



State of New Hampshire

DEPARTMENT OF TRANSPORTATION

Long-Term Facilities Lease/Concession Agreement of the Dover and Portsmouth Bus Terminals

Request for Qualifications

RFQL DOT 2023-01

RFQL ISSUED..... May 30, 2023

STATE POINT OF CONTACT..... Maggie Baldwin
Administrator, Bureau of Rail & Transit
New Hampshire Department of Transportation
magarete.a.baldwin@dot.nh.gov

CONTRACT TYPE..... Facilities Lease/Concession Agreement

QUALIFICATIONS DUE..... July 10, 2023

AT: New Hampshire Department of Transportation

Physical Address
John O. Morton Building
7 Hazen Drive
Concord, NH 03301

Mailing Address
P.O. Box 483
Concord, NH 03302-0483

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1. INTRODUCTION

1.1. Overview and Project History

The New Hampshire Department of Transportation (NHDOT) is seeking a partnership through execution of a Facilities Lease/Concession Agreement with a private entity (hereinafter known as the Operator) to undertake the development and long-term operation of its two bus terminals/park & ride lots located in Dover and Portsmouth, NH. The Dover facility encompasses approximately 8 acres owned by NHDOT and includes a bus terminal and 450 parking spaces. The Portsmouth facility encompasses approximately 20 acres and includes a bus terminal with 4-dock bus terminal and 1,205 parking spaces. The Portsmouth facility is owned by NHDOT and the Pease Development Authority (PDA) with the PDA owning approximately 70 percent of the property.

For the State, the Portsmouth and Dover bus terminal facilities are 24 years old and 15 years old respectively, and have increasing maintenance and operating costs, increased capital costs for building improvements and security systems, as well as the need for expanded parking. The ability to address these issues is difficult given the available Federal and State funding and resources to dedicate to maintenance and capital improvements.

For the user, the lack of available parking due to increased transit demand, carpooling and vanpooling, and parking abuse results in a negative impression of the facilities and of the services offered. There is a continuous challenge in providing a positive experience for the users. With continued growth expected, the current parking model is unsustainable. To control parking and to improve the overall user experience, the selected Operator shall institute parking control measures at the Dover and Portsmouth bus terminals/park & ride lots. Such measures may include fee-based parking. At numerous locations throughout the United States, fee-based parking has proven an effective management tool to support needed expansion of services, maintenance, and operating costs, and has provided revenue for capital improvements that can be used to address parking capacity issues and to prevent parking abuse.

1.2. Current Site Operations

The Portsmouth facility, located at 185 Grafton Drive, was constructed in 1999 and has a 4-dock bus terminal, approximately 2,000 square feet of office space, a 1,500 square foot auxiliary maintenance building, and 1,205 parking spaces. The Dover facility, located at 23 Indian Brook Drive, was constructed in 2008 and has a small bus terminal and 450 parking spaces. Off-site satellite parking is provided at the Portsmouth facility by the current operator that is not a requirement of any lease agreement. Both facilities have transit service provided by the current operator and COAST. The current operator provides intercity/commuter bus service between Dover and Portsmouth, NH and Boston South Station and Logan Airport, as well as bus services between Portsmouth, NH, and New

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York City. COAST is the local public transit operator that provides service in 13 communities in the NH Seacoast and southern Maine including Portsmouth and Dover.

1.3. Development Approach and Key Details

The selected Operator will be responsible for operating and maintaining the facilities for their originally intended purpose of reducing congestion and improving air quality, offered for use by commuters, persons utilizing local and intercity transit services, and persons using other shared ride activities.

In addition to the requirements stated elsewhere in this document, the selected Operator will be responsible for the following:

- Staffing the terminal buildings and keeping them open to the public a minimum of 16 hours per day weekdays (to include peak commuting times) and 12 hours per day weekends/holidays.
- Establishing industry-based accessibility standards and procedures for public transit providers (intercity, local, other), private transit providers (charter, shuttle, other), other transportation providers (taxi, Uber, Lyft, other) to include fee structures (docking, departure, per passenger, other) for providers with standards for fee structure escalation throughout the term of the Facilities Lease/Concession Agreement.
- Management of advertising and concessions within the terminal buildings (subject to compliance requirements, such as maintaining the transit focus).
- Adherence to current and future Federal, State, or local statutes or development requirements (i.e., Early Development Agreement requirements between State and Federal Highway Administration (FHWA), Municipal Separate Storm Sewer Systems (MS4) regulations related to salt application requirements, etc.).

Opportunities for the Operator

- Execution of a long-term Facilities Lease/Concession Agreement with the State providing opportunity to improve and expand customer services and facilities.
- Fee-based parking, which would provide the opportunity to gather a predictable revenue stream to offset maintenance and operating costs, as well as required building and site capital improvements associated with the Dover and Portsmouth facilities, and any shuttle operations serving the premises.
- Exploration of other revenue enhancing initiatives, such as additional parking revenue from expanded parking either on or off-site, additional docking fees from new transit providers, advertising and concessions inside the terminal building, electric vehicle charging stations, or rental/lease/zip vehicles.

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Benefits to the State

- Increase potential for the use of transit services, carpooling, and vanpooling if additional on or off-site parking is provided.
- Fee-based parking would manage the demand on the lots thereby effectively managing overnight and extended parking to reduce the periods of time the lots are at capacity. This would improve the ability of users to obtain parking at the lots thereby improving user expectations.
- Under the terms of the Facilities Lease/Concession Agreement, the selected Operator will be responsible for 100% of the costs of maintaining and operating the facilities in a state of good repair, including landscaping and snow removal, resulting in no maintenance cost to the State over the term of the Facilities Lease/Concession Agreement.
- The selected Operator will be responsible for developing and implementing strategies to address increased parking demand throughout the term of the Facilities Lease/Concession Agreement. This would include being responsible for the design, construction, operation, and maintenance of any fee-based parking equipment throughout the term of the Facilities Lease/Concession Agreement.
- The selected Operator will be responsible for completing programmed improvements and repairs to buildings, parking areas, and other amenities more efficiently due to fiscal and budget stability. Additionally, NHDOT will not have to budget for preventative and unscheduled maintenance at the facilities throughout the term of the Facilities Lease/Concession Agreement.
- The selected Operator will be able to respond to unplanned maintenance issues and effect repairs in a timelier manner due to organizational flexibility. Additionally, NHDOT employees will not be required to respond to maintenance issues at the facilities, freeing them for other priorities.
- The selected Operator will have the option to invest a certain percentage of the proceeds into parking expansion opportunities.
- The State will not be required to invest in construction of expanded parking at the facilities to meet current and future demand. Cost for expanded parking is projected to be significant due to limited property adjacent to the facilities that would be available for additional parking.
- The State will seek a fixed rent and percentage of gross revenue from the total parking fees and any additional revenues collected.
- At the end of the Facilities Lease/Concession Agreement term, the facilities will be transferred to NHDOT in satisfactory and operational condition. This would include any new infrastructure constructed or installed at the facilities or additional property purchased for

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expanded parking during the term of the Facilities Lease/Concession Agreement (any lease agreement between the operator and subleases for properties, facilities, etc. shall be structured to expire at the same time as the State and Operator Facilities Lease/Concession Agreement).

Benefits to NHDOT

- The selected Operator will be responsible for providing all equipment and staff necessary to operate the facilities for their intended purposes.
- The selected Operator will be responsible for all utility costs to operate the facilities (e.g., water, gas, fuel oil, electricity, communication, garbage/refuse disposal), to include lighting costs for the parking areas.
- NHDOT will shift all general liability for operation of the facilities to the selected Operator.
- NHDOT staff will shift its focus from day-to-day oversight of terminals and park & ride lots to other priorities.

Miscellaneous Benefits

- Municipalities where the facilities are located may realize a significant increase in property tax revenue for the land and leased facilities that will be paid by the selected Operator.

1.4. Proposed Public Private Partnership

NHDOT will negotiate and enter into a Facilities Lease/Concession Agreement for the Dover and Portsmouth bus terminals/park & ride lots with the selected Operator for no less than 30 years (with two five-year options to extend, at the sole discretion of NHDOT), during which time the Operator will be responsible for all financial obligations for developing, maintaining, operating, and potentially expanding the facilities.

1.5. Goals of the Public Private Partnership

In pursuing this partnership, NHDOT has five specific goals which will guide the criteria used to select of the Operator under the Request for Proposals (RFP) solicitation. They are:

Goal #1 – Ensure that the facilities are operated to a high standard that will promote the growth of public transportation, carpooling, and vanpooling in the southeastern NH region

- Development of facilities operation plan that:
 - Ensures the bus terminals will be open a minimum of 16 hours per day weekdays (to include peak commuting times) and 12 hours per day weekends/holidays.
 - Provides for continuous ticket sales from an on-site kiosk.

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- Includes industry-standard facility accessibility standards and procedures for public transit providers (intercity, local, other), private transit providers (charter, shuttle, other), and other transportation providers (taxicab, Uber, Lyft, other ride hailing services) to include fee structures (docking, departure, per passenger, other) for providers with standards for fee structure escalation throughout the term of the Facilities Lease/Concession Agreement.
- Provides accessibility standards and procedures for users that engage in carpooling and vanpooling.
- Provides accessibility for the general public to drop off or pick up passengers at the bus terminals without paying a fee.
- Includes details of advertising, concessions, and other activities proposed at the facilities.

Goal #2 – Ensure that the facilities are maintained to a high standard that will provide a positive customer experience for the users of the facilities

- Development of a facilities maintenance plan that includes facilities condition assessment procedures and standards that will ensure the facilities meet or exceed FHWA and/or FTA state of good repair standards throughout the term of the Facilities Lease/Concession Agreement.
- Development of a capital improvement plan/asset management plan showing programmed facility lifecycle capital improvements throughout the term of the Facilities Lease/Concession Agreement.
- Staffing plan that demonstrates ability of the Operator to maintain the facilities to a satisfactory standard and to respond to unscheduled facility maintenance needs in a timely manner.

Goal #3 – Efficient and effective management of parking at the facilities to control capacity and prevent abuse

- Development of a proposed fee-based parking infrastructure design, construction, operation, and maintenance.
- Development of parking security infrastructure design, construction, operation, and maintenance.
- Staffing plan that demonstrates ability of the Operator to meet level of operations and maintenance required for parking management.
- Development of parking enforcement policies and procedures that will be instituted.
- As applicable, detail of initial fee structure with standards and procedures for fee structure escalation throughout the term of the Facilities Lease/Concession Agreement.

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- Development of an Operator strategy to address growth and increased parking demand.

Goal #4 – Provide a fair return to NHDOT

- Identification of the structure and amount of proposed revenue sharing to NHDOT through the Facilities Lease/Concession Agreement (fixed rent plus percentage of gross revenues collected by the Operator). This may include, but is not limited to, bus terminal/park & ride facility parking fees, boarding and alighting fees, and/or advertisement and concession revenues.

Goal #5 – Provide for the transfer of the facilities at the end of the Facilities Lease/Concession Agreement term

- Development of a plan for the transfer of the facilities (including facilities expanded or additional property acquired for parking) to NHDOT or to another entity in satisfactory and operational condition to include all infrastructure constructed or installed at the facilities during the term of the Facilities Lease/Concession Agreement.

2. OVERVIEW OF THE PROCESS

2.1. Description of RFQL and RFP Process

NHDOT, on behalf of the State, has issued this RFQL to identify potential Operators and their teams interested in long-term operation and potential development of its two bus terminals/park & ride lots located in Portsmouth and Dover, NH. For those Operators that meet the qualification requirements (financial and operational) as set forth in this RFQL, NHDOT will issue the RFP. The RFP would provide the opportunity for those Operators to clearly identify how the bus terminals/park & ride lots would be operated, maintained, developed, and potentially expanded, and turned over to the State at the end of the Facilities Lease/Concession Agreement.

A Selection Committee, comprised of representatives from NHDOT, will review, interview, rate, and recommend an Operator to the Commissioner of NHDOT.

Notwithstanding any other provision of the RFP, the RFP does not commit NHDOT to award a contract. NHDOT reserves the right, at its sole discretion, to reject any and all proposals, or any portions thereof, at any time; to cancel the RFP; and to solicit for proposals under a new acquisition process.

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If the State decides to award a contract as a result of this RFP process, any award is contingent upon approval of the contract by the Governor and Executive Council of the State of New Hampshire.

Details of the RFQL and RFP are summarized below.

Request for Qualifications (RFQL)

The RFQL process will allow the Selection Committee to broadly evaluate prospective Operators and determine if they should be advanced to the RFP process. Criteria to be considered include:

- Operator and team qualifications and experience
- Indication of sufficient financial strength
- Facilities operation and maintenance plan and, as applicable, high-level site expansion approach (description, possible locations, conceptual layout)
- Acknowledgement of proposed contract terms and desired State outcome

The Selection Committee will review each Operator's Qualifications package and shortlist up to four of the top firms to receive the RFP. Shortlisted firms will be selected based upon qualifications, experience, facilities operation and maintenance plan, and expansion approach as defined in this RFQL. Financial strength and acknowledgement of proposed contract terms will be considered pass/fail.

Request for Proposals (RFP)

The RFP process will allow Operators who are shortlisted from the RFQL process to further detail their proposed approach to developing and operating the Portsmouth and Dover bus terminals/park & ride lots. The RFP will identify additional criteria that the shortlisted Operators will need to respond to in their detailed proposals. Detailed criteria to be considered may include, but are not limited to:

- Detail of financial strength to support ongoing operation, maintenance, as well as design and construction if the Operator proposes expansion of the facilities, including all bond and insurance requirements
- Parking management and pricing control (if applicable)
- Approach to expanding the Dover and Portsmouth facilities with the least amount of disruption to the existing bus terminals/park & ride facilities (if applicable)
- Overall expanded bus terminal/park & ride concepts, including detailed site layouts, parking control plan, additional building requirements (if applicable), sustainability, and environmental footprint
- Acceptance of proposed contract terms

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- Innovation related to operation, maintenance, efficiency, sustainability, and possible parking expansion of the bus terminal/park & ride facilities
- Parking management record at similar sized locations
- Operation and maintenance record on similar size projects
- Design and construction record on similar sized parking facility expansions and site development (if applicable)
- Staffing plan that demonstrates ability of Operator to meet level of operations and maintenance required
- Opportunity to expand use of the facilities, including new tenants, additional transit operators, and advertisement and concessions revenues at the terminal buildings subject to any applicable FHWA and FTA limitations
- Proposed customer service feedback approach and marketing strategy
- Operator proposed strategy to deal with facility growth and demand, including temporary and seasonal parking demand
- Structure and amount of fixed rent and percentage of gross revenue payment to State through the Facilities Lease/Concession Agreement for bus terminal/park & ride facility parking fees, boarding and alighting fees, as well as advertisement and concessions revenue, as applicable
- Life cycle approach to the operations, maintenance, and potential expansion of the bus terminal/park & ride facilities
- Robustness of capital improvement plan/asset management plan
- Experience in long-term facility management, including environmental and safety records

The Selection Committee will review proposals and develop initial scores for each Operator who responds to the RFP. Each Operator may be interviewed by the Selection Committee, which will provide the opportunity for the Operator to more fully describe their facilities management, operations, and development approach as well as other key aspects of its proposal.

NHDOT retains the sole discretion to determine whether to conduct oral interviews, with which Operators, and the number of interviews. Operators are advised that NHDOT may decide to conduct interviews with less than all responsive Operators.

The purpose of oral interviews is to clarify and expound upon information provided in the written proposals. Operators are prohibited from altering the basic substance of their proposals during the oral interviews. NHDOT may ask the Operator to provide written clarifications of elements in their proposal regardless of whether it intends to conduct oral interviews.

Information gained from oral interviews and product demonstrations will be used to refine technical review scores assigned from the initial review of the proposals.

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2.2. Operator Conference and Site Visits

A voluntary Operator conference and site visits will be held on June 7, 2023, commencing at 10:00am EDT at the Portsmouth Transportation Center as identified in Section 2.6: *Schedule*. The Operator conference and site visits will be held at:

**Portsmouth Transportation Center
185 Grafton Drive
Portsmouth, NH 03801
I-95, Exit 3**

**Dover Bus Terminal/Park & Ride lot
123 Indian Brook
Dover, NH 03820
Spaulding Turnpike/Route 16, Exit 9**

All Operators who intend to submit Qualifications are strongly urged to attend the Operator conference and site visits. Site visits will be conducted at both Portsmouth and Dover. Operators are responsible for providing their own transportation between the two facilities. Operators will have an opportunity to ask questions about the RFQL. The State will make a reasonable attempt to answer questions it deems appropriate; however, oral answers are not binding. Questions may include, without limitation, requests for clarification of the RFQL; suggestions or changes that could improve the RFQL; and review of any applicable documentation.

Only written responses to questions provided by the Operators in writing on the provided Form 1, *Operator Inquiry Form*, included in Appendix A will be binding. The State may issue an addendum to the RFQL to address any Operator inquiries that are deemed substantive. Operators will be responsible for any and all costs associated with attending the Operator conference and site visits, as well as all costs incurred or associated with the RFQL process.

If an on-site investigation beyond the Operator conference and site visits is desired by a prospective Operator, a request must be submitted to the State Point of Contact (see Section 2.4, *Request for Additional Information*).

2.3. Limits of Reliability

By submitting a Qualifications, the Operator acknowledges that its right to rely on the state-furnished information in the preparation of its Qualifications is subject to the limitations specified in the Project Documents (including this RFQL, supplements or addenda, Facilities Lease/Concession Agreement, and any other documents required to be executed by either party at signing of the Agreement) and

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that it is responsible for undertaking such further verifications and inquiries as appropriate to properly address such limitations.

Reference documents provided with this RFQL are not Project Documents, and as such the State makes no representations or guarantees as to, and shall not be responsible for, the accuracy, completeness, or pertinence of reference documents, and in addition, shall not be responsible for the conclusions to be drawn there from. The reference documents are made available to Operators for the purpose of providing such information as is in the possession of the State, whether or not such information may be accurate, complete, pertinent, or of any value. The submittal of a Qualifications shall be considered evidence that the Operator has made such examination.

2.4. Request for Additional Information

Any Operator requesting additional information, permission for on-site investigation, or process or procedural questions shall do so via email by contacting:

Maggie Baldwin
Administrator, Bureau of Rail & Transit
New Hampshire Department of Transportation
margarete.a.baldwin@dot.nh.gov

Operators are required to submit questions via email on Form 1, *Operator Inquiry Form*, included in Appendix A; however, the State assumes no liability for assuring accurate/complete email transmission/receipt and is not responsible to acknowledge receipt.

Inquiries must be received by the State Point of Contact (see above) no later than seven (7) calendar days following the Operator conference and site visits (see Section 2.6, *Schedule*). Inquiries received later than one week following the Operator conference and site visits will not be considered.

The State may issue official responses to properly submitted inquiries, if deemed substantive, to the Dover and Portsmouth Long-Term Facilities Lease/Concession Agreement project website. The State may consolidate and/or paraphrase questions for sufficiency and clarity. The State may, at its discretion, amend this RFQL on its own initiative or in response to issues raised by inquiries, as it deems appropriate. The State may also cancel the RFQL in its sole discretion at any time. Oral statements, representations, clarifications, or modifications concerning the RFQL shall not be binding upon the State. Official responses will be made in writing.

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2.5. Selection Process and Qualifications Scoring

Responses to this RFQL will be evaluated by a Selection Committee (see Section 2.1, *Description of RFQL and RFP Process*) made up of individuals selected by the State. The Selection Committee will review and evaluate all conforming and responsive Qualifications packages according to the requirements identified in Section 4, *RFQL Requirements and Deliverables*, herein.

Qualifications shall be considered conforming and responsive provided the information is submitted within the allowed time periods and contains all requested information as specified. In making its evaluation and selection, the Selection Committee will rely on the information submitted by the Operators in the Qualifications packages. At any time during the solicitation, the Selection Committee may contact one or more prospective Operators through the State Point of Contact for clarifications or to request additional information.

The Selection Committee will review each Operator’s Qualifications package and shortlist up to 4 Operators to receive the RFP. Operators’ Qualifications will first be evaluated on financial strength and acknowledgement of proposed contract terms. Those Operators that pass will have their Qualifications scored and will be selected based upon qualifications and experience, as well as site expansion approach and concepts.

The Selection Committee will use a scoring scale of 100 points, which shall be applied to the Qualifications as a whole. The maximum points that will be awarded by category are shown in the following table:

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CATEGORY	POINTS
QUALIFICATIONS AND EXPERIENCE	50
<i>Operators Experience in Similar Projects (up to 20 points)</i>	
<i>Team Members Experience in Similar Projects (up to 10 points)</i>	
<i>Key Staff Qualifications (up to 20 points)</i>	
SITE MANAGEMENT PLAN AND POTENTIAL PARKING EXPANSION APPROACH	50
<i>Maintenance, Operation, and Capital Improvement Plan/Asset Management Plan and Understanding (up to 20 points)</i>	
<i>Parking Management, Revenue Enhancement and Passenger Amenity Opportunities (up to 20 points)</i>	

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<i>Conceptual parking expansion approach if proposed (up to 10 points)</i>	
TOTAL POTENTIAL MAXIMUM POINTS	100

Financial strength and acknowledgement of proposed contract terms will be considered pass/fail as outlined in Section 4.4, *Qualifications Package Content*.

NHDOT reserves the right to reject any and all Qualifications packages and to cancel the RFQL at any time, at its sole discretion.

2.6. Schedule

The following table provides the schedule of events for this RFQL:

EVENT	DATE	TIME
RFQL Issued	May 30, 2023	
Operator Conference and Site Visits	June 7, 2023	10:00 am
Operator Inquiries Due	June 14, 2023	4:00 pm
Qualifications Packages from Operators due	July 10, 2023	2:30 pm
Shortlist of up to four Operators announced	August 2023	

The State reserves the right to alter or change the schedule as needed, or to cancel the RFQL process entirely.

2.7. Available Data

The State has gathered and will make available a number of reference documents for Operators to review while conducting their due diligence in response to this RFQL. A complete list of available data is identified in Section 5, *Reference Documents*.

3. STATE AGENCIES INVOLVED

The following State of New Hampshire agencies are involved in this process.

3.1. New Hampshire Department of Transportation

The New Hampshire Department of Transportation (NHDOT) is an agency of the state under the executive direction of a Commissioner of Transportation. NHDOT is responsible for the following general functions: (a) Planning, developing, and maintaining a state transportation network which will provide for safe and convenient movement of people and goods throughout the state by means of a system of highways, railroads, airports, public transit, and other practicable modes of

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transportation, in order to support the State's growth and economic development and to promote the general welfare of the citizens of the State. (b) Performing any regulation of transportation activities required by law which is not within the jurisdiction of another state agency.

NHDOT is responsible for 4,608 miles of roadway, 2,159 state-owned bridges, 25 public-use airports, 166 miles of active rail track utilized by 6 railroad operators, as well as 27 state-owned park & ride lots, including seven with bus terminals, such as Portsmouth and Dover, that are owned by NHDOT and managed and operated by commuter bus operators through existing contracts with NHDOT.

4. QUALIFICATIONS REQUIREMENTS AND DELIVERABLES

4.1. Qualifications Package Instructions, Submission, Deadline, and Location

Qualifications packages submitted in response to this RFQL must be received by NHDOT, no later than the time and date specified in Section 2.6, *Schedule*. Qualifications packages must be addressed to:

Maggie Baldwin
Administrator, Bureau of Rail and Transit
New Hampshire Department of Transportation
Physical Address for Delivery Only
John O. Morton Building
7 Hazen Drive
Concord, NH 03301

Mailing Address
P.O. Box 483
Concord, NH 03302-0483

Qualification packages must be clearly marked as follows:

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Late submissions will not be accepted and will remain unopened. Delivery of the Qualifications package shall be at the Operator's expense. The time of receipt shall be considered to be the time

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when a Qualifications package has been officially documented by NHDOT, in accordance with its established policies, as having been received at the location designated above. NHDOT accepts no responsibility for mislabeled mail. Any and all damage that may occur due to shipping shall be the Operator's responsibility.

All Qualifications packages submitted in response to this RFQL must consist of one (1) original (clearly marked as such) and seven (7) clearly identified copies of the Qualifications package, including all required attachments, and one (1) electronic copy of the Qualifications package in a searchable PDF format on CD or USB flash drive.

The Qualifications shall be accompanied by the transmittal letter described in Appendix A, Form 2, *Qualifications Transmittal Letter*, herein. The original and all copies shall be bound separately, delivered in sealed containers, and permanently marked as indicated above. One (1) copy of the *Qualifications Transmittal Letter* shall be signed by an official authorized to legally bind the Operator and shall be marked "ORIGINAL". An Operator's disclosure or distribution of its Qualifications other than to the State will be grounds for disqualification.

Restriction of Contact with State Employees

From the date of release of this RFQL until an award is made and announced regarding the selection of an Operator, all communication with personnel employed by or under contract with the State regarding this RFQL is prohibited unless first approved by the State Point of Contact listed in this Section. State employees have been directed not to hold conferences and/or discussions concerning this RFQL with any Operator during the selection process, unless otherwise authorized by the State Point of Contact.

Alteration of RFQL

The original RFQL document is on file with the State of New Hampshire, Department of Transportation. Prospective Operators are provided an electronic version of the RFQL. Any alteration to this RFQL or any file associated with this RFQL is prohibited. Any such changes may result in the Qualifications being rejected.

RFQL Amendments

The State reserves the right to amend this RFQL at its discretion, prior to the Qualifications submission deadline. Prospective Operators are encouraged to periodically review the RFQL website for amendments to the RFQL. In the event of an amendment to this RFQL, the State, at its sole discretion, may extend the Qualifications submission deadline as it deems appropriate.

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Non-Collusion

The Operator's signature on a Qualifications package submitted in response to this RFQL guarantees that the terms and conditions, and services quoted have been established without collusion with other Operators and without effort to preclude the State from obtaining the best possible competitive Qualifications.

Validity of Qualifications

Qualifications must be valid for one hundred and eighty (180) days following the deadline for submission of Qualifications in Section 2.6, *Schedule*, or until the effective date of any resulting Facilities Lease/Concession Agreement, whichever is later.

Property of the State

All material received in response to this RFQL shall become the property of the State and will not be returned to the Operator. Regardless of the Operator selected, the State reserves the right to use any information provided.

Confidentiality of Qualifications

All materials submitted in response to the RFQL shall remain confidential pursuant to RSA 21-G:37, until the conclusion of the negotiations, execution of the Facilities Lease/Concession Agreement and approval of the Agreement by the Governor and Executive Council, unless otherwise ordered by a NH court of competent jurisdiction. Materials submitted will not be made available to other prospective Operators.

While all documents submitted are considered public records subject to RSA 91-A, prospective Operators may identify information in their Qualifications they deem to be exempt from RSA 91-A as confidential, proprietary, or trade secrets and provide justification why such materials, upon request, should not be disclosed by NHDOT, or the State.

The content of each Operator's Qualifications shall become public information upon the award of any resulting contract. Any information submitted as part of a response to the RFQL and may be subject to public disclosure under RSA 91-A. In addition, in accordance with RSA 9-F:1, any contract entered into as a result of the RFP will be made accessible to the public online via the website Transparent NH (<http://www.nh.gov/transparentnh/>). However, business financial information and proprietary information such as trade secrets, business and financials models and forecasts, and proprietary formulas may be exempt from public disclosure under RSA 91-A:5, IV. If a prospective Operator believes any information being submitted in response to this RFQL should be kept confidential such as financial or proprietary information, the Operator must specifically identify that information in a letter to NHDOT and must mark/stamp each page of the materials that the Operator

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claims to be exempt from disclosure as “CONFIDENTIAL”. A designation by the Operator of information it claims to be exempt does not have the effect of making such information exempt. NHDOT will determine the information it believes is properly exempted from disclosure. Marking of the entire Qualifications or entire sections of the Qualifications (e.g., pricing) as confidential will neither be accepted nor honored. Notwithstanding any provision of this RFQL to the contrary, Operator pricing will be subject to disclosure upon approval of the contract. NHDOT will endeavor to maintain the confidentiality of portions of the Qualifications that are clearly and properly marked confidential.

If a request is made to NHDOT to view portions of a Qualifications that the Operator has properly and clearly marked confidential, NHDOT will notify the Operator of the request and of the date NHDOT plans to release the records. By submitting Qualifications, Operators agree that unless the Operator obtains a court order, at its sole expense, enjoining the release of the requested information, NHDOT may release the requested information on the date specified in NHDOT’s notice without any liability to the Operators.

Qualifications must remain confidential until approval of any resulting Facilities Lease/Concession Agreement by Governor and Executive Council as a result of this process. An Operator’s disclosure or distribution of Qualifications other than to the State will be grounds for disqualification.

Public Disclosure

Subject to applicable law or regulations, the content of each Operator’s Qualifications shall become public information upon approval by the Governor and Executive Council of any resulting Facilities Lease/Concession Agreement.

Non-Commitment

Notwithstanding any other provision of this RFQL, this RFQL does not commit the State to solicit for proposals through an RFP process. The State reserves the right, at its sole discretion, to reject any and all Qualifications, or any portions thereof, at any time; to cancel this RFQL; and to solicit for Qualifications under a new acquisition process (also see Section 2.5, *Selection Process and Qualifications Scoring*).

Qualifications Preparation Cost

By submitting Qualifications, an Operator agrees that in no event shall the State be either responsible for or held liable for any costs incurred by an Operator in the preparation of or in connection with the Qualifications, or for work performed prior to the effective date of a resulting Facilities Lease/Concession Agreement.

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4.2. Qualifications Format

Qualifications shall follow the following format:

- Qualifications shall be bound.
- Qualifications shall be printed on white paper with dimensions of 8.5 by 11 inches with right and left margins of one (1) inch.
- Qualifications shall use Times New Roman font with a size of eleven (11). Exceptions for paper and font sizes are permissible for graphical exhibits, including conceptual layouts and organization charts which may be printed on white paper with dimensions 11 inches by 17 inches, and plans which may be printed on paper with dimensions no greater than 22 inches by 34 inches to accommodate requested scales for building and site plans. Plans shall be folded and placed in pockets to fit neatly within the submittal.
- Each page of the Qualifications shall include a page number and the number of total pages and identification of the Operator in the page footer. Each page shall be numbered consecutively within each section (i.e., 1-1, 1-2...; 2-1, 2-2...; 3-1, 3-2..., etc.), and the page numbers shall be centered at the bottom of each page.
- Qualifications shall be printed double-sided. Each side of each page shall be considered one page.
- Tabs shall separate each section of the Qualifications.

The State reserves the right to waive minor deficiencies at its discretion.

4.3. Qualifications Organization

Qualifications shall adhere to the following outline and shall have a total page limit of fifteen (15) pages, excluding the items identified below as not applying to the page limit.

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Section	Page Limit Applies? (Yes/No)
Cover Page	No
Transmittal Form Letter	No
Table of Contents	No
Section I: Maintenance, Operation, and Capital Improvement Plan and Understanding	Yes
Section II: Operator and Team Qualifications and Experience	Yes
Section III: Parking Expansion Approach (OPTIONAL)	No
Section IV: Resumes of Key Staff	No
Section V: Financial Capability	No
Section VI: Acknowledgement of Goals and Desired State Outcome	No

4.4. Qualifications Package Content

Qualifications must contain the following:

Cover Page

The first page of the Operator’s Qualifications package must be a cover page containing the following text:

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The cover page must also include the Operator’s name, contact person, contact telephone number, address, city, state, zip code, fax number, and email address.

Transmittal Form Letter

The Operator must submit a handwritten or typed and signed *Qualifications Transmittal Letter* with its response using the Form 2, *Qualifications Transmittal Letter*, provided in Appendix A. Any

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electronic alteration to this *Qualifications Transmittal Letter* is prohibited. Any such changes will result in the Qualifications package being rejected.

Table of Contents

The Operator must provide a table of contents with corresponding page numbers relating to its Qualifications. The table of contents must conform to the outline provided in Section 4.3, *Qualifications Organization*, but should provide detail, e.g., numbering, level of detail.

Section I: Maintenance, Operation, and Capital Improvement Plan and Understanding

Section I shall provide an overview of how the Operator will generally meet the five specific project goals identified in Section 1.5, *Goals of the Public Private Partnership*, to this RFQL. Section I shall also provide an overview of the Operator's proposed approach to how the bus terminal/park & ride facilities will be operated and maintained including required capital improvements and parking management, as well as opportunities for additional revenue through advertisement and concessions. Other factors that may be identified include sustainability, energy performance, environmental considerations, and opportunities to utilize local labor, vendors, and materials. Operators are encouraged to highlight those factors that they believe distinguish their Qualifications.

Section II: Operator and Team Qualifications and Experience

Section II shall consist of two parts and provide the following:

- *Part I*: Corporate qualifications of all firms proposed to participate in the project. Qualifications should identify role, major business area of each firm, and a high-level description of each firm's organization and staff size. Up to three (3) project descriptions with references shall be provided for each firm noting similar projects completed within the past seven (7) years. At a minimum, the following firms should be identified in Part I:
 - Bus Terminal Operator
 - Parking Operator
 - Facilities Operations and Maintenance
 - Construction Contractor (if potential expansion proposed)
 - Lead Design Engineer (if potential expansion proposed)
 - Lead Architect (if potential expansion or update to existing buildings proposed)
 - Any other key firms included in the Operator's team

Firms identified in the Qualifications will not be allowed to be changed during this process without written notification to and approval from the State.

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- ***Part II:*** Identification of key staff proposed to participate in the project. A summary of key staff roles, responsibilities, and depth of experience should be provided along with an organization chart depicting the Operator’s team. The chart should also recognize the State as the owner of the property. At a minimum, the following key staff should be identified in Part II:
 - Bus Terminal Operator Site Manager
 - Parking Manager
 - Facility Operations and Maintenance Manager
 - Construction Manager (if proposed)
 - Lead Design Engineer (if proposed)
 - Lead Architect (if proposed)

Key staff identified in the Qualifications will not be allowed to be changed during this process without written notification to and approval from the State. Full resumes of key staff should not be included in Section II.

Section III: Parking Expansion Approach (OPTIONAL)

In Section III, the Operator shall identify its parking expansion approach, if any, (including potential site expansion locations if proposed) for one or both bus terminal/park & ride facilities. For each location, a conceptual layout shall be provided that demonstrates the Operator’s ideas and plans for the Dover and Portsmouth sites. The conceptual layouts should take into account constructability issues and utility constraints.

Operator shall provide plans at suitable scale and detail so that a clear understanding of conceptual layouts can be understood. Plans shall follow size requirements as identified in Section 4.2, *Qualifications Format*.

The RFQL evaluation score will not be negatively affected should an Operator not submit an approach for parking expansion at the facilities.

Section IV: Resumes

Full resumes shall be provided in Section IV for all key staff identified in Section II. Resumes shall be a maximum of two pages.

Section V: Financial Capability

Section V must demonstrate the Operator’s financial capability to finance the operation and maintenance of the Dover and Portsmouth facilities, as well as the potential parking expansion of

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facilities, for the term of the Facilities Lease/Concession Agreement. To demonstrate financial capability, the Operator shall provide the following information:

- Overview of individual firm's financial structures
- Third party audited financial Statements for the two (2) most recent fiscal years that provide an indication of the Operator's or team's financial status. Annual financial Statements shall include balance sheets, income Statements, cash-flow Statements, and Statements of retained earnings.
- Documented ability to provide sufficient staff to perform required maintenance and operation activities, including parking management.
- If proposing expansion, documentation to raise sufficient capital to expand one or both park & ride facilities – either a letter of credit from a reputable lending institution or a Statement acknowledging sufficient capital on hand.
- Documented proof of bonding capability to cover insurance and bonds required during construction (including completion bond and payment bond) if expansion occurs.
- Insurance and bond (i.e., financial guarantee bond) requirements during operation and maintenance period.

If audited financial Statements are not available for an entity, the Operator must provide unaudited financial Statements that are certified as true, correct, and complete by the senior financial officer of the entity along with an explanation as to why audited financials are not available. For any submitting entity that does not have independent financial Statements, the Qualifications must include a Statement signed by an authorized representative of the entity explaining why such financial Statements are not available and provide sufficient and timely financial information for a third party to determine that it has the financial resources to successfully execute a project of this nature and scope. This situation may include a Corporation or Team formed for this project that can provide individual financial Statements but not audited or third party financial Statements for the Corporation or Team. Sufficiency of alternate information is at the sole discretion of the State; a letter or affidavit without financial information will not be sufficient.

Financial capability will be evaluated on a pass/fail basis. Full submission of all required financial materials, or accepted alternates, demonstrating strong financial capability to perform the responsibilities contemplated by the RFQL will be considered passing, while incomplete or unacceptable information will be considered failing.

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Section VI: Acknowledgement of Goals and Desired State Outcome

The Operator shall acknowledge in Section VI review and acceptance of all goals identified in Section 1.5, *Goals of the Public Private Partnership*. Operator shall also acknowledge the desired State outcome as indicated by the various goals and criteria identified throughout this RFQL.

5. REFERENCE DOCUMENTS

The following Reference Documents are available in electronic format and may be obtained by contacting NHDOT.

Reference Documents:

- 5.1. Current Operator/NHDOT Contracts
- 5.2. 2022 and historic facility operating costs
- 5.3. Parking utilization data
- 5.4. NH RSAs for Park & Ride facilities
- 5.5. Site and Building Plans
- 5.6. Applicable FHWA, FAA, and FTA requirements

These materials will be made available via a NHDOT file transfer protocol (ftp) site. Directions on use of the ftp site will be provided at the time of request.

Obtaining the Documents from the New Hampshire Department of Transportation

Contact the State Point of Contact by email:

Maggie Baldwin

Administrator, Bureau of Rail and Transit

New Hampshire Department of Transportation

Email: margarete.a.baldwin@dot.nh.gov

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**APPENDIX A
Required Forms**

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Form 1

Operator Inquiry Form

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FORM 1: FACILITIES OPERATOR INQUIRY FORM

Operator: _____

Sheet 1 of _____ sheets

Item No.	Page No.	Section No.	Inquiry	Reserved for Response
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Duplicate as needed.

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Form 2

Qualifications Transmittal Letter

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FORM 2: QUALIFICATIONS TRANSMITTAL LETTER

Company Name: _____

Address: _____

To: Administrator, Bureau of Rail and Transit
New Hampshire Department of Transportation
Physical Address
7 Hazen Drive
Concord, NH 03301

Mailing Address
P.O. Box 483
Concord, NH 03302-0483

RE: RFQL: LONG-TERM FACILITIES LEASE/CONCESSION AGREEMENT OF THE DOVER AND PORTSMOUTH BUS TERMINALS
RFQL Number: RFQL DOT 2023-01
Qualifications Package Due Date and Time: July 10, 2023, at 2:30 pm

Dear Ms. Baldwin:

Company Name: _____ hereby offers its Qualifications to the State of New Hampshire as indicated in Request For Qualifications New Hampshire Department of Transportation 2023-01, LONG-TERM FACILITIES LEASE/CONCESSION AGREEMENT OF THE DOVER AND PORTSMOUTH BUS TERMINALS, in complete accordance with all conditions of this RFQL.

Company Signatory: _____ is authorized to legally obligate
Company Name: _____

We attest to the fact that:

The company has reviewed and agreed to be bound by all RFQL terms and condition, including but not limited to the goals and desired State outcome identified in this RFQL. All information provided in this RFQL shall form the basis of any Facilities Lease/Concession Agreement resulting from this process.

These qualifications are effective for a period of 180 days following the deadline for submission of Qualifications in Section 2.6, *Schedule*, or until the effective date of any resulting Facilities Lease/Concession Agreement, whichever is later.

The Operator has read, signed, and included this RFQL and any subsequent addendum (a).

Our official point of contact is: _____
Title: _____
Telephone: _____, Email: _____
Authorized Signature: _____
Authorized Signature Printed: _____

Important Note: Prospective Operators are provided an electronic version of the RFQL Transmittal Letter. Any electronic alteration to this Transmittal Letter template is prohibited. Any such changes will result in a Qualifications package being rejected.