

Missouri
Department
of Transportation



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Kevin Keith, Director

January 31, 2011

Dear Research Partner:

The Missouri Highways and Transportation Commission requests proposals from qualified organizations—namely private consultants, universities, and research organizations—to furnish services as described in the following request for proposal to be coordinated by the Organizational Results (OR) unit.

Please submit a proposal for project TRyy1130 entitled, “M-55 Illinois-Gulf Marine Highway Initiative.” Your submittal must include a project plan, the proposed project team and its background, and any related projects now active or recently completed by your firm.

The Management Committee will make its choice based on the provided criteria. A “not to exceed” budget amount is included to assist with the required scope.

Please deliver all proposals to the OR Contract Administrator indicated in the attachment by March 7, 2011. More information about project contracting in general can be found at: www.modot.mo.gov/services/OR/orRFP.htm.

Sincerely,

Mara Campbell
Organizational Results Director

CCO Form: GS14
Approved: 02/06 (AR)
Revised: 12/10 (AR)
Modified:

**REQUEST FOR PROPOSALS
M-55 ILLINOIS-GULF MARINE HIGHWAY INITIATIVE
TRyy1130**

TABLE OF CONTENTS

INTRODUCTION	3
PROPOSAL	3
ACCEPTANCE	3
SECTION (1): GENERAL DESCRIPTION AND BACKGROUND	4
(A) Request for Proposal	4
(B) Background.....	4
(C) Fiscal Year.....	7
(D) Contract Period.....	7
(E) RFP Schedule.....	8
(F) Project Schedule.....	8
SECTION (2): SCOPE OF WORK	10
(A) Services	10
(B) Specific Requirements.....	10
(C) Administration of Program.....	13
SECTION (3): PROPOSAL SUBMISSION INFORMATION	14
(A) SUBMISSION OF PROPOSALS	14
(1) Pricing and Signature	14
(2) Submission of All Data Required.....	14
(3) Public Inspection	14
(4) Clarification of Requirements	14
(B) REQUIRED ELEMENTS OF PROPOSAL	14
(1) Experience.....	14
(2) Personnel	14
(3) References	15
(4) Project Plan.....	15
(C) EVALUATION CRITERIA AND PROCESS	15
(1) Evaluation Factors	15
(2) Historic Information	15
(3) Responsibility to Submit Information	15
(D) PRICING	15
(1) Fee Schedule.....	15

(2) Covered Costs.....	16
SECTION (4): AGREEMENT REQUIREMENTS	17
(A) MHTC’s Representative.....	17
(B) Release to Public	17
(C) Assignment	17
(D) Status as Independent Contractor	17
(E) Components of Agreement	17
(F) Amendments	17
(G) MBE/WBE Participation Encouraged.....	18
(H) Nondiscrimination	18
(I) Executive Order	18
(J) Incorporation of Provisions	18
(K) Non-employment of Unauthorized Aliens	18
(L) Proof of Lawful Presence For Sole Proprietorships and Partnerships.....	19
(M) Bankruptcy.....	19
(N) Law of Missouri to Govern	19
(O) Cancellation.....	19
(P) Venue	19
(Q) Ownership of Reports.....	20
(R) Confidentiality	20
(S) Nonsolicitation	20
(T) Conflict of Interest	20
(U) Maintain Papers	20
(V) Indemnification	20
SECTION (5): PRICE PAGE	22
(A) Fee Schedule.....	22
(B) Expenses	22
EXHIBITS AND ATTACHMENTS	24

LIST OF ACRONYMS

MARAD	Maritime Administration
MHTC	Missouri Highways and Transportation Commission
MoDOT	Missouri Department of Transportation
RFP	Request for Proposals

INTRODUCTION

This Request for Proposals (**RFP**) seeks proposals from qualified organizations (**Offeror**) to furnish the described services to the Missouri Highways and Transportation Commission (**MHTC**). MHTC reserves the right to reject any and all proposals for any reason whatsoever. Time is of the essence for responding to the RFP within the submission deadlines.

PROPOSAL

- (1) The Offeror shall provide a fee proposal to MHTC on the **PRICE PAGE** in accordance with the terms of this RFP.

- (2) The Offeror agrees to provide the services at the fees quoted, under the terms of this RFP.

Authorized Signature of Offeror: _____

Date of Proposal: _____

Printed or Typed Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Electronic Mail Address: _____

ACCEPTANCE

This proposal is accepted by MHTC.

Name and Title

Date

**SECTION (1):
GENERAL DESCRIPTION AND BACKGROUND**

(A) Request for Proposal: This document constitutes an RFP from qualified organizations to conduct the TRyy1130 “M-55 Illinois-Gulf Marine Highway Initiative” study for the MHTC and Missouri Department of Transportation (MoDOT).

(B) Background: Since the advent of containerization in the 1960’s, transportation practitioners have advocated the development of **container-on-barge services (COB)** as a practical and economic means of moving containerized cargoes along the inland waterway system to and from the Gulf coast ports. The superiority of barge transportation from a standpoint of environmental impacts, fuel efficiency and favorable displacement from other modes has been well established, but those advantages are partially offset by much slower transit times, dependence upon a limited number of Gulf deepwater ports and the practical need for a balanced flow of northbound and southbound loads to insure profitability for the private-sector operators. Similar difficulties have afflicted attempts to move heavy rolling machinery and truck trailers via inland barge. Several notable startups over the years yielded very limited success: the most enduring was a dedicated service between New Orleans and a single importer on the Ohio River that was eventually discontinued.

However, the current era may foretell a new opportunity for COB engendered by a convergence of several developments. Containership service to Gulf ports has long been limited by vessel size restrictions on the Panama Canal, but a current expansion project slated for 2014 completion will make that waterway suitable for the largest ships in the world. Concurrently, there are two new terminal development projects that are close to groundbreaking in Louisiana that will be dedicated to transferring containers between deepwater vessels and inland barges. Limited COB services are currently offered by specialized carriers between deepwater ports via the Intracoastal Waterway and on short river routes.

The containerized cargo markets in central Illinois and the greater Peoria area have long been robust and remain strong as the economy emerges from recession. The sizeable manufacturing base represented by the heavy equipment sector in this region, including traffic in parts and components for Caterpillar, Komatsu and nearby Deere & Co., generates consistent demand for movement of both international and domestic containers, as well as standard dry van trailers between manufacturing plants, parts and distribution centers and ports on all three U.S. seacoasts. While the region is served by four Class I railroads, none of them operates an intermodal facility in the region, requiring that all containerized and van cargo move in and out of the area by truck, either to the closest rail ramps in Chicago or Indianapolis, or all the way to ports of load via the Interstate system. In either case, the I-55 corridor is the de facto artery for most of this trucking business, resulting in increased congestion. Similar cargo opportunities exist at other river ports along the Illinois and Mississippi Waterways such as St. Louis, Cape Girardeau and Memphis.

In similar fashion, the presence of heavy equipment manufacturers in the region ensures ongoing movement of finished rolling stock to worldwide markets from this area. These cargoes include agricultural implements, road building and mining machinery, in most cases fully assembled and

overdimensional in nature. The transportation of these large pieces is divided between use of railway flatcars and movement by specialized heavy-haul truck lines to ports of load, so the I-55 corridor sustains the added congestion burden of wide-load trucking activity. Lastly, a proportion of traffic moving in 53 foot, dry van trailers to and from the South, for both foreign and domestic markets, could be diverted to the waterways with the right facilities and services in place.

The **Marine Highway Corridor** addressed in this Scope of Work parallels both Interstate 55 and the Illinois/Mississippi Waterway systems, linking Illinois, Missouri and other central states with deepwater ports along the Gulf of Mexico that offer containership services. **The corridor has been identified by MARAD as M-55.** The successful consultancy will develop a business plan and service design that will permit commercialization of the container-on-barge concept. The work product will provide for the diversion of freight traffic currently moving by truck via I-55 and to east coast ports via other Interstates through the development of shallow-draft water transportation for containers and rolling stock. As indicated above, these components of the freight marketplace are not moving today via the inland waterway system in any appreciable volume. The work product will also include a strategy for appropriate investment by the private sector in transportation hardware, and by ports for landside terminal facilities, and a vision for both sectors to attain profitable operations.

The United States Department of Transportation (DOT) desires to expand the use of the Nation's inland, coastal and intracoastal waterways in transporting passengers and freight (via containers or wheeled technologies). The goal is to reduce congestion on landside corridors, lower road maintenance and repair costs, and to reduce greenhouse gas emissions and oil consumption. For this reason, and in response to sections 1121, 1122 and 1123 of the Energy Independence and Security Act of 2007, the DOT implemented the America's Marine Highway Program.

Implementation of the program included designation of a portfolio of Marine Highway Corridors, Marine Highway Projects and Initiatives by the Secretary of Transportation. Initiatives are projects that were proposed under the Final Rule, and which offer considerable promise, but are considered to be in the primary planning stages and do not have a finalized business plan or action-ready service. Select proposals were designated as Marine Highway Initiatives because they have the potential to generate desirable transportation and public benefits. They are candidates for research or other Departmental support as described in Sections 393.4(d) (1) through (10) of the final rule. Additional information on these can be found at www.marad.dot.gov/ships_shipping_landing_page/mhi_home/mhi_home.htm. The M-55 corridor and business planning for container-on-barge services for linking Peoria, Illinois and other river ports with deepwater ports on the Gulf coast were among the Corridors and Initiatives that received designation, forming the geographic and conceptual framework for this effort.

Subsequent to these formal designations, the Secretary announced three Marine Highway Grants to sponsors of select projects, and the development of three Cooperative Agreements to further develop several Initiatives that support select Marine Highway Corridors. The Illinois-Gulf Marine Highways Initiative is located within the M-55 Corridor.

This Request for Proposal specifically addresses these Marine Highway Corridors and Initiatives. The organizational relationships and management plan for this effort are described in a cooperative agreement between the State of Missouri Department of Transportation (MoDOT), the Heart of Illinois Regional Port District (TransPORT) and the U.S. Maritime Administration (MARAD) and will be led by a Management Committee that will review and evaluate each deliverable, provide re-direction and guidance as necessary, and will approve deliverables including the final report, once satisfactory. It is the objective of the Management Committee to better understand the feasibility, benefits and potential efficiencies of the M-55 Illinois-Gulf Marine Highways Initiative. Analysis and research can help identify specific opportunities that could advance this Initiative to a regularly scheduled service. However, expanding existing containerized or wheeled operations, and starting new services have proven challenging in the current policy and market environment. For a service to be commercially viable and self-supporting, unique two-way markets must exist, capital and operating costs must be optimized, and all possible efficiencies must be exploited. This study is intended to address these needs.

This solicitation seeks to further advance the America's Marine Highway Program by identifying corridor-specific Marine Highway markets, developing tailored business plans and optimal operational models for those markets along and related to the M-55 Corridor. These markets, plans and models must include – but not be limited to – those proposed in the Illinois-Gulf Marine Highways Initiative that corresponds to this corridor. While there are numerous studies and reports that describe the benefits and opportunities that Marine Highway expansion can provide in general, in-depth analysis and business planning specific to particular corridors, port pairs and individual markets is scarce. This makes it difficult to identify the exact markets, business models and operational protocols that are most likely to succeed in the current climate.

In addition to the aforementioned research, development and analysis, a programmatic NEPA document will be prepared to analyze the direct, indirect, and cumulative impacts to the human and natural environment associated with new and existing marine highway services as well as landside support of those services through and along the M-55 Highway Corridor Region.

On April 8, 2010, the DOT published a final rule in the *Federal Register* that fully implemented the new America's Marine Highway Program. This action was required by Public Law 110-140, the Energy Independence and Security Act of 2007. The final rule addressed Marine Highway Corridors (and continues to solicit recommendations for Marine Highway Corridor recommendations), and established eligibility requirements, criteria and information necessary to apply for designation as a Marine Highway Project by the Secretary of Transportation. Designation of Marine Highway Corridors and Marine Highway Projects by the Secretary enables the DOT to:

- 1) Expand domestic water transportation services as an alternative means of moving containerized and wheeled freight cargoes;
- 2) Mitigate the economic, environmental and energy costs of landside congestion;
- 3) Integrate the Marine Highway into the transportation planning process; and
- 4) Research improvements in efficiencies and environmental sustainability.

Solicitations from applicants desiring Marine Highway Project designation were subsequently initiated through notification in the Federal Register later that same month. The final rule also set forth the manner in which the Department of Transportation will identify impediments and recommend solutions that will create expanded use of marine highways and provide the groundwork for outreach and coordination with States, private transportation providers, local and tribal governments, as well as enable the DOT to conduct research related to marine highway development.

The Maritime Administration published an interim final rule in the *Federal Register* on October 8, 2008 outlining the America's Marine Highway Program, and requested recommendations for Corridor designation. More than 60 recommendations for designation were received, then combined and consolidated into a total of 18 routes, consisting of eleven corridors, four connectors and three crossings. Because of the legislative purpose to: "...focus public and private efforts to relieve landside congestion," the proposed corridors, connectors and crossings are identified by the land route that could benefit from the increased use of marine transportation.

These corridors represent surface transportation routes that currently experience considerable challenges (largely in congestion, air quality or maintenance and repair costs) that could benefit from existing waterways as an alternative to the existing model. This should help the Department in bringing the sponsors and supporters together to identify and pursue opportunities. The primary objectives for designating Marine Highway Corridors are to:

- Establish Marine Highway Corridors as "extensions of the surface transportation system" as provided by Section 1121 of the Energy Independence and Security Act of 2007.
- Develop multi-jurisdictional coalitions that focus public and private efforts to use the waterways to relieve congestion-related impacts along land transportation routes for freight and passengers.
- Obtain public benefit by shifting freight and passengers in measurable terms from land transportation routes to Marine Highway Corridors. In addition, public benefits can include, but are not limited to, reduced emissions, including greenhouse gases, reduced energy consumption, landside infrastructure maintenance savings, improved safety, and added system resiliency. Additional consideration will be given to Marine Highway Projects that represent the most cost-effective option among other modal improvements and projects that reduce border delays.
- Identify potential savings that could be realized by providing an alternative to land transportation infrastructure construction and maintenance.

Each of the 18 corridors has a public sector sponsor, and many have several public sector entities that have demonstrated support for their designation. Each of the grant and initiative sponsors is also with the public sector. A complete listing of designated corridors, projects and initiatives along with one page descriptions of each is available at:

www.marad.dot.gov/ships_shipping_landing_page/mhi_home/mhi_home.htm.

(C) **Fiscal Year:** MoDOT's fiscal year runs from July 1-June 30.

(D) **Contract Period:** The contract period will run for one year.

(E) RFP Schedule: The following RFP Schedule of Events represents MoDOT’s best estimate of the schedule that shall be followed. The time of day for the following events shall be between 7:30 am and 4:00 pm, Central Standard Time. MoDOT reserves the right at its sole discretion to expand this schedule, as it deems necessary, without any notification except for the deadline date for submitting a proposal.

Date:	Action:
January 31, 2011	MoDOT posts RFP to the website: www.modot.mo.gov/services/OR/orRFP.htm
February 7, 2011	Written comments or questions must be submitted to OR Contract Administrator.
February 14, 2011 at 1:00 PM CST	MoDOT will host a pre-proposal conference with any interested parties. To participate, please dial into the meeting at 573-526-3993, using conference ID of 11114#. Then, click on the following link to join the webinar: http://stateofmo.na4.acrobat.com/m-55corridorstudy/
February 21, 2011	Any follow-up responses will be posted publicly on the website: www.modot.mo.gov/services/OR/orRFP.htm
March 7, 2011	Written proposals must be submitted to OR Contract Administrator.
March 14, 2011	MoDOT will notify submitters about project selection, or if needed about interviews to finalize selection.

(F) Project Schedule: The following is an estimate of the project timeline, assuming all extensions are granted, starting April 1, 2011. Proposals need to include a project plan with a proposed timeline. Alternative timelines may be considered. The project timeline will be finalized during the contracting phase. The following is an estimate of the project timeline or information on key dates within the project, presuming the pre-contracting work begins by March 15, 2011 and the contract becomes effective no later than March 31, 2011. Proposals need to include a work plan with a proposed timeline. While alternative timelines will be considered, an extension is unlikely. The project timeline will be finalized during the contracting phase.

Last working day of each quarter: Quarterly updates on work accomplished during the quarter are due on or before the last working day of March, June, September, and December during the course of the project.

Task 1:

- Detailed Planning Project Workplan to include Budget & Schedule: March 15 - 18, 2011
- Contract for study: March 18, 2011 to March 25, 2011

Task 2:

For the following briefings, a presentation is required. The contractor will present the results, recommendations, and implementation ideas to the Management Committee. Contractor will coordinate location, date, and meeting fees with the Management Committee. For stakeholder and agency participants, any travel and lodging fees are to be covered by individual attendees or their firms. The Management Committee will provide feedback to the contractor, especially related to implementation.

- Briefing 1 on Part I of the study: TBD between April 1, 2011 to November 30, 2011
- Briefing 2 on Part II of the study: TBD between April 1, 2011 to November 30, 2011
- Briefing 3 on Part III of the study: TBD between April 1, 2011 to November 30, 2011
- Briefing 4 on Part IV of the study: TBD between April 1, 2011 to November 30, 2011
- Briefing 5 on Part V of the study: TBD between April 1, 2011 to November 30, 2011
- Briefing 6 on Part VI of the study: TBD between April 1, 2011 to November 30, 2011

Task 3:

- Draft Report and Recommendations: April 1, 2011 to November 30, 2011
- Review of Draft Report and Recommendations: December 1, 2011 to January 15, 2012
- Finalize Report and Recommendations: January 16, 2012 to January 31, 2012

(For report templates and a standard form see: www.modot.org/services/OR/orTemplates.htm.)

February 29, 2012: Final invoice is due.

February 29, 2012: Contract ends.

SECTION (2): SCOPE OF WORK

(A) Services: The successful Offeror shall provide the following services for a budget no greater than \$250,000. This study consists of six parts and should address both containerized (international) and trailerized (domestic) freight transportation markets. It must include the concepts and information contained in the relevant Marine Highway Corridor recommendations and the applications by sponsors of the Marine Highway Initiative named in this Agreement. The Contractor will, at a minimum, prepare and present progress report briefings that include review, re-direct, and report milestones at the end of each of the five study parts outlined in this framework. The Management Committee will be convened to conduct these activities. The overall product should achieve a degree of specificity, analysis and modeling commensurate with a study titled “Operational Development of Short Sea Shipping to Serve the Pacific Coast¹.”

(B) Specific Requirements:

Part I: Literature Review – This should consist of a review of existing analysis, reports and studies of Marine Highway-related work conducted to date. The intention of this Phase is not to re-state or repackage existing work, but rather to ensure due diligence in avoiding duplication of effort, or contradictory studies without prior knowledge of other work. The Contractor will collect and review existing analyses and operational reports for existing or potential Marine Highway services within the Corridor and for adjacent Connectors and Crossings and will generate a comparison that will show the similarities and differences between the service parameters from each of the reports. All reports referenced will be footnoted and a bibliography that includes source information and will be provided to the Management Committee at the first briefing.

Part II: Market Analysis - A full understanding of the freight that is moving within the Corridor (both international and domestic), the nature of the freight, its unique flows, and which corridor segments and cargo commodities may be candidates for a Marine Highway modal shift is essential to any assessment of the opportunities. The purpose of performing a market analysis is to gauge the Corridor’s potential for new or expanded marine highway services. Analysis should include identification, understanding and the requirements of (at a minimum):

- Freight moving within the corridor, volumes, commodities, origins, destinations and unique flows (i.e. through distribution centers, foreign trade zones and/or other value added transfers),
 - a. Origins and destinations may include international goods and markets.
- Shippers, their perceptions, priorities and needs (price, speed, weight/volume and reliability.)
- Current and potential commodity types that may be economically shifted to containerized or trailerized waterborne transportation, including container, break bulk, liquid bulk, dry bulk, or project cargo; include the potential share of the freight that could shift to waterborne transportation.

¹ Produced by the Center for the Commercial Deployment of Transportation Technologies, California State University, Long Beach Foundation, 6300 State University Drive, Suite 220, Long Beach, CA 90815 (562) 985-7394.

- Identify industry and distribution center clusters that may be served by containerized or trailerized waterborne transportation along the Corridor; clusters under development may be included if they plan to be operational within two to five years.
- Identify potential port pairs best suited for the freight and flows identified in this part. This must, at a minimum, include the ports identified by Corridor and Initiative sponsors in their applications to the DOT. In the M-55 Corridor, this analysis shall extend from Peoria, Illinois to the Gulf Coast ports, including and between Houston, Texas and Mobile, Alabama and connector navigable water tributaries to the corridor.
- For goods which may be captured from the other cargo types and/or modes, specific competing factors may be identified. If time or cost-based, the Contractor may identify each portion of the complete transit and identify the beneficial vs. competing aspects.

A second briefing will be conducted before the Management Committee, whereby the Contractor will present their findings for review and discussion by the Committee.

Part III: Operational Development – In contrast to the market portion of the study, here the Contractor will discuss the operational aspects of a new or expanded marine highway service. This part of the project involves the development of operational plans to optimize the efficiency and competitiveness of Marine Highway service(s) that maximize opportunities identified in Part I. It is well known that, because of the highly competitive environment across surface transportation modes, a successful Marine Highway service must maximize efficiency and minimize cost. This Part must include analysis, modeling and development of plans to address the following:

- Optimal number, type and speed of vessels, taking all relevant factors (cost) into consideration.
- Projected transit times for services proposed by the study as compared with current logistics activity.
- Door-to-door modeling, including drayage distance, cost, efficiencies, terminal operations, etc.
- Operational protocols and business partnerships necessary for successful operations data, IT and tracking requirements - The Contractor will identify those technologies benefiting existing or expanded services. Technologies or applications may include, but are not limited to, Commercial Vehicle Information Systems and Networks (CVISN) for related truck services, Global Positioning Systems for marine highway services and U.S. Army Corps of Engineers (USACE) lock and dam infrastructure, and container tracking on the marine highway itself.
- Labor practices (gang sizes, relevant rules for cargo handling, etc.) and variances coastwise on handling ships, barges and small boat loadings.
- Capital and infrastructure requirements and costs.
- Terminal availability for marine highway services at the ports identified in Part III.

The Contractor will address various service options, including lift-on/lift-off, roll-on/roll-off and which type of port equipment or vessel equipment is needed for a viable marine highway service. A key question is whether the marine highway service can provide a better alternative without public investment.

A third briefing will be conducted before the Management Committee, whereby the Contractor will present their findings for review and discussion by the Committee.

Part IV: Business Plan and Viability – This part provides a thorough analysis of likely revenues, expenses and price points that result from the service(s) proposed in Part III. At a minimum, it must contain:

- Practical analysis of freight volumes that can be reasonably expected to shift to water services.
- Factors that may affect growth or diminution of marine highway traffic.
- Thorough and fact-based revenue and expense analysis.
- Price comparisons across all alternatives shippers have available (rail, truck, water.)

Costs may be broken down into capital and operating expenses at a level of detail for a marine highway operator to understand the viability of a new or expanded service. Further, shipper costs such as complete port costs, Harbor Maintenance tax, and drayage fees may be provided for the complete door-to-door move to understand the incorporation of a marine highway service into the logistics chain.

Inherent and outside market conditions which are risky may be discussed and considered in the service costs and revenues. Risks may be both operational and economic to understand the service's viability and its incorporation as a new or expanded service into the freight corridor. Finally, the impacts of the risk factors may be shown on the expected volumes, revenues, and costs.

A fourth briefing will be conducted before the Management Committee, whereby the Contractor will present their findings for review and discussion by the Committee.

Part V: Conclusions and recommendations – This part draws on freight, operational and business analysis to identify whether services are viable, and make recommendations toward implementation of services.

- Based on the market analysis reviewed and completed by the Contractor, expected operational parameters and service costs and revenues, the Contractor will provide an overall assessment of service viability; i.e., can the service operate, does it need start-up funding for infrastructure, and what is the service's likely success over the coming years? The overall ability to incorporate the service into the Corridor's, Connectors', or Crossings' supply chain will determine its viability. The Contractor should not allocate public funding for operational subsidies, but may budget public funds for infrastructure or equipment start-up or expansion costs as a part of the model for viability. Such allocations should be clearly noted with an explanation of the source of public funds.
- The Contractor will provide recommendations for the service to capture existing freight for start-up in the Corridor, Crossing or Connector; whether regulatory changes at the Federal and State levels are necessary; and if new or redeveloped infrastructure is necessary.

The fifth briefing will be conducted before the Management Committee, whereby the Contractor will present their findings for review and discussion by the Committee.

Part VI: Environmental Analysis – A programmatic NEPA document will be required to analyze the direct, indirect, and cumulative impacts to the human and natural environment associated with new and existing marine highway services as well as landside support of those services through and along the M-55 Marine Highway Corridor Region. The NEPA analysis should focus on both a local and regional/corridor scale. NEPA analyses may require consultation with state and federal resources agencies. Public outreach and scoping meetings will be necessary for each corridor analyzed. Dependent upon corridor size, more than one scoping meeting may be required. The Recipient(s) shall make the necessary funds available to conduct the NEPA analyses and associated tasks involved with preparation of the NEPA documents, including but not limited to the securing of any contractors necessary to conduct the NEPA analysis. All NEPA work must be coordinated with and approved by the Maritime Administration Office of Environment.

A sixth briefing will be conducted before the Management Committee, whereby the Contractor will present their findings for review and discussion by the Committee.

Final Report and Recommendations: Each of the six major tasks (Parts) in this framework will conclude in a clearly defined milestone with deliverables established in the contract. The contractor shall present these deliverables to the Management Committee, who will review and evaluate each deliverable, provide re-direction and guidance as necessary, and approve deliverables once satisfactory. The consultant will produce a final report on “Feasibility and Recommendations for Marine Highway Services along the M-55 Corridor” in general and recommendations for specifically identified services between port pairs identified during the research, but including Peoria, Illinois at the northern end of the initiative area and Gulf Coast ports, e.g. in the Houston-Mobile range at the southern end, at a minimum. The final report will be accepted upon consensus agreement of the Management Committee.

(C) Administration of Program: The Offeror will consult MHTC's representative and the Management Committee regarding any problems involved with the administration of the services provided pursuant to this RFP. Ultimate authority (in terms of annual work plans) will fall to members of the Management Committee with MoDOT acting in the capacity of Lead State.

**SECTION (3):
PROPOSAL SUBMISSION INFORMATION**

(A) SUBMISSION OF PROPOSALS:

- (1) **Pricing and Signature:** Proposals must be either hand delivered by close of business; or faxed, emailed, or mailed (with necessary attachments) by midnight, Local Time according to time stamp or postmark; on the due date indicated. Any form containing a signature line in this RFP and any amendments, pricing pages, etc., must be manually signed and returned as part of the proposal. Please reference the project title since more than one RFP may be due at one time. Electronic proposals are encouraged. They may be faxed or emailed to the OR Contract Administrator:

Karmen.Stockman@modot.mo.gov
573-526-4324

Proposals suitable for duplicating may be submitted by mail or hand delivery to:

Karmen Stockman
Organizational Results
Missouri Department of Transportation
PO Box 270
Jefferson City, Missouri 65109

- (2) **Submission of All Data Required:** The Offeror must respond to this RFP by submitting all data required in paragraph (B) below for its proposal to be evaluated and considered for award. Failure to submit such data shall be deemed sufficient cause for disqualification of a proposal from further consideration.
- (3) **Public Inspection:** The Offeror is hereby advised that all proposals and the information contained in or related thereto shall be open to public inspection and that MHTC does not guarantee nor assume any responsibility whatsoever in the event that such information is used or copied by individuals person(s) or organization(s). Therefore, the Offeror must submit its proposal based on such conditions without reservations.
- (4) **Clarification of Requirements:** Any and all questions regarding specifications, requirements, competitive procurement process, or other questions must be directed to the Contract Administrator.

(B) REQUIRED ELEMENTS OF PROPOSAL

- (1) **Experience:** The proposal must clearly identify the Offeror's experience in offering the services requested in this RFP during the past three (3) years. The description should include a list of the agencies which your institution has served or currently serves.
- (2) **Personnel:** Please indicate the name, location, telephone number, fax number and email address of the primary contact person for the Offeror. Information presented in

this section should highlight the previous Offeror experience, as well as any work with other state agencies or local governments in Missouri. Offeror must furnish a complete listing of each Sub-Offeror, if any, and complete contact information for that Sub-Offeror.

- (3) **References:** Proposals should indicate the name, title, and telephone number of at least three officials of clients within the past three years.
- (4) **Project Plan:** A narrative style description must be included of how the Offeror will work with MoDOT and the Management Committee in order to fulfill project-specific requirements. This section should be no longer than eight (8) pages in length, double-spaced, and in 11 point font. The project plan shall include all items outlined in Section 2 and recognize the ultimate authority of MoDOT and the Management Committee to approve annual work plans.

(C) **EVALUATION CRITERIA AND PROCESS**

- (1) **Evaluation Factors:** Any agreement for services resulting from this RFP shall be awarded to the Offeror providing the best proposal. After determining responsiveness, proposals will be evaluated in accordance with the following criteria:
 - A. Experience, expertise and reliability;
 - B. Proposed method of performance;
 - C. Cost, fees and expenses;
 - D. Recommendations from references;
 - E. The affirmative action program of the Offeror;
 - F. Overall clarity and quality of proposal; and
 - G. Other preferred attributes.
- (2) **Historic Information:** MHTC reserves the right to consider historic information and facts, whether gained from the Offeror's proposal, question and answer conferences, references, or other sources, in the evaluation process.
- (3) **Responsibility to Submit Information:** The Offeror is cautioned that it is the Offeror's sole responsibility to submit information related to the evaluation categories and that both MHTC's representative and the Management Committee is under no obligation to solicit such information if it is not included with the Offeror's proposal. Failure of the Offeror to submit such information may cause an adverse impact on the evaluation of the Offeror's proposal.

(D) **PRICING**

- (1) **Fee Schedule:** The Offeror must submit a proposed fee for all services defined in the Scope of Work. This fee must be shown on Section (5), Price Page, of this proposal

which must be completed, signed, and returned with the Offeror's proposal. A detailed budget will be developed at a later date.

- (2) **Covered Costs:** All proposals shall *only regard staffing, research, and the costs of project coordination*. Other expenses needed to complete the project will be managed by the contractor but allocated for by the Management Committee.

**SECTION (4):
AGREEMENT REQUIREMENTS**

This RFP shall be governed by the following contract provisions. The award of this RFP is subject to a post-award negotiated contract. These same contract provisions will appear in the post-award negotiated contract. If the parties are unable to agree to terms in the post-award contract, MHTC shall reserve the right to cancel the award of the RFP and contract and select a different Offeror.

(A) MHTC's Representative: Organizational Results Director, Mara Campbell is designated as MHTC's representative for the purpose of administering the provisions of the Agreement as defined in Paragraph (E) of this section. MHTC's representative may designate other persons having the authority to act on behalf of MHTC in furtherance of the performance of the Agreement.

The Offeror shall fully coordinate its activities for MHTC with the Management Committee and MHTC's representative. As the work of the Offeror progresses, advice and information on matters covered by the Agreement shall be made available by the Offeror to the Management Committee and MHTC representative throughout the effective period.

(B) Release to Public: No material or reports prepared by the Offeror shall be released to the public without the prior consent of MHTC's representative.

(C) Assignment: The Offeror shall not assign or delegate any interest, and shall not transfer any interest in the services to be provided (whether by assignment, delegation, or novation) without the prior written consent of MHTC's representative.

(D) Status as Independent Contractor: The Offeror represents itself to be an independent contractor offering such services to the general public and shall not represent itself or its employees to be an employee of MHTC or MoDOT. Therefore, the Offeror shall assume all legal and financial responsibility for taxes, FICA, employee fringe benefits, workers' compensation, employee insurance, minimum wage requirements, overtime, or other such benefits or obligations.

(E) Components of Agreement: The Agreement between MHTC and the Offeror shall consist of: the RFP and any written amendments thereto, the proposal submitted by the Offeror in the response to the RFP and the post-award contract agreement signed between the parties. However, MHTC reserves the right to clarify any relationship in writing and such written clarification shall govern in case of conflict with the applicable requirements stated in the RFP or the Offeror's proposal. The Offeror is cautioned that its proposal shall be subject to acceptance by MHTC without further clarification.

(F) Amendments: Any change in the Agreement, whether by modification or supplementation, must be accompanied by a formal contract amendment signed and approved by the duly authorized representative of the Offeror and MHTC.

(G) MBE/WBE Participation Encouraged:

1. Offerors are encouraged to submit copies of their existing affirmative action programs, if any. Offerors are also encouraged to directly hire minorities and women as direct employees of the Offerors.
2. Offerors are encouraged to obtain minority business enterprise (MBE) and women business enterprise (WBE) participation in this work through the use of subcontractors, suppliers, joint ventures, or other arrangements that afford meaningful participation for M/WBEs. Offerors are encouraged to obtain 10% MBE and 5% WBE participation.
3. Regardless of which persons or firms, if any, that the Offeror may use as subcontractors or suppliers of goods or services for the services to be provided, the Offeror ultimately remains responsible and liable to MHTC for the complete, accurate and professional quality/performance of these services.

(H) Nondiscrimination: The Offeror shall comply with all state and federal statutes applicable to the Offeror relating to nondiscrimination, including, but not limited to, Chapter 213, RSMo; Title VI and Title VII of Civil Rights Act of 1964 as amended (42 U.S.C. Sections 2000d and 2000e, *et seq.*); and with any provision of the “Americans with Disabilities Act” (42 U.S.C. Section 12101, *et seq.*).

(I) Executive Order: The Offeror shall comply with all the provisions of Executive Order 07-13, issued by the Honorable Matt Blunt, Governor of Missouri, on the sixth (6th) day of March, 2007. This Executive Order, which promulgates the State of Missouri’s position to not tolerate persons who contract with the state engaging in or supporting illegal activities of employing individuals who are not eligible to work in the United States, is incorporated herein by reference and made a part of this Agreement.

1. By signing this Agreement, the Offeror hereby certifies that any employee of the Offeror assigned to perform services under the contract is eligible and authorized to work in the United States in compliance with federal law.
2. In the event the Offeror fails to comply with the provisions of the Executive Order 07-13, or in the event the Commission has reasonable cause to believe that the Offeror has knowingly employed individuals who are not eligible to work in the United States in violation of federal law, the Commission reserves the right to impose such contract sanctions as it may determine to be appropriate, including but not limited to contract cancellation, termination or suspension in whole or in part or both.

(J) Incorporation of Provisions: The Offeror shall include the provisions of Section (3), paragraph I of this Agreement in every subcontract. The Offeror shall take such action with respect to any subcontract as the Commission may direct as a means of enforcing such provisions, including sanctions for noncompliance.

(K) Non-employment of Unauthorized Aliens: Pursuant to Section 285.530, RSMo., no business entity or employer shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the State of Missouri. As a condition for the award

of any contract or grant in excess of five thousand dollars by the State or by any political subdivision of the State to a business entity, or for any business entity receiving a state-administered or subsidized tax credit, tax abatement, or loan from the state, the business entity shall:

1. By sworn affidavit and provision of documentation, affirm its enrollment and participation in a federal work authorization program with respect to the employees working in connection with the contracted services. E-Verify is an example of a federal work authorization program. The business entity must affirm its enrollment and participation in the E-Verify federal work authorization program with respect to the employees proposed to work in connection with the services requested herein by providing acceptable enrollment and participation documentation consisting of **completed** copy of the E-Verify Memorandum of Understanding (MOU). For business entities that are not already enrolled and participating in a federal work authorization program, E-Verify is available at http://www.dhs.gov/xprevprot/programs/gc_1185221678150.shtm.
2. By sworn affidavit, affirm that it does not knowingly employ any person who is an unauthorized alien in connection with the contracted services. A copy of the affidavit referenced herein is provided within this document, attached as Exhibit A.

(L) Proof of Lawful Presence For Sole Proprietorships and Partnerships: If the business entity is a sole proprietorship or partnership, pursuant to Section 208.009, RSMo., each sole proprietor and each general partner shall provide affirmative proof of lawful presence in the United States. Such sole proprietorship or partnership is eligible for temporary public benefits upon submission by each sole proprietor and general partner of a sworn affidavit of his/her lawful presence on the United States until such lawful presence is affirmatively determined, or as otherwise provided by Section 208.009, RSMo. A copy of the affidavit reference herein is provided within this document, attached as Exhibit B.

(M) Bankruptcy: Upon filing for any bankruptcy or insolvency proceeding by or against the Offeror, whether voluntarily, or upon the appointment of a receiver, Offeror, or assignee, for the benefit of creditors, MHTC reserves the right and sole discretion to either cancel the Agreement or affirm the Agreement and hold the Offeror responsible for damages.

(N) Law of Missouri to Govern: The Agreement shall be construed according to the laws of the state of Missouri. The Offeror shall comply with all local, state and federal laws and regulations relating to the performance of the Agreement.

(O) Cancellation: MHTC may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the Offeror with written notice of cancellation. Should MHTC exercise its right to cancel the contract for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the Offeror.

(P) Venue: No action may be brought by either party concerning any matter, thing or dispute arising out of or relating to the terms, performance, nonperformance or otherwise of the

Agreement except in the Circuit Court of Cole County, Missouri. The parties agree that the Agreement is entered into at Jefferson City, Missouri, and substantial elements of its performance will take place at or be delivered to Jefferson City, Missouri, by reason of which the Offeror consents to venue of any action against it in Cole County, Missouri.

(Q) Ownership of Reports: All documents, reports, exhibits, etc. produced by the Offeror at the direction of MHTC's representative and information supplied by MHTC's representative shall remain the property of MHTC.

(R) Confidentiality: The Offeror shall not disclose to third parties confidential factual matters provided except as may be required by statute, ordinance, or order of court, or as authorized by MHTC's representative. The Offeror shall notify MHTC immediately of any request for such information.

(S) Nonsolicitation: The Offeror warrants that it has not employed or retained any company or person, other than a bona fide employee working for the Offeror, to solicit or secure the Agreement, and that it has not paid or agreed to pay any percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of the Agreement. For breach or violation of this warranty, MHTC shall have the right to annul the Agreement without liability, or in its discretion, to deduct from the Agreement price or consideration, or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

(T) Conflict of Interest: The Offeror covenants that it presently has no actual conflict of interest or appearance of conflict of interest and shall not acquire any interest, directly or indirectly, which would conflict in any manner or degree with the performance of the services under this Agreement. The Offeror further covenants that no person having any such known interest shall be employed or conveyed an interest, directly or indirectly, in this Agreement.

(U) Maintain Papers: The Offeror must maintain all working papers and records relating to the Agreement. These records must be made available at all reasonable times at no charge to MHTC and/or the Missouri State Auditor during the term of the Agreement and any extension thereof, and for three (3) years from the date of final payment made under the Agreement.

1. MHTC's representative shall have the right to reproduce and/or use any products derived from the Offeror's work without payment of any royalties, fees, etc.
2. MHTC's representative shall at all times have the right to audit any and all records pertaining to the services.

(V) Indemnification: The Offeror shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Offeror's performance of its obligations under this Agreement.

(W) Insurance: Prior to contract signing, the Offeror may be asked about its ability to provide certificates of insurance which meet, or approach, the following coverages:

- a. General Liability Not less than \$500,000 for any one person in a single accident or occurrence, and not less than \$3,000,000 for all claims arising out of a single occurrence;
- b. Automobile Liability Not less than \$500,000 for any one person in a single accident or occurrence, and not less than \$3,000,000 for all claims arising out of a single occurrence;
- c. Missouri State Workmen's Compensation policy or equivalent in accordance with state law.

**SECTION (5):
PRICE PAGE**

(A) Fee Schedule: The Offeror shall indicate below all fees for providing services in accordance with the provisions and requirements stated herein:

Any applicable cap on out-of-pocket expense also should be noted.

A. _____ _____	\$ _____
B. _____ _____	\$ _____
C. _____ _____	\$ _____
	\$ _____

(B) Expenses: List the nature of expenses for which reimbursement would be sought and the estimated amount of such expenses.

Expenses	Estimated Amount
Miscellaneous (list-attach additional sheet if needed)	
Total	

EXHIBIT A:
ANNUAL WORKER ELIGIBILITY VERIFICATION AFFIDAVIT
(for joint ventures, a separate affidavit is required for each business entity)

STATE OF _____

COUNTY OF _____

On the _____ day of _____, 20____, before me appeared _____,
Affiant name

personally known to me or proved to me on the basis of satisfactory evidence to be a person whose name is subscribed to this affidavit, who being by me duly sworn, stated as follows:

- I, the Affiant, am of sound mind, capable of making this affidavit, and personally certify the facts herein stated, as required by Section 285.530, RSMo, to enter into any contract agreement with the state to perform any job, task, employment, labor, personal services, or any other activity for which compensation is provided, expected, or due, including but not limited to all activities conducted by business entities.

- I, the Affiant, am the _____ of _____, and I
Title Business name
am duly authorized, directed, and/or empowered to act officially and properly on behalf of this business entity.

- I, the Affiant, hereby affirm and warrant that the aforementioned business entity is enrolled in a federal work authorization program operated by the United States Department of Homeland Security, and the aforementioned business entity shall participate in said program to verify the employment eligibility of newly hired employees working in connection with any services contracted by the Missouri Highways and Transportation Commission (MHTC). I have attached documentation to this affidavit to evidence enrollment/participation by the aforementioned business entity in a federal work authorization program, as required by Section 285.530, RSMo.

- I, the Affiant, also hereby affirm and warrant that the aforementioned business entity does not and shall not knowingly employ, in connection with any services contracted by MHTC, any alien who does not have the legal right or authorization under federal law to work in the United States, as defined in 8 U.S.C. § 1324a(h)(3).

- I, the Affiant, am aware and recognize that, unless certain contract and affidavit conditions are satisfied pursuant to Section 285.530, RSMo, the aforementioned business entity may be held liable under Sections 285.525 through 285.550, RSMo, for subcontractors that knowingly employ or continue to employ any unauthorized alien to work within the state of Missouri.

- I, the Affiant, acknowledge that I am signing this affidavit as a free act and deed of the aforementioned business entity and not under duress.

Affiant Signature

Subscribed and sworn to before me in _____, _____, the day and year first
above-written. City (or county) State

Notary Public

My commission expires:

[documentation of enrollment/participation in a federal work authorization program attached]

EXHIBIT B:
APPLICANT AFFIDAVIT FOR SOLE-PROPRIETORSHIP OR PARTNERSHIP
(a separate affidavit is required for each owner and general partner)

STATE OF _____

COUNTY OF _____

On this _____ day of _____, 20____, before me appeared

_____, personally known to me or proved to me on the basis of
Affiant name

satisfactory evidence to be the person whose name is subscribed to the within instruments, who being by me duly sworn, deposed as follows:

- My name is _____, and I am of sound mind, capable of making this affidavit, and personally certify the facts herein stated, as required by Section 208.009, RSMo, for failure to provide affirmative proof of lawful presence in the United States of America:

- I am the _____ of _____, which is applying for
Owner or partner Business name

a public benefit (grant, contract, and/or loan) administered/provided by the Missouri Highways and Transportation Commission (MHTC), acting by and through the Missouri Department of Transportation (MoDOT).

- I am classified by the United States of America as: (check the applicable box)

- | | |
|---|--|
| <input type="checkbox"/> a United States citizen. | <input type="checkbox"/> an alien lawfully admitted for permanent residence. |
|---|--|

- I am aware that Missouri law provides that any person who obtains any public benefit by means of a willfully false statement or representation, or by willful concealment or failure to report any fact or event required to be reported, or by other fraudulent device, shall be guilty of the crime of stealing pursuant to Section 570.030, RSMo, which is a Class C felony for stolen public benefits valued between \$500 and \$25,000 (punishable by a term of imprisonment not to exceed 7 years and/or a fine not more than \$5,000 – Sections 558.011 and 560.011, RSMo), and is a Class B felony for stolen public benefits valued at \$25,000 or more (punishable by a term of imprisonment not less than 5 years and not to exceed 15 years – Section 558.011, RSMo).

- I recognize that, upon proper submission of this sworn affidavit, I will only be eligible for temporary public benefits until such time as my lawful presence in the United States is determined, or as otherwise provided by Section 208.009, RSMo.

- I understand that Missouri law requires MHTC/MoDOT to provide assistance in obtaining appropriate documentation to prove citizenship or lawful presence in the United States, and I agree to submit any requests for such assistance to MHTC/MoDOT in writing.

- I acknowledge that I am signing this affidavit as a free act and deed and not under duress.

Affiant Signature

Affiant's SSN or Applicable Federal Identification
Number

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

My commission expires: