



March 19, 2020

Ms. Shelly Winters
New Hampshire Department of Transportation
John O. Morton Building
PO Box 483, 7 Hazen Drive
Concord, New Hampshire 03302-0483

Dear Ms. Winters,

On behalf of the qualified Operator, Jalbert Leasing Inc., I am reaching out to offer comments and concerns with certain draft RFP requirements issued for the Long-Term Lease Concession Agreement of the Dover and Portsmouth Bus Terminals. Firstly, the Operator is concerned by the apparent intersection and inclusion of Ground Lease Contract requirements and deliverables within the RFP. This intersection suggests to the Operator that it is effectively being asked to agree to a contract before being awarded the project and afforded the opportunity to participate in negotiations, which is premature, and offers challenges from a perspective of time and cost. The Operators understanding is that GLC requirements would not be valid until final negotiations and approval by LRPC and GNC. Examples of this intersection include, but are not limited to:

1. *Section 5.5, Proposal Content, Section II*
2. *Appendix C-2, Development Concepts, Topic 1: Program Elements*
3. *Appendix C-2, Development Concepts, Topic 3: Construction Concept*
4. *Appendix C-2, Development Concepts, Topic 6: Specific Requirements*
5. *Appendix C-5, Project Management Topics, Topic 8: Status Meetings & Reports*

We request that said sections be removed or redefined such that they do not include any content from the GLC. The Operator believes the spirit of the proposal is to demonstrate capacity to execute the GLC, and not actually respond to it. If there are specific elements of the contract that, upon reexamination, the state finds indispensable to the RFP process and response, we suggest these elements be stated explicitly and independently of the GLC.

The qualified operator also believes that certain requirements and objectives of concessions sales at the facilities, mentioned extensively within *Section 3.4, Key Development Approach*, may be mutually exclusive. To provide concessions at the bus terminals of quality and price that meets the needs of facility users would inevitably attract demand from non-transit/non-shared ride users and compete with our local businesses. The Operator foresees no reasonable or fair way to mitigate said demand. Furthermore, the Operator's concessions would be forced to compete directly with on-premise vending options, as mandated by *RSA 186: B13*. The Operator believes that a carefully selected array of complementary amenities, strikes the envisioned balance of creating value for facility users and mitigating unwanted non-transit/non-shared ride user demand. The Operator suggests that language on concessions be re-written to reflect and emphasize a complementary amenities solution on the basis that it more effectively promotes the goals of the public private partnership and a positive facility user experience.