE and non-DBE small business concerns. To ensure for competition, Island Transit is committed to:

- Structuring contracting requirements to facilitate and encourage competition and participation between small business and DBEs.
- Removing unnecessary and unjustified bundling of contract requirements.
- Requiring prime contractors to provide subcontracting opportunities of the type and size that small businesses, including DBEs, can reasonably compete for and perform.
- Identifying alternative strategies and structuring procurements to allow consortia or joint ventures to compete for and perform prime contracts.
- Reviewing available DBEs, per OMWBE, in Island Transit's market area and taking measures to ensure they are aware of solicitations.

Island Transit ensures timely payment and recordkeeping by requiring prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of Island Transit or Authorities Having Jurisdiction, including the State of Washington Capital Projects Advisory Review Board and the Project Review Committee. This reporting requirement also extends to any certified DBE subcontractor. Island Transit will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

CAUTION TO APPLICANTS

The definition of the project is at the applicant's discretion. The entire project, including all components, must meet the criteria of RCW 39.10.300 to be approved.

In submitting this application, you, as the authorized representative of your organization, understand that: (1) the PRC may request additional information about your organization, its construction history, and the proposed project; and (2) your organization is required to submit information requested by the PRC. You agree to submit this information in a timely manner and understand that failure to do so may delay action on your application.

The PRC strongly encourages all project team members to read the Design-Build Best Practices Guidelines as developed by CPARB and attend any relevant applicable training. If the PRC approves your request to use the DESIGN BUILD contracting procedure, you also agree to provide additional information if requested.

The 2021 Legislature updated [RCW 39.10.330\(8\)](#) stating that Design-Build contracts must require the awarded firm to track and report to the public body and to the office of minority and women's business enterprises (OMWBE) its utilization of the OMWBE certified

businesses and veteran certified businesses. By submitting this application, you agree to include these reporting requirements in project contracts.

I have carefully reviewed the information provided and attest that this is a complete, correct and true application.



Signature: _____

Name: *(please print)* Todd E. Morrow *(public body personnel)*

Title: Executive Director

Date: October 19, 2023

1 - OWNER DESCRIPTION

1.1 GENERAL

- A. Island County Public Transportation Benefit Area Corporation (Island Transit) is a fare-free transit agency in Island County, Washington. Island Transit owns and operates a fleet of 146 vehicles that are used for serving 16 fixed routes (11 on Whidbey Island and five on Camano Island), paratransit service, vanpool service and non-revenue purposes. The vehicles are powered by gasoline, diesel, propane, or hybrid propulsion systems.
- B. As part of Island Transit's commitment to decreasing its reliance on fossil fuels and reducing carbon emissions, Island Transit is requesting the qualifications of qualified Design-Build Contractors who wish to propose for a competitive lump-sum Design-Build Contract to design and construct on-site hydrogen storage and fueling infrastructure and provide solutions for operations, maintenance, and ongoing supply of fuel cell grade hydrogen, which will serve a fleet of 24 hydrogen fuel cell electric buses (FCEBs) in Whidbey Island, Washington.
- C. Island Transit recently conducted a feasibility analysis to determine the best zero emission technology to adopt for its unique operation. Island Transit concluded FCEBs are best suited for its fixed route operation on Whidbey Island. Island Transit plans to replace its fossil fueled transit-style buses and cutaways, used for fixed-route service, with 24 hydrogen fuel cell electric buses.
- D. In a parallel effort outside the scope of this Request for Qualifications (RFQ), Island Transit is also replacing the remainder of its fleet with battery-electric vehicles for fixed route operation on Camano Island as well as its paratransit, vanpool, and demand-response service operation on both islands.

1.2 PURPOSE OF THE REQUEST FOR QUALIFICATIONS

- A. The purpose of this RFQ is to identify and prequalify experienced and capable Proposers to:
 - 1. Confirm that there is sufficient interest among qualified proposers to proceed effectively with the Procurement of the Work.
 - 2. Prequalify a maximum of three Short-Listed Proposers to submit Proposals.
- B. Island Transit invites interested Proposers to respond to this RFQ.
- C. Island Transit will open and review responses to this RFQ at a virtual public meeting.
- D. After full evaluation, Island Transit will score each SOQ and select three Short-Listed Proposers to participate in the RFP process.

1.3 FUNDING AUTHORITY

- A. This Project is supported with local funds; however additional funding sources including FTA, State, or other sources may be used, and associated contracting requirements apply.

1.4 PROCUREMENT PORTAL

- A. Free-of-charge access to Project documents (RFQ, RFP, plans, specifications, addenda,) is provided by going to www.bxwa.com.
 - 1. Click on "Posted Projects", "Public Works", and "Island Transit." This online plan room provides Proposers with fully usable online documents and the ability to: download, view, print, order full/partial plan sets from numerous reprographic sources, and a free online digitizer/take-off tool.

- B. It is recommended that Proposers "Register" in order to receive automatic e-mail notification of future addenda and to place themselves on the "Self-Registered Bidders List." Proposers that do not register will not be automatically notified of addenda and will need to periodically check the online plan room for addenda issued on this Project. Contact Builders Exchange of Washington at (425) 258-1303 should you require assistance with access or registration.
- C. The content available through bxwa.com is our property or the property of our licensors and is protected by copyright and other intellectual property laws. Access to Project documents is intended for use by Proposers and Proposer Team Members, agency personnel, and agency's consultants, as well as for personal, noncommercial, use by the public. You may display or print the content available for these uses only. "Harvesting" (downloading, copying, and transmitting) of any Project information or Project documents for purposes of reselling or redistributing information by any other party is not allowed by BXWA.
- D. Additional Procurement information for award, protest procedures, and small business program is provided on our web page at www.islandtransit.org/procurement.

2 - OVERVIEW OF PROJECT

2.1 DEFINITIONS AND TERMS

- A. Alternative Technical Concepts: Designs and methods for fulfilling the daily hydrogen fueling needs of Island Transit that are different from those specified in the design criteria.
- B. Contract Documents: Those documents enumerated in the agreement between Island Transit and Design-Build Contractor consisting of the agreement, conditions of the contract (general, supplementary, and other conditions), drawings, specifications, addenda issued prior to the execution of the contract, and other documents listed in the agreement, and modifications issued after execution of the contract.
- C. Design-Build Contract: The contractual agreement that is to be awarded at the conclusion of the Procurement process and which will be between Island Transit and the Design-Build Contractor.
- D. Design-Build Contractor: The entity with the prime Design-Build Contract with Island Transit.
- E. Honorarium Payment: A payment given to Short-Listed Proposers who submit Responsive proposals and are not awarded a Design-Build Contract.
- F. Key Team Member: Individuals who will be assigned to foundational roles essential to the design, construction, or management of the Project.
- G. Major Participant: Any general partners or joint venture members of the proposer, or any other legal entity directly or indirectly holding a 15% or greater interest in the Proposer.
- H. Major Subconsultant or Subcontractor: First tier contracted entities of the Proposer, such as the lead design firm or the general contracting firm.
- I. Preferred Proposer: The Proposer selected by Island Transit to be awarded the Project and enter into the Design-Build Contract and designated as the Preferred Proposer by Island Transit in a formally issued notice.
- J. Procurement: Island Transit's process for selecting the Design-Build Contractor and its team in pursuit of this Project.
- K. Procurement Requirements: Documents with Section numbers from 00 00 00 through 00 50 00, which include the RFQ, RFP, available information, and Project forms and supplements. Procurement Requirements are not included as part of the Contract Documents.

- L. Procurement Schedule: The schedule described in Article 2.7 of this RFQ and subsequent amendments, issued as written addenda to this Procurement.
- M. Project: The design and construction of hydrogen storage and dispensing infrastructure at Island Transit's Whidbey Depot as summarized in this RFQ and subsequent addenda.
- N. Projects of Similar Scope and Complexity: Projects that had completion dates within the last ten years and have many of the following characteristics:
 - 1. Projects that included the design and construction of hydrogen fueling infrastructure of a similar size and budget.
 - 2. Projects that utilized an integrated delivery method that required strong coordination and integration of the design and construction professionals and early involvement of the construction professionals during design.
 - 3. Projects where the Design-Build Contractor was selected prior to the establishment of the final price and schedule and where the Design-Build Contractor collaborated with the owner to develop the final price and schedule.
- O. Proposer: Any entity that submits a Statement of Qualifications in response to this Request for Qualifications.
- P. Proposer Team Member: Any subcontractor, subconsultant, or entity the Proposer engages in this Project.
- Q. Proposal: A Short-Listed Proposer's response to Island Transit's Request for Proposal regarding this Project.
- R. Responsible Proposer: A Short-Listed Proposer that provides a Responsive Proposal.
- S. Responsive: Complete and provided to Island Transit no later than the submission deadline, with required entries made clearly and in accordance with the Procurement procedures described in the Procurement Requirements.
- T. Request for Proposal (RFP): Island Transit's Request for Proposal, which will be issued to those Short-Listed Proposers who are selected to proceed to the next phase of this Procurement.
- U. Request for Qualifications (RFQ): The first step in the Procurement process, described in this document, to pre-qualify Short-Listed Proposers.
- V. Short-Listed Proposer: Design-Build Contractors, prequalified by their submission and Island Transit's subsequent evaluation of their Statement of Qualifications (SOQ) as described in this Request for Qualifications, that are selected and invited to submit Proposals in response to the next phase of this Procurement process.
- W. Statement of Qualifications (SOQ): A Proposer's response to this Request for Qualifications.
- X. Work: The Work is everything to be provided and performed by the Design-Build Contractor in accordance with the Design-Build Contract. The Work comprises the provision of design, construction, labor, materials, superintendence, equipment, transportation, and expenses and the performance of all matters and things necessary to provide the services and successfully complete the Project.

2.2 PROJECT DELIVERY: DESIGN-BUILD

- A. Island Transit encourages Proposer's to propose Alternative Technical Concepts (ATCs) and methods, which may include backup supply infrastructure and innovative methods for fulfilling the hydrogen fueling needs such as public/private partnerships (P3) and other turnkey solutions that are owned or operated and maintained by the Design-Build Contractor.

2.3 SCOPE OF WORK

- A. Conduct preliminary site visits to verify Project site conditions.
- B. Permits:
 - 1. Island Transit will submit building and public works permits for the Project and will pay permit fees directly to Island County. Design-Build Contractor shall be responsible for picking up the permit from the County. All other permits shall be coordinated and obtained from the applicable jurisdiction(s) in advance of associated Work.
 - a. If requested, Island Transit will provide easement information, utility information, and legal description of the site.
 - 2. Design-Build Contractor shall be solely responsible to obtain and pay for all other required permits prior to the start of construction.
- C. Coordinate all utility work and cooperate with various utility company crews that will be performing work.
 - 1. Use subcontractors approved by utility owners as required.
 - 2. Notify utility companies of the Design-Build Contractor's schedule and provide access to the worksite to minimize delays or disruptions in the performance of the utility work.
- D. Provide a detailed design to meet the design criteria and performance requirements specified in the Design-Build Contract.
- E. Propose a detailed description of the hydrogen delivery methods, frequency, supplier, and operational procedures required to sustain Island Transit's daily FCEB operations.
- F. Work with Island Transit and the selected vehicle supplier to ensure that the fueling infrastructure is compatible with the vehicles being purchased.
- G. Provide overall project management services to manage and control costs, risks, quality, safety, subcontractors, and provide systems for document control and progress monitoring and reporting.
- H. Provide for the phasing, sequencing, and scheduling of construction and commissioning activities to deliver the Project on time without interrupting the normal and necessary schedule and services of Island Transit's routine operations and maintenance requirements.
- I. Provide all labor, professional services, equipment, appliances, and materials in connection with the design, fabrication, delivery, assembly, construction, testing, and commissioning of the hydrogen infrastructure necessary to meet the design criteria specified in the Design-Build Contract.
- J. Provide a service support team and readily accessible spare parts to minimize disruptions to operations in the event of unexpected maintenance and repair events.
- K. Successfully complete the Work set forth in the Design-Build Contract as a member of a Project team with Island Transit, Island Transit's Representative, and other Project consultants, as required.
- L. Provide spare parts, tools, service plans, operations and maintenance training to Island Transit staff, and emergency response procedures and other closeout items required by the Design-Build Contract.
- M. Reference Documents accompanying this RFQ are provided for informational purposes to assist prospective Proposers in preparing their Statement of Qualifications (SOQ). These Reference Documents do not represent requirements binding on the Design-Build Contractor.

- N. Island Transit makes no representation or warranty as to the accuracy, adequacy, applicability, or completeness of the Reference Documents. Except to the extent set forth to the contrary in the Contract, reliance upon the Reference Documents shall be at the Design-Build Contractor's risk and Island Transit will have no liability or obligation resulting from inaccuracy, inadequacy, inapplicability, or incompleteness of the Reference Documents regardless of the contents thereof.

2.4 SITE DESCRIPTION

- A. The hydrogen fueling infrastructure shall be built at Whidbey Depot, which is Island Transit's main operating base. Whidbey Depot is Island Transit's largest and most versatile facility, providing for all Whidbey Island's operation, maintenance, and administration needs. Whidbey Depot is located at:

1. 19758 SR 20, Coupeville, WA 98239

- B. Whidbey Depot is large enough to provide adequate space between the hydrogen tanks and adjacent buildings, property lines, and other fueling systems required by NFPA code. However, only a few locations on site are suitable for such an installation. A conceptual layout for one such location (near the existing bus wash and fueling building) is illustrated in Figure 1.

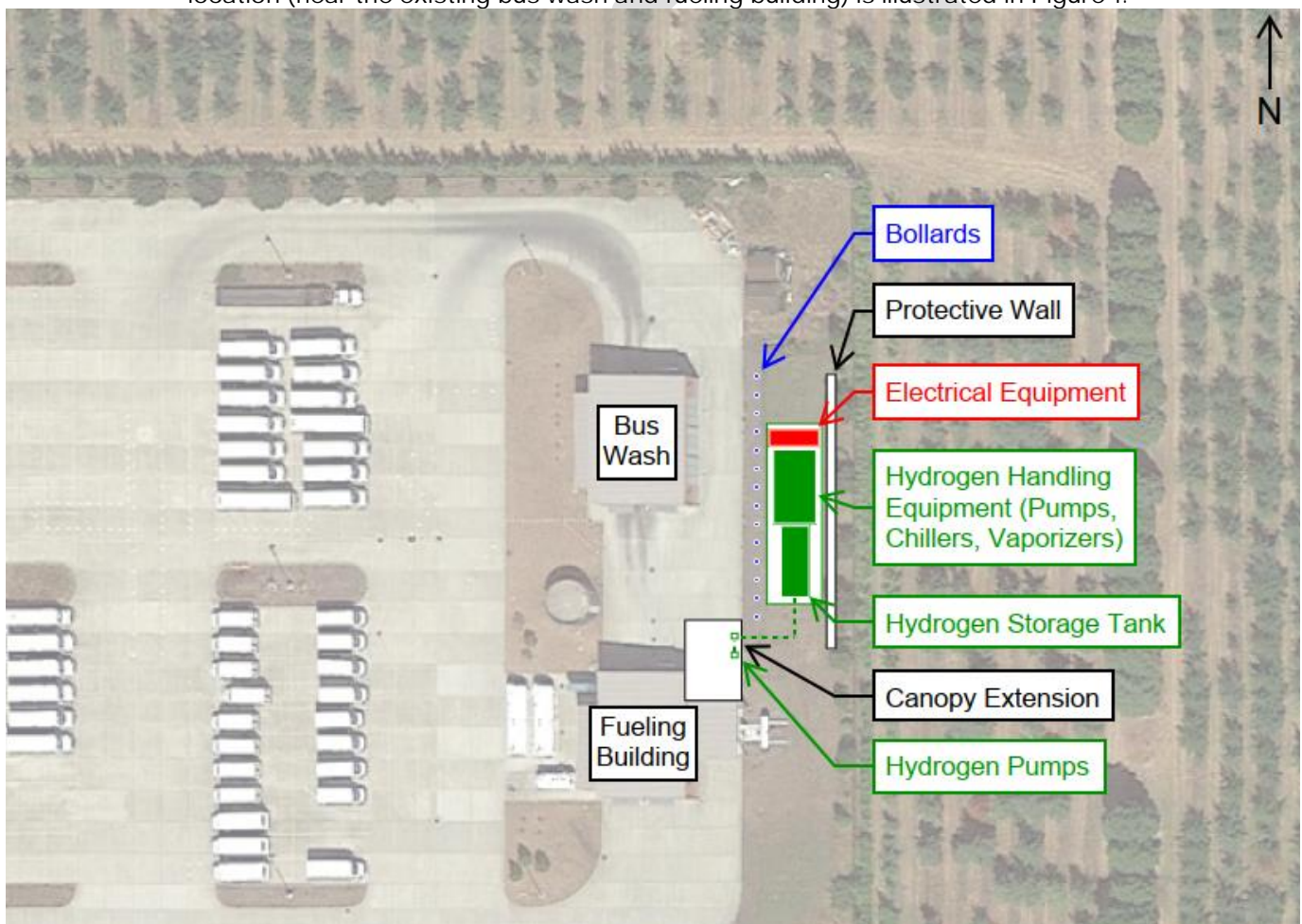


Figure 1: Whidbey Depot Hydrogen Station Conceptual Layout

- C. This conceptual layout's footprint is 30 feet by 85 feet and was developed to accommodate a hydrogen storage tank of approximately 10,000 gallons while providing sufficient space for pumps, chillers, vaporizers, handling equipment, and electrical equipment needed to power the system.
- D. The conceptual layout assumes that two hydrogen pumps will be installed in the nearby fueling lane. A protective wall is proposed east of the hydrogen station because of inadequate setback distance between the hydrogen station and the nearby property line.
- E. A site walk of Whidbey Depot will be conducted in the second phase of this Procurement to give Short-Listed Proposers an opportunity to assess the constraints of the site, ask questions, and gather information required to develop Proposal. The date and time of this site walk will be provided in the RFP.

2.5 DESIGN CRITERIA

- A. Applicable Codes and Standards:
 - 1. The Design-Build Contractor shall be responsible for determining and applying applicable codes, regulations, standards, and criteria that are appropriate and required to be followed in the final design documents and constructed Work.
 - 2. All Work shall comply with the latest edition or revision of applicable codes and standards in effect on the date the Design-Build Contract is executed except where authorities having jurisdiction recognize an earlier standard only.
 - 3. The standards of local governmental authority, including those of authorities having jurisdiction and utility companies shall govern, where applicable.
 - 4. Codes and standards from the following, non-inclusive, list of agencies may be applicable:
 - a. American National Standards Institute and Canadian Standards Association (ANSI/CSA America).
 - b. American Society of Mechanical Engineers (ASME).
 - c. Compressed Gas Association (CGA).
 - d. International Fire Code (IFC).
 - e. National Fire Protection Association (NFPA).
 - f. Society of Automotive Engineers (SAE).
- B. Fleet Vehicles:
 - 1. Ensure the Work delivers suitable infrastructure for fueling owner-supplied FCEBs.
 - 2. The exact make and model of the FCEBs will be determined through a procurement process at a later stage, and those details will be provided to the winning proposer within 30 days after FCEB procurement contract award. The general specifications for the vehicles and fueling requirements are:
 - a. Sixteen 35-foot and eight 40-foot transit buses.
 - b. Storage capacity: 35 kg gaseous hydrogen.
 - i. Required filling: Up to 30 kg or approximately 85 percent state of charge (SOC).
- C. Hydrogen infrastructure:
 - 1. Operational lifetime: 15 years, minimum.

2. Certified for use in hazardous locations.
 3. Scalable and able to support a growing fleet.
 4. Accessible: Provide easy access to equipment, valves, gauge, and fittings used during general operations and maintenance activities.
- D. Hydrogen storage tank:
1. Identify the type of hydrogen storage system, i.e., liquid, or gaseous.
 2. 10,000-gallon, approximate capacity with pressure relieving device(s).
 - a. Back-up storage tank: 5 days' capacity; include as an option.
- E. Refueling operations:
1. Allow for storage tank refilling and FCEB refueling operations to occur simultaneously.
- F. Hydrogen fuel pump(s):
1. SAE J2601 compliant dispenser and SAE J2799 FCEV-compliant IrDA communications interface.
- G. Electrical wiring, piping, and tubing:
1. Labeled and compliant with local code requirements.
- H. Fueling Performance:
1. Fill pressure rating: 350 bars (h35 dispenser).
 2. Peak performance: 450 kg gaseous hydrogen dispensed in 3-hour period, 365 days per year.
 3. Daily performance: 600 kg gaseous hydrogen dispensed per day, 365 days per year.
- I. Hydrogen Supply:
1. SAE J2719 compliant fuel-cell grade hydrogen.
 2. Include details about the proposed hydrogen delivery frequency and identify a hydrogen supplier(s) that is equipped to sustain daily operations.
 - a. Include a detailed plan for procuring a long-term, ongoing supply of hydrogen, and managing supply related risks.
- J. Safety and Environmental Features:
1. Hydrogen leak prevention.
 2. Leak detection system.
 3. Hydrogen flame detection system.
 4. Safety barriers.
 5. Ventilation systems.
 6. Emergency shutdown mechanism.
- K. Vehicle Defueling:
1. Include as an option a vehicle defueling to ground base gaseous storage system through a closed transfer system.

2.6 ESTIMATED BUDGET

- A. The estimated budget for the scope of work referenced in Section 2.3 is currently _____.

2.7 PROCUREMENT SCHEDULE

- A. The following proposed Procurement Schedule may be modified at any time by Island Transit:

Event Name	Date / Time
Request for Qualifications	
Publish RFQ	15 January 2024
Final questions, comments, and requests for clarification deadline	19 February 2024
SOQ deadline	11 March 2024
Virtual public opening	20 March 2024
Respond to SOQs and notify Short-Listed Proposers	27 March 2024
Protest deadline	03 April 2024
Transmit protest decisions	10 April 2024
Notify Short-Listed Proposers of final decision	15 April 2024
Request for Proposal	
Publish RFP	18 April 2024
Finalist meeting & site visit Location: 19758 SR 20, Coupeville, WA 98239	24 April 2024
Respond / comment on Design-Build Contract	06 May 2024
Submit ATCs for preapproval	13 May 2024
Proposal due date and virtual public opening	03 August 2024
Notify finalists and make a selection summary of the final Proposals available to all proposers	13 August 2024
Protest deadline	16 August 2024
Transmit protest decision	20 August 2024
Initiate negotiations with winning finalist. Provide payment and performance bond.	25 August 2024
Finalize Design-Build Contract	02 September 2024
Notice To Proceed (Phase 1)	09 September 2024
Substantial Completion by	01 January 2026
Final (physical) Completion (within 30 days of Substantial Completion)	01 March 2026
Final Acceptance by	01 April 2026

3 - PROCUREMENT PROCESS

3.1 GENERAL INFORMATION

A. Compliance with Legal Requirements

1. Pursuant to Revised Code of Washington (RCW) Chapter 39.10 Alternative Public Works Contracting Procedures, Island Transit has been authorized to award a Design-Build Contract to the Responsible Proposer that submits the best value Proposal.
2. This Procurement will be in accordance with RCW 39.10 and all applicable federal, state, and local policies and procedures.

B. Conflicts of Interest

1. Consultants who assisted Island Transit in the RFQ/RFP preparations may not propose or participate on any Design-Build Team on this Project.
2. Island Transit seeks to eliminate and avoid actual or perceived conflicts of interest and unethical conduct by current and former Island Transit employees in transactions with Island Transit. Consistent with this policy, no current or former Island Transit employee may Design-Build Contract with, influence, advocate, advise, or consult with a third party about an Island Transit transaction, or assist with the preparation of bids submitted to Island Transit while employed by Island Transit, or within one year after leaving Island Transit's employment, if he/she was substantially involved in determining the work to be done or process to be followed while an Island Transit employee.

C. Communications with Island Transit

1. Proposers shall conduct the preparation of their SOQ with professional integrity and free of lobbying activities. Communications, questions, and requests for clarification or interpretation concerning this solicitation shall be submitted in writing, no later than the date and time specified in Article 2.7, by using Island Transit's e-Procurement Portal.
 - a. Island Transit point of contact: Meghan Heppner, Procurement Officer
2. Communications concerning this solicitation with any Island Transit agent, consultant, or representative other than with the above stated point of contact, or communications made through other means and methods other than stated, are prohibited and may be cause for disqualification.
3. Following Island Transit's approval of Short-Listed Proposers, Island Transit anticipates that certain communications and contacts will be permitted. The RFQ, RFP, and other written addenda will set forth the rules and parameters of such permitted contacts and communications.
4. To the extent any Proposer intends at any time to initiate contact with the general public regarding the Project, the nature of such intended contact and its substance must be approved by Island Transit in writing prior to such activities.

3.2 COLLUSION

- A. If Island Transit determines that collusion has occurred among Proposers, none of the Proposals of the participants in such collusion will be considered. Island Transit's determination shall be final.

- B. If it is discovered post-award that the successful Proposer, as Design-Build Contractor, colluded with any other party or parties in presenting a Proposal or Proposals, then the Design-Build Contract shall be null and void and Design-Build Contractor and its sureties shall be liable to Island Transit for all loss or damage that Island Transit may suffer as a result. Island Transit may solicit for a new Design-Build Contract for Work called for in this Design-Build Contract and the terminated Design-Build Contractor shall be fully responsible for all costs to Island Transit for rebidding the Project, including any increase in the Design-Build Contract price and all costs, expenses, or other damages arising out of termination of the Contract. A terminated Design-Build Contractor is prohibited from submitting a Proposal for any resolicited work and may be debarred by Island Transit in participating in any future contracting opportunities.

3.3 PROPOSER DUE DILIGENCE

- A. This RFQ and the information supplied by Island Transit as part of the Procurement process may not contain all the information that a Proposer or its Proposer Team Members need in deciding whether to submit a SOQ or needed in the development of a SOQ.
- B. Island Transit and its advisors make no representations or warranties, and there are no representations, warranties, or conditions, either express or implied, statutory or otherwise, in fact or in law, with respect to the accuracy or completeness of this RFQ or any information, data, materials or documents (electronics or otherwise) provided or made available to the Proposers or their Proposer Team Members in this RFQ or during this Procurement process with respect to the RFQ or the Project.
- C. Island Transit and its advisors shall not be liable for any claim, action, cost, loss, damage or liability of any kind whatsoever arising from any Proposer's or Proposer Team Member's reliance on or use of this RFQ or any other information, data, materials or documents (electronic or otherwise) provided or made available to Proposers or their Proposer Team Members by Island Transit or its advisors during this Procurement process or with respect to the RFQ or the Project.
- D. Each Proposer and each Proposer Team Member is responsible for obtaining its own independent financial, legal, accounting, engineering, environmental, architectural, and other technical and professional advice with respect to the RFQ, the Procurement process, and the Project. Each Proposer and each Proposer Team Member is responsible with respect to any information, data, materials, or documents (electronics or otherwise) provided or made available to the Proposers or their Proposer Team Members by Island Transit or its advisors during the Procurement process or with respect to the RFQ or the Project.
- E. Each Proposer and each Proposer Team Member is responsible for ensuring that it has all of the information necessary to prepare its SOQ submittal in response to this RFQ and for independently informing and satisfying itself with respect to the information contained in this RFQ, or provided during this Procurement process with respect to the RFQ or the Project and with respect to any conditions that may in any way affect its SOQ submittal.
- F. Submitting a SOQ shall constitute an acknowledgement upon which Island Transit may rely that the Proposer thoroughly read, examined, and understands the RFQ in its entirety, including the inspection of any work sites identified in the solicitation, and all applicable statutes, regulations, ordinances, and resolutions addressing or relating to the goods and services to be provided. The failure or neglect of a Proposer to receive or examine such documents, work sites, statutes, regulations, ordinances, or resolutions shall in no way relieve the Proposer from any obligations with respect to its Proposal or to any Design-Build Contract awarded pursuant to this solicitation. No claim for additional compensation will be allowed which is based upon a misunderstanding or lack of knowledge thereof.

3.4 HONORARIUM PAYMENT

- A. With exception of the Honorarium Payment noted below, Island Transit will not compensate any Proposer in consideration of any costs or expenses incurred by the Proposer or its Proposer Team Members in responding to the RFQ, RFP, or in providing any additional information necessary for the evaluation of its Proposal.
- B. It is anticipated that an Honorarium Payment of \$15,000 for Proposal development costs will be paid to each unsuccessful Short-Listed Proposer, who submits a Responsive Proposal in response to the RFP.
- C. No Honorarium Payment will be provided to the Short-Listed Proposer who is the Preferred Proposer entering into the Design-Build Contract with Island Transit.
 - 1. No Honorarium Payment will be provided to a Preferred Proposer that fails to enter into the Design-Build Contract with Island Transit not due to any act or omission of Island Transit.

3.5 PUBLIC DISCLOSURE

- A. Proposals submitted under this solicitation shall be considered public documents and, with exceptions, will be provided under public disclosure laws (RCW 42.56, et seq.). If a Proposer considers portions of its Proposal to be protected under the law, Proposer shall clearly identify and mark such portions as "confidential" or "proprietary." It is not usually reasonable or legally defensible to mark an entire Proposal as "confidential" or "proprietary." Marking the entire Proposal as such will not be honored and the Proposal may be rejected as non-Responsive. If a request is made for disclosure of such portion, Island Transit will notify the Proposer of the request and allow the Proposer five days to take whatever action it deems necessary to protect its interests. If the Proposer fails or neglects to take such action within said period, Island Transit will release the requested portions of the Proposal deemed subject to disclosure.
- B. By submitting a Proposal, the Proposer consents to the procedure outlined in this paragraph and shall have no claim against Island Transit on account of actions taken under such procedure or its determination whether information is exempt under public disclosure laws.

3.6 ISLAND TRANSIT RIGHTS AND PROCUREMENT CONDITIONS

- A. Island Transit reserves without limitation, and may exercise at its discretion, the following rights and conditions with regard to the Procurement process:
 - 1. To cancel the Procurement process and reject all SOQs and Proposals.
 - 2. To waive any informality or irregularity.
 - 3. To revise the Procurement Schedule and Procurement Requirements via Addenda.
 - 4. To reject incomplete, inadequate, and non-Responsive SOQs and Proposals.
 - 5. To require confirmation of information furnished by Proposers, require additional information from Proposers, and require additional evidence of qualifications to perform the work described in this RFQ or a subsequent RFP.
 - 6. To provide clarifications or conduct discussions, at any time, with one or more Proposers.
 - 7. To contact references who are listed and references who are not listed in the Proposers SOQ and investigate statements on the SOQ regarding the qualifications and evidence of any firms or individuals identified in the SOQ.
 - 8. To consider ATCs identified by Proposers.

9. To take any action affecting the Procurement process or the Project that is determined to be in Island Transit's best interest.
10. Approve or disapprove of the use of subconsultants, subcontractors, or Key Team Members and substitutions or changes to subconsultants, subcontractors, or Key Team Members from those identified in the SOQ or Proposal. Such approval or disapproval shall not be unreasonably exercised.

3.7 ADDENDA

- A. Island Transit may, at any time prior to the submission deadline, issue addenda amending the RFQ, including without limitation correcting errors, discrepancies, or omissions in the RFQ, or clarifying the meaning or intent of any provision therein.
- B. Addenda will be issued at least five Business Days prior to the submission deadline, or Island Transit will extend the submission deadline so that a minimum of five Business Days are available until the SOQ submission is due.
- C. Addenda will be available on the Island Transit Procurement Portal.
- D. Each Proposer is responsible for ensuring that it has received all addenda and is advised to check the Island Transit Procurement Portal for addenda regularly and shortly before the submission deadline, as may be amended by addendum.
- E. Each addendum will be considered to form an integral part of the Procurement. In the event of any conflict discrepancy or inconsistency between an addendum and the RFQ, the most recent addendum shall prevail over the RFQ and any prior addendum.

3.8 OUTLINE OF PROCUREMENT PROCESS

- A. Proposers are invited to submit SOQs describing in detail their technical, management, and financial qualifications to design, permit, construct, commission, and close out the Project. The issuance of this RFQ is the first phase of the Procurement process.
- B. Proposers shall submit their SOQ and other deliverables required by this procurement at the time and in the manner set forth in this RFQ and any Addenda.
- C. This RFQ will be followed by the issuance of the RFP, which will set out the RFP process.
 1. Short-Listed Proposers will be invited to provide detailed Proposals in response to an RFP. Island Transit will evaluate the detailed Proposals and select a Preferred Proposer for the purposes of executing the Design-Build Contract.
- D. Island Transit intends to select a maximum of three Short-Listed Proposers. However, Island Transit may, in its sole discretion, either prior to or after the issuance of the RFP, replace a Short-Listed Proposer that has informed Island Transit it cannot or does not intend to participate in the RFP Process, or if that Short-Listed Proposer becomes ineligible, with the next highest ranked Proposer.
- E. Each Proposer who is not shortlisted as one of the Short-Listed Proposers to participate in the RFP Process, but who is eligible to be added to the list of Short-Listed Proposers becomes a "Reserve Short-Listed Proposer."
 1. This provision shall survive the cancellation or conclusion of the Procurement process and will be applied in a manner that recognizes the legitimate interest of Island Transit to maintain a competitive marketplace during Procurement of the Work while respecting the principles of fairness to all Proposers.

4 - REQUEST FOR QUALIFICATIONS RESPONSE PROCEDURE

4.1 GENERAL

- A. The following paragraphs describe the requirements that each Proposer must satisfy in submitting its SOQ.
- B. All requirements of the RFQ should be fully completed and submitted by the Proposer no later than the submission deadline, with all required entries made clearly and completely to constitute a Responsive SOQ.
- C. Proposers should not submit any information other than what is specifically required by this RFQ.
- D. Where maximum page counts are indicated, any material submitted that exceeds the maximum will not be considered in the evaluation.
- E. All parts of the Qualifications Submission should be clearly legible with numbered pages.
- F. Island Transit reserves the right to print copies of all or parts of Qualification Submissions for its internal review process and provide such copies to its staff and advisors.

4.2 STATEMENT OF QUALIFICATIONS DEADLINE

- A. SOQ Deadline: See Article 2.7 of this RFQ.
- B. It is the sole responsibility of each Proposer to ensure that its SOQ is received by Island Transit no later than the submission deadline. Island Transit will reject all late submittals.
- C. The SOQ shall be submitted electronically.
- D. Island Transit may, at its sole discretion, extend the submission deadline by issuing an Addendum at any time prior to the submission deadline specified in **Section 2.7 Procurement Schedule**.
- E. The results of the SOQ evaluation will be carried forward and included in the final evaluation and selection.

4.3 SUMMARY OF STATEMENT OF QUALIFICATIONS SUBMITTAL

- A. SOQ submittal shall consist of the following:
 - 1. Title Page.
 - 2. Table of Contents.
 - 3. Transmittal Letter.
 - 4. Form 1: Certificate of Non-Disbarment and Suspension.
 - 5. Form 2: Certificate of Compliance with Wage Payment Status.
 - 6. Form 3: Conflict of Interest Certificate.
 - 7. Licensing Requirements.
 - 8. Insurance and Bonding Capability.
 - 9. Form 4: Executive Summary.
 - 10. Form 5: Project Experience and References.
 - 11. Form 6: Project Organizational Charts.
 - 12. Resumes of Key Team Members.

13. Safety Records.
 14. Management Methodologies.
 15. Form 7: Financial Statement.
- B. Proposers should not submit any information other than what is specifically required by this RFQ.
 - C. If the Proposer is a joint venture or other entity specifically organized for this Project, qualification documentation shall be submitted for each member.
 - D. Island Transit reserves the right to print copies of all or parts of Qualification Submissions for its internal review process and provide such copies to its staff and advisors.

4.4 SOQ FORMAT

- A. 8.5"x11" PDF format, size 10 font minimum.
- B. Include bookmarks for heading levels 1-2 that are clearly labeled and searchable.

4.5 NON-CONFORMING SUBMISSIONS

- A. If a Proposer's SOQ is not in accordance with the provisions of this RFQ, Island Transit may in its sole discretion:
 1. Waive the non-conformance if, in Island Transit's sole discretion, the non-conformance is immaterial.
 2. Reject the SOQ as non-Responsive if, in Island Transit's sole discretion, the non-conformance is material.
- B. If the immaterial non-conformance is an omission, administrative error or oversight, Island Transit may, at its sole discretion, give the Proposer up to five Business Days to supply the omitted material by requesting the omitted material by written notice.
- C. If the requested information is not submitted by the SOQ Deadline, the submittal will be determined to be non-Responsive.

4.6 CHANGES AND SUBSTITUTIONS TO ORGANIZATIONAL STRUCTURE

- A. A Proposer is not permitted to substitute or remove a Key Individual or change the role or scope of work of any Key Individual after the RFQ submission deadline without Island Transit's prior written consent. Island Transit may, in its sole discretion, disqualify a Proposer that contravenes this provision.
- B. A Proposer wishing to substitute or remove a Proposer Team Member or Key Individual or change the scope of work of any Proposer Team Member or Key Individual, shall submit a written request to the Contact Person that sets out, in detail, the proposed change to the Proposer's structure and a justification for such proposed change.

4.7 SINGLE SOQ PROCEDURE

- A. If a single Responsive SOQ is received, Island Transit reserves the right to request an extension of the SOQ acceptance period up to an additional 60 days, or conduct a price or cost analysis, as applicable. Proposer shall assist in such analysis by promptly providing all cost or pricing data, supporting documentation, and explanations requested by Island Transit. By conducting such analysis, Island Transit shall not be obligated to accept the Proposal and further reserves the right to reject the Proposal or any portion thereof.

5 - REQUIRED MINIMUM QUALIFICATIONS

5.1 RESPONSIBILITY CRITERIA OF THE DESIGN-BUILD CONTRACTOR FIRM

- A. Before award of a public works Design-Build Contract, Proposer must successfully meet certain Washington State criteria pursuant to the Revised Code of Washington (RCW) 39.04.350, Bidder responsibility criteria—Sworn statement—Supplemental criteria.
- B. Failure to meet any required responsibility criteria within the time and manner specified, or to respond to a request by Island Transit for additional information to demonstrate Proposer's compliance with the criteria, may be just cause for Island Transit to reject the SOQ or Proposal and determine the Proposer non-Responsible.

5.2 WASHINGTON STATE PROPOSER RESPONSIBILITY CRITERIA

- A. To meet the responsibility criteria for this Proposal and be considered a Responsible Proposer and qualified to be awarded a public works Project contract, Proposers must meet Washington State requirements. At the time of Proposal submittal, a Proposer must:
 - 1. Have a current certificate of registration as a Design-Build Contractor in compliance with Chapter 18.27 RCW.
 - 2. Have a current Washington State Unified Business Identifier (UBI) number.
 - 3. If applicable, have Industrial Insurance (Worker's Compensation) coverage for the Proposer's employees working in Washington, as required in Title 51 RCW.
 - 4. Have an Employment Security Department number, as required in Title 50 RCW.
 - 5. Have a current State Excise Tax registration number, as required in Title 82 RCW.
 - 6. Not be disqualified from proposing for any public works Design-Build Contract under RCW 39.06.010 or 39.12.055(3).
 - 7. Within the three-year period immediately preceding the date of the solicitation, not have been determined by a final and binding citation and notice of assessment issued by the Department of Labor and Industries, or through a civil judgment entered by a court of limited or general jurisdiction, to have willfully violated, as defined in RCW 49.48.082, any provision of Chapter 49.46, 49.48, or 49.52 RCW.
 - 8. Have received training on the requirements related to public works and prevailing wage under Chapter 39.04.350 and Chapter 39.12 RCW. The training must be provided by the Department of Labor and Industries or by a training provider whose curriculum is approved by the department. Proposers that have completed three or more public works Projects and have had a valid business license in Washington State for three or more years are exempt from this subsection.
 - 9. Proposer shall submit a signed statement in accordance with chapter 5.50 RCW verifying under penalty of perjury compliance with these Responsible Proposer criteria requirements.

5.3 DISADVANTAGED & SMALL BUSINESS ENTERPRISE (DBE/SBE) PARTICIPATION

- A. Island Transit has adopted a race and gender-neutral policy to support and encourage DBE/SBE participation. The Policy is available at www.islandtransit.org/procurement.
- B. Definitions and information regarding Small Business Enterprises (SBE) currently certified with the State of Washington is available at:
Office of Minority and Women's Business Enterprises (OMWBE)

PO Box 41160

Olympia, WA 98504-1160

Main: (360) 664-9750

Toll Free: (866) 208-1064

Fax: (360) 586-7079

TTY: (800) 833-6384

Website: www.omwbe.wa.gov

- C. Report DBE/SBE participation throughout the period of performance.
- D. Affirmative efforts to solicit DBE/SBE participation:
 - 1. Advertise opportunities for subcontractors or suppliers in a manner reasonably designed to provide DBE/SBE capable of performing the work with timely notice of such opportunities. All advertisements should include a provision encouraging participation by DBE/SBE firms and may be done through general advertisements (e.g., internet, newspapers, journals, etc.) or by soliciting bids directly from DBE/SBEs.
 - 2. Utilize the services of available community-based organizations, Design-Build Contractor groups, local small business assistance offices and organizations that aid in the recruitment and placement of DBE/SBEs and other small businesses, such as the Office of Minority and Women's Business Enterprises.
 - 3. Establish delivery schedules, where requirements of the Design-Build Contract allow, that encourage participation by DBE/SBEs.
- E. Required DBE/SBE Contract Clauses
 - 1. Pursuant to Island Transit's DBE/SBE Policy, the following clauses will apply to the Design-Build Contractor, and it shall be Design-Build Contractor responsibility to flow down these clauses to all subcontractors, irrespective of their tier of performance:
 - a. Contract Assurance. The following clause is incorporated in every contract and subcontract:
 - i. Design-Build Contractor or subcontractor shall not discriminate based on race, color, national origin, or sex in the performance of this Contract.

5.4 SUPPLEMENTAL PROPOSER RESPONSIBILITY CRITERIA

- A. Proposers shall submit supplemental Project-specific responsibility criteria. Submitted documentation shall be clear and specific, such that Island Transit can determine whether the Proposer meets or doesn't meet the supplemental Project-specific responsibility criteria.
 - 1. In addition to Washington State requirements and as allowed in RCW 39.04, a Responsible Proposer shall meet the following supplemental Project-specific criteria:
- B. Qualifications of the Design-Build Contractor firm
 - 1. Criterion: Island Transit will accept Proposals only from qualified Design-Build Contractors who have the ability to meet the specifications of this Project and have a high probability of successfully completing it on time.
 - 2. The Design-Build Contractor shall have experience designing and building hydrogen fueling systems for a minimum of 3-years.
- C. Projects of Similar Scope and Complexity

1. Criterion: Island Transit will accept Proposals only from qualified Design-Build Contractors who have successfully completed Projects of Similar Scope and Complexity
 - a. In evaluating whether the Projects were "successfully completed," Island Transit may check references for the Project and may evaluate a Project reference's assessment of the Proposer's performance, including but not limited to the following areas:
 - i. Quality Control.
 - ii. Safety Record.
 - iii. Timeliness of Performance.
 - iv. Compliance with Design-Build Contract.
 - v. Management of Submittals Process, Change Orders, and Close-Out.

5.5 SUBCONTRACTOR RESPONSIBILITY REQUIREMENTS

- A. Per RCW 39.06.020, Design-Build Contractors and subcontractors of every tier must verify responsibility criteria for each Design-Build Contractor they hire at the time of Design-Build Contract execution.
- B. In addition to verifying the responsibility criteria mandated by Chapter 39.04.350(1), Design-Build Contractors must verify that subcontractor possesses an electrical Design-Build Contractor license, if required by Chapter 19.28 RCW.
- C. These verification requirements and responsibility criteria must be included in every public works Design-Build Contract regardless of tier.
- D. Design-Build Contractor shall certify that these verifications are complete prior to Design-Build Contract execution and, upon request of Island Transit, shall promptly provide documentation demonstrating that the subcontractor meets the subcontractor responsibility criteria.

6 - SOQ EVALUATION PROCEDURE

- A. Island Transit will establish an evaluation committee to evaluate SOQs based solely on the factors, weighting, and process identified in this RFQ and addenda issued before the SOQ submission deadline.
- B. SOQ submissions will be evaluated solely on the factors, weighting, and process identified in this RFQ.
- C. After Island Transit has completed its evaluation of SOQs, it will notify all Proposers of the Short-Listed Proposers selected to move to the next Procurement phase.
 1. The Procurement process will not advance to the next phase until at least two business days have passed since the date notification of Short-Listed Proposers was transmitted.
- D. If a Proposer, not selected as Short-Listed Proposers, requests a scoring summary of the evaluation factors for its SOQ, Island Transit will provide it within 10 days.
- E. Proposers filing a protest on the selection of Short-Listed Proposers: Adhere to Article 9 – Protest Procedures.
 1. Upon receiving a timely written protest, Island Transit will review the protest.
 2. The Procurement process will not advance to the next phase until at least two business days have passed since the date the final protest decision is transmitted to the protestor.

7 - SOQ SUBMITTAL INFORMATION

7.1 MINIMUM QUALIFICATIONS AND RESPONSIBILITY CRITERIA

A. Pass / Fail.

1. All Proposer Team Members must meet minimum qualifications and responsibility criteria including:
2. Form 1: Certificate of Non-Disbarment and Suspension.
3. Form 2: Certificate of Compliance with Wage Payment Status.
4. Form 3: Conflict of Interest Certificate.
5. Licensing Requirements.
 - a. Provide information and a listing of all licenses, registrations, and credentials required to design and construct the Project, including dates obtained or anticipated to be obtained, type, number, classification, issuing agency, and expiration date. If any license, credential, or registration has been revoked or suspended, provide specific details including dates and reasons for revocation or suspension.
6. Insurance and Bonding Capability.
 - a. Provide information evidencing the Proposers capacity to obtain liability insurance, errors and omission insurance, and payment and performance bonds in the amount of the contract.
7. Proposers that fail to meet minimum qualifications and responsibility criteria will be determined not Responsive. Island Transit will not review additional SOQ contents.

7.2 EXECUTIVE SUMMARY

- A. Island Transit will use Proposer's executive summary to assist in the evaluation process. Weight will not be placed upon the contents of the executive summary.
- B. Include a narrative summarizing the strengths, and advantages of the Proposers SOQ. Highlight, summarize, or expand upon information included elsewhere in the SOQ. Submit no more than six pages.

7.3 REFERENCES AND PROJECT EXPERIENCE:

- A. Use Form 5: References and Project Experience to provide three to five Design-Build Projects of Similar Scope and Complexity that the Proposer has managed, participated in, designed, or constructed. Highlight experience gained that is directly relevant to this Project.
 1. If the Proposer is a newly formed joint venture, provide three to five Design-Build Projects of Similar Scope and Complexity that each Major Participant has managed, designed, or constructed.
- B. Each project description must include:
 1. Project Name, contract number, owners contact information, and project number.
 2. Dates of design and construction.
 3. Narrative describing the project.
 4. Description of services or work provided, and percentage of overall project performed.
 5. Scheduled completion date and actual completion date.

6. Claims and disputes history, numbers, and dollars submitted and final results.
- C. Provide, as an attachment, for the Proposer and each Major Participant and Major Subconsultant or Subcontractor a narrative describing any Projects within the last five years resulting in:
1. Assessment of liquidated damages, stipulated damages, or outstanding damage claims against the firm.
 2. Contracts terminated for cause, or which required completion by another party.
 3. Debarment or suspension from performing work for federal, state, or local government.

7.4 PROJECT ORGANIZATIONAL CHARTS:

- A. Follow the instructions on Form 6: Project Organizational Charts to describe the organizational structure, including roles of Key Team Members.
1. Provide a chart describing the corporate or organizational structure of the Proposer and any Major Participants and Major Subconsultants or Subcontractors.
 - a. If the Proposer is a partnership, limited partnership, joint venture, or other association, provide a copy of the organizational document or agreement committing to form the organization.
 - b. Provide as appendix a statement executed by all general partners, joint venture members, or other association members evidencing agreement to be fully liable for the performance under the contract.

7.5 RESUMES OF KEY TEAM MEMBERS:

- A. Provide the resumes of Key Team Members including:
1. Project manager
 2. Quality manger
 3. Design manager
 4. Construction manager
 5. Site Superintendent
 6. Design lead engineer(s)
 7. Safety manager
- B. In addition to resumes, provide the percent of time each individual will commit to the Project during each phase of the Project, including design, construction, and commissioning.

7.6 SAFETY HISTORY

- A. Provide for the Proposer, each Major Participant, and each Major Subconsultant or Subcontractor the safety record for the most recent three-year period. Include average experience modification rate, average total injury/illness rate, and average lost work rate.
- B. Proposers evidencing poor safety performance may be considered non-Responsive, at the sole discretion of Island Transit.

7.7 MANAGEMENT METHODOLOGIES

- A. Provide a narrative describing the Proposer's understanding of the Project and its approach to design-build contracting. Include, at minimum:

1. Project management and controls to successfully deliver this Project, including:
 - a. Project controls in place to identify and manage risks.
 - b. Cost controls.
 - c. Schedule management.
 - d. Safety management plan: Identify top safety risks of the Project and how those risks will be managed.
 - e. Design: Identify design practices, top design risks related to the Project and how those risks will be managed, and management practices to ensure safety in design.
 - f. Environmental management: Identify top environmental risks associated with the Project and how those risks will be managed.

7.8 FINANCIAL STATEMENT:

- A. Use Form 7: Financial Statement to provide the Proposer’s capacity to perform information.

8 - SOQ EVALUATION AND SELECTION

8.1 GENERAL

- A. Each Proposers SOQ will be evaluated according to Section 6 – SOQ Evaluation Procedure
- B. Each SOQ will be evaluated on the following basis:

Meets minimum requirements.	Pass/Fail
Experience of Proposer firm and Key Team Members.	20 Points
Quality of past performance.	35 Points
Past delivery of DB projects on time and within budget.	20 Points
Management Methodology	30 Points
Safety Record	35 Points
Financial capability to perform	10 Points
Scoring	
Minimum Responsive Score	95 Points
Total Available Points	150 Points

9 - PROTEST PROCEDURES

- A. Proposers have the right to protest a solicitation or award of a Design-Build Contract issued by Island Transit pursuant 39.10 RCW.
- B. Protests procedures will be made available on Island Transit’s Procurement Portal.

10 - RFP PROCEDURE

10.1 GENERAL

- A. Additional instructions will be provided to Short-Listed Proposers in the RFP.

10.2 DESIGN-BUILD CONTRACT

- A. Each Short-Listed Proposer participating in the RFP Process will be afforded at least two opportunities during the RFP Process to provide written comments on the draft form of the Design-Build Contract and engage in commercial confidential meetings with Island Transit with respect to the draft Design-Build Contract. Additional meeting time may be arranged at Island Transit's sole discretion.
- B. Each Short-Listed Proposer will be afforded at least two opportunities to engage in technical confidential meetings with Island Transit with respect to proposed ATCs, technical innovations, or substitutions to the technical requirements. Additional meeting time may be arranged at Island Transit's sole discretion.
- C. The final draft of the Design-Build Contract will be issued by addenda prior to the RFP submission deadline and the Short-Listed Proposers will be required to base their RFP Submissions on the said final draft of the Design-Build Contract.
- D. There will be no further negotiations concerning the Design-Build Contract with any Short-Listed Proposer following issuance of the final draft Design-Build Contract unless initiated by Island Transit. The only expected changes to the Design-Build Contract will be those required to conform the document to include all RFP addenda items and Island Transit decisions during the selection process, to complete the forms, and to append relevant portions of the Short-Listed Proposer's RFP Submission to execute the Design-Build Contract.
- E. Short-Listed Proposers will submit a technical proposal and price proposal in accordance with the Procurement Schedule.

-- END OF SECTION --

1 - GENERAL INFORMATION

1.1 GENERAL

- A. Island Transit qualified and short-listed the following Proposers during the first stage of this Procurement:
 - 1. [TBD]
 - 2. [TBD]
 - 3. [TBD]
- B. This Request for Proposals (RFP) is the second phase of the Procurement process for this Project.
- C. Short-Listed Proposers must submit their Proposals in accordance with the schedule set forth in this RFP. This RFP is not an offer to enter a contract, but a solicitation of Short-Listed Proposers interested in submitting a Proposal for a Design-Build Contract.
- D. Each Short-Listed Proposer is invited to present:
 - 1. Technical proposal, including:
 - a. Design solution to meet Project requirements.
 - b. Project management, schedule, and controls plan.
 - c. Operations and maintenance plan.
 - d. Ongoing plan for fulfilling supply needs of fuel-cell grade hydrogen.
 - 2. Price Proposal:
- E. This RFP incorporates the terms, definitions, scope of services, and schedules set forth in the Request for Qualifications. This RFP is issued as amendment to the Request for Qualifications. The RFP and any subsequent amendments will govern any conflicts that arise.

1.2 REVISED PROCUREMENT SCHEDULE

- A. [include revised schedule as required]

1.3 DESIGN-BUILD CONTRACT

- A. Attachments to this RFP is the proposed Design-Build Contract, which describes the administrative, product, and execution requirements of the Project.
- B. Attached as appendix:
 - 1. General Conditions.
 - 2. Supplementary Conditions.
 - 3. General Requirements.
 - 4. Technical Specifications.
- C. Short-Listed Proposers shall be entitled to reasonably rely on the accuracy of the information represented in the design or prescriptive specifications set forth in this RFP and its attachments for the purpose of developing their technical and price proposals. However, the selected Design-Build Contractor will be required to perform an independent evaluation of information provided, including all specifications to validate the information provided. Further, regardless of the inclusion of specifications, the selected Design-Build Contractor shall remain responsible for

meeting the Design-Build Contract and legal requirements. Provided the selected Design-Build Contractor complies with all requirements set forth in the Design-Build Contract, the Design-Build Contractor will be entitled to adjustment in the contract price and project schedule, only to the extent that the contract allows. Such adjustments shall be limited to actual documented costs or critical path delays that result from materially inaccurate design or prescriptive specifications.

- D. Island Transit assumes no responsibility for conclusions or interpretations made by the Short-Listed Proposer based on the information provided by Island Transit. Oral statements made by Island Transit or its representatives are not binding on Island Transit unless issued by written addendum to the RFP. In the event of a conflict between codes, industry standards, and the Design-Build Contract, the most stringent requirements shall apply, and Short-Listed Proposers shall submit their Proposals based on the most stringent requirements.

1.4 ADDENDA AND CLARIFICATIONS

- A. Island Transit will provide answers to RFIs as addenda or formal written clarifications, which will be delivered to all Short-Listed Proposers.
- B. If an addendum is issued amending this RFP, all provisions not specifically modified remain unchanged.

2 - RFP PROCUREMENT PROCESS

2.1 RESPONSIBLE PROPOSERS

- A. To be a Responsible Proposer and obtain the honorarium set forth in the RFQ, Short-Listed Proposers must submit a Responsive Proposal and participate fully in the following RFP Procurement Process.

2.2 PRE-PROPOSAL SITE WALK

- A. A mandatory pre-proposal site walk is scheduled to be held at [insert here date time and location]. The purpose of the pre-proposal site walk is to give Short-Listed Proposers the opportunity to view the site and ask questions about the project. All Short-Listed Proposers shall have an employee of the company attend and identify themselves and the company on the pre bid sign in sheet.
1. Any Design-Build Contractor failing to attend will be deemed non-responsive and eliminated from further consideration.
- B. For the safety and security of personnel and property, no more than three Proposer Team Members from each Short-Listed Proposer's organization will be permitted to attend the pre-proposal site walk.
- C. Short-Listed Proposers may ask questions during the site walk; however, Island Transit shall not be bound by statements or representations made during the pre-proposal unless those statements or representations are committed to writing as an addendum to this RFP.

2.3 PROPOSED CHANGES IN THE DESIGN-BUILD AGREEMENT

- A. Submission of a Proposal in accordance with this Procurement is a representation by the Short-Listed Proposer that it has reviewed the Design-Build Contract documents, and the Short-Listed Proposer is willing to perform the work set forth in the Design-Build Contract documents.

- B. Short-Listed Proposers will have the opportunity to propose changes to the Design-Build Agreement.
- C. Island Transit's goals in requesting such proposed changes are: i) to discover provisions in the Design-Build Contract that unnecessarily increase the cost of the Project or complicate the performance of work, and ii) to identify contract provisions and commercial terms the Short-Listed Proposer intends to negotiate if selected. In proposing changes, the Short-Listed Proposer shall submit the proposed change to Island Transit and include an explanation of the effect of the revision on the commercial terms, such as price and schedule, including:
 - 1. The document section, article, and paragraph number (as applicable).
 - 2. Proposed alternate language.
- D. Island Transit may discuss proposed changes during confidential individual meetings or interviews.
 - 1. Island Transit reserves the right to reject any and all proposed changes and to accept any proposed change via addendum to the RFP. Island Transit also reserves the right to negotiate such provisions with the Preferred Proposer.
- E. Proposed changes must be received in accordance with the deadline listed in the Procurement schedule.
- F. Changes made to the Design Build Agreement will be issued as addenda, no less than 10 Business Days before the Proposal Deadline.

2.4 ALTERNATIVE TECHNICAL CONCEPTS

- A. To promote innovation by Short-Listed Proposers and to maximize the benefits of the design-build delivery method, Island Transit encourages Short-Listed Proposers to submit for consideration alternative technical concepts (ATCs)
- B. Short-Listed Proposers may submit ATCs that modify basic configurations, project scope, and design or construction criteria. All ATCs shall be identified as ATCs if included in the Proposal.
- C. Short-Listed Proposers may, additionally, propose innovative delivery methods and terms such as public-private partnership (P3) and operate and maintain arrangements.
- D. In order to be accepted, ATCs must, in Island Transit's sole judgement, meet or exceed the performance requirements set forth in the proposed Design-Build Contract; however Short-Listed Proposers may submit ATCs that contain solutions that are substantially equal to the performance requirements set forth in the proposed Design-Build Contract if the solution guarantees cost savings for the project, or otherwise meets Island Transit's needs.
- E. ATCs that change or modify environmental requirements or require excessive time or cost for Island Transit to evaluate will be rejected.
- F. ATCs will be evaluated using the standard RFP evaluation procedure described in this RFP.
- G. Island Transit reserves the right to accept or reject ATCs in whole or in part.
- H. Preapproval:
 - 1. ATCs may be discussed with Island Transit during confidential meetings and interviews and may be submitted for preapproval in accordance with the Procurement schedule.
 - 2. In submitting ATCs for review the Short-Listed Proposer must:

- a. Provide a brief description of the ATC including:
 - i. How it will be used on the Project.
 - ii. Any suggested modifications to the RFP.
 - iii. Identification of design deviations.
 - iv. Analysis justifying how the ATC provides equal or better solution for the project, addressing:
 - (a) Functionality.
 - (b) Structural adequacy.
 - (c) Comparison of life cycle costs.
 - (d) Operations and maintainability.
 - (e) Safety.
3. Island Transit will provide a written response of approval, conditional approval, or rejection of the ATC within 14 days.
4. Rejected ATCs shall not be included.
5. ATCs pre-approved by Island Transit may be included as an option or as the basis for the Proposal. However, ATCs that have not been preapproved by Island Transit, may only be included as an option and shall be submitted in conformance to the requirements described in this RFP.

2.5 CONFIDENTIAL INDIVIDUAL MEETINGS WITH ISLAND TRANSIT

- A. Before the final RFP submission deadline, Island Transit will provide each Short-Listed Proposer an opportunity to have up to three open and candid one-on-one discussions of concepts, ATCs, concerns, and ideas in confidential individual meetings.
- B. Prior to engaging in confidential individual meetings, parties shall enter into a confidentiality agreement.
- C. Island Transit shall not be bound by statements or representations made during confidential individual meetings unless those statements or representations are committed to writing as an addendum to the agreement, or ATC preapproval letter.
- D. Island Transit reserves the right to limit the length of time and number of people attending confidential individual meetings.
- E. No aspect of these meetings is intended to provide access to information that would unfairly favor the Short-Listed Proposer with such information.

2.6 INTERVIEW

- A. After Proposals are received, Responsible Proposers will be invited to mandatory interviews on [Date and Location]. The proposal evaluation committee will conduct individual interviews with each of the three Short-Listed Design Build Contractors. Each Design Build Contractor will present its Proposal and provide clarifications to their proposal.
- B. Proposed key personnel assigned to the Project shall be present as primary representatives during this process.
- C. These interviews will be used as part of the overall evaluation process.

2.7 SELECTION OF PREFERRED PROPOSER

- A. Evaluation Criteria: Responsible Proposer's Proposal will be evaluated by the evaluation committee established in stage one of this Procurement.
- B. The evaluation committee evaluate Proposals and give final scores based on three major aspects of each Responsible Proposer's Proposal: SOQ, technical proposal, price proposal.
- C. Best offer proposals: Island Transit, at its sole discretion, will determine whether to hold discussions with Short-Listed Proposers that are in a competitive range. However, Island Transit reserves the right to award without negotiation. Therefore, Short-Listed Proposers are encouraged to submit their best offer initially.
- D. Within two days after determining the Preferred Proposer, Island Transit will notify Short-Listed Proposers of the Preferred Proposer.
- E. Protests: Protest Procedures are available at: <https://www.islandtransit.org/Procurement>.
- F. Final determination of the Preferred Proposer and subsequent negotiations will not commence until at least two days after Island Transit provides written notification of protest determination to the Short-Listed Proposers.

2.8 PROPOSAL REVISIONS

- A. Island Transit reserves the right to request Proposal revisions. However, Island Transit may, in its sole discretion, choose not to request Proposal revisions and to determine the Proposal non-responsive or evaluate the Proposal as submitted.

2.9 SELECTION DE-BRIEFING

- A. Short-Listed Proposers may request a de-briefing from Island Transit with respect to the Procurement. However, Island Transit will conduct no such de-briefings until it has either reached an agreement on the Project or canceled the Procurement.

3 - DOCUMENTATION REQUIREMENTS

3.1 SUBMITTAL PROCESS

- A. Proposal Deadline: See Article 1.2 of this RFP.
- B. It is the sole responsibility of each Short-Listed Proposer to ensure that its Proposal is received, by Island Transit no later than the Submission Deadline. Island Transit will reject all late submittals.
- C. The Proposal shall be submitted electronically.
- D. Island Transit may, at its sole discretion, extend the Submission Deadline by issuing an addendum at any time prior to the Submission Deadline specified in.

3.2 SUMMARY OF PROPOSAL DOCUMENTS

- A. Proposal submittal shall consist of the following:
 - 1. Title Page.
 - 2. Table of Contents.
 - 3. Executive Summary.

4. Technical Proposal.
 5. Price Proposal.
- B. All requirements of the RFP should be completed, with all required entries made clearly and completely and clearly legible with numbered pages to constitute a Responsive Proposal Submission.
 - C. Short-Listed Proposers should not submit any information other than what is specifically required by this RFP.
 - D. Where maximum page counts are indicated, any material submitted that exceeds the maximum will not be considered in the evaluation.
 - E. Island Transit reserves the right to print copies of all or parts of Proposals submissions for its internal review process and provide such copies to its staff and advisors.

3.3 SUBMITTAL FORMAT REQUIREMENTS

- A. 8.5"x11" PDF format, size 10 font minimum.
- B. Include bookmarks for heading levels 1-2 that are clearly labeled and searchable.

3.4 EXECUTIVE SUMMARY

- A. Include a narrative summarizing the strengths and advantages of the Short-Listed Proposers Proposal. Highlight, summarize, or expand upon information included elsewhere in the Proposal. Submit no more than three pages.
- B. Do not include any price information in the Executive Summary.

3.5 DESIGN CONCEPT

- A. Design Narrative:
 1. Provide a design narrative describing how the proposed design and construction approach achieves or exceeds the RFP requirements and maximizes the reliability, durability, and ease of operations and maintenance.
 2. Identify deviations from the RFP design requirements, added value items, and ATCs incorporated into the design or included as an option.
 3. Include a 30 percent design package identifying products, suppliers, and other items.
- B. Design Management Plan
 1. Provide a design management plan including a design schedule and describing the organization and content to be included in each design package submission and the interfaces of design professionals during the construction phase of the Project. Include any design plan schedule and permit submittals in the critical path method (CPM) schedule.

3.6 HEALTH, SAFETY, AND ENVIRONMENTAL MANAGEMENT PLAN

- A. Include a copy of the proposed HSE Management Plan to be applied during all stages of the Project including design, construction, commissioning, and O&M.

3.7 PROJECT APPROACH

- A. Project Schedule
 - 1. Propose a schedule for all stages of the Project, including design, construction, testing and commissioning, closeout, and operations and maintenance.
 - 2. Provide a critical path method schedule with proposed milestones.
 - 3. Propose a milestone-based payment schedule.
- B. Project Management
 - 1. Describe the management plan to achieve substantial completion in accordance with the Project schedule.
- C. Project Controls
 - 1. Describe the project controls methods for controlling the following risks:
 - a. Cost overages.
 - b. Permitting.
 - c. Coordination with Island Transit and AHJs during all stages of Project.
- D. Design-Build Integration
 - 1. Describe the Project overall plan for integrating designers and builders as a team and maximizing the benefits of collaboration provided for by design-build project delivery.
- E. Work Site Management:
 - 1. Describe plans for securing the Work site and executing the Work in accordance with the Contract Documents.
 - 2. Describe the policies and practices that will be implemented to ensure for the continued, uninterrupted operation of Island Transit, including its services, operations, and facilities.

3.8 HYDROGEN DELIVERY AND PROCUREMENT LOGISTICS PLAN

- A. Propose one or more options for securing an ongoing supply of fuel cell grade hydrogen. Include proposed suppliers, proposed terms of agreement, the frequency, means, and methods of delivery.
- B. If more than one option is included, indicate a preferred option.
- C. Do not include price information in the submission of technical proposals. Price information should be included only in the price proposal.

3.9 OPERATIONS AND MAINTENANCE PLAN

- A. If offered, propose terms for the ongoing operations and maintenance of the hydrogen fueling station.
- B. Include a narrative describing the operations and maintenance plan, including the benefits of such plan.

3.10 DBE PAST PERFORMANCE AND USAGE PLAN

- A. Provide information indicating the Proposer's past usage of disadvantaged business enterprises, including small business enterprises, woman-owned small business enterprises, service-disabled veteran-owned small business enterprises, and others as applicable.

- B. Include a narrative describing the Proposer's plan for inclusion of underutilized firms as subcontractors and suppliers and reporting such statistics to the office of minority and women's business enterprises (OMWBE) as allowed by law.
- C. Definitions and information regarding Small Business Enterprises (SBE) currently certified with the State of Washington is available at:

Office of Minority and Women's Business Enterprises (OMWBE) PO Box 41160
Olympia, WA 98504-1160
Main: (360) 664-9750;
Toll Free: (866) 208-1064;
Fax: (360) 586-7079; TTY: (800)
Website: www.omwbe.wa.gov

- D. Information about Island Transit's DBE/SBE policies can be found at: <https://www.islandtransit.org/Disadvantaged-Business-Enterprises-Program>.

3.11 PRICE PROPOSAL

- A. Submit price proposal based on the RFP and Contract Documents as amended by Addenda.
- B. Price proposals will not be reviewed until all responsive technical proposals have been evaluated and scored.
- C. Price proposals shall include everything necessary for the successful administration, performance, and completion of the Work, including but not limited to, furnishing all labor (prevailing wages apply) and professional services, materials, equipment, supplies, tools, plant and other facilities, all management, supervision, insurance, licenses, permits, fees (including trip/truck fees), inspections, and all other incidental costs necessary to complete the Work described in the Contract Documents. No additional payment will be made for incidental costs not included in price proposal.
- D. Price proposals shall be a firm bid effective for a minimum period of 60 days from the proposal due date.
- E. Island Transit reserves the right to request extensions; in the event of a discrepancy between the unit price and the extended amount for a proposed item, the unit price shall govern.
- F. Island Transit will pay State and local sales tax on each progress payment to Design-Build Contractor for transmittal by Design-Build Contractor to the Washington State Department of Revenue, as applicable. Design-Build Contractor will pay retail sales tax on all consumables used during the performance of the Work and on all items that are not incorporated into the final Work. Applicable tax is to be a separate line item on the attached Proposal Form for inclusion in the Total Proposed Price.
- G. Proposers who have questions regarding the applicable taxes should contact the Washington State Department of Revenue. No increase will be made in the amount to be paid by Island Transit under this Contract because of any misunderstanding by, or lack of knowledge of, the Design-Build Contractor as to liability for, or the amount of, any taxes for which Design-Build Contractor is liable or responsible by law under this Contract.
- H. Proposals must be signed by the Proposer, or the Proposer's authorized representative, and include a physical address. If the Proposal is made by an individual, the name, signature, and post office address must be provided. If made by a partnership or joint venture, the name and post office address of the partnership or joint venture and the signature of at least one of the general partners or authorized joint venture partners must be provided. If made by a corporation, the name of the state under the laws of which the corporation is chartered, the name and post office

address of the corporation and the title of the person signing on behalf of the corporation must be shown.

4 - EVALUATION PROCEDURE

4.1 NON-CONFORMING SUBMISSIONS

- A. If a Proposal is not in accordance with the provisions of this RFP, Island Transit may in its sole discretion:
 - 1. Waive the non-conformance if, in Island Transit's sole discretion, the non-conformance is immaterial.
 - 2. Reject the Proposal as non-Responsive if, in Island Transit's sole discretion, the non-conformance is material.
- B. If the immaterial non-conformance is an omission, administrative error, or oversight, Island Transit may, at its sole discretion, give the Short-Listed Proposer up to five Business Days to supply the omitted material by requesting the omitted material by written notice.
- C. If the requested information is not submitted by the SOQ Deadline, the submittal will be determined to be non-Responsive.

4.2 SCORING PROCEDURE

- A. Final scoring will be based on the following percentages:
 - 1. Statement of Qualifications (SOQ): 30 percent.
 - a. Percentage of total points awarded in stage one of this Procurement will be included in final scoring of Proposals.
 - 2. Technical Proposal: 45 percent.
 - a. Design Concept: 30 percent.
 - b. Project Approach: 20 percent.
 - c. Hydrogen delivery and procurement logistics plan: 20 percent.
 - d. Operations and maintenance plan: 20 percent.
 - e. DBE past performance and usage plan: 10 percent.
 - 3. Price Proposal: 15 percent.
- B. Executive Summary:
 - 1. Island Transit will use Short-Listed Proposer's executive summary to assist in the evaluation process. Weight will not be placed upon the contents of the executive summary.

5 - ATTACHMENTS