

STATEWIDE ASSET SPONSORSHIP PROGRAM



REQUEST FOR INFORMATION

P3-15-01

JULY 2014

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1. INTRODUCTION

1.1 PURPOSE OF THIS REQUEST FOR INFORMATION

The Arizona Department of Transportation (“ADOT”) hereby invites interested parties to respond to this Request for Information (“RFI”) regarding a prospective future solicitation to:

Develop and deliver a Statewide Asset Sponsorship Program (Program) ADOT is investigating opportunities to offset operating costs and/or enhance revenue streams by effective and appropriate corporate sponsorship opportunities on various state owned transportation assets.

The purpose of this RFI is to seek the industry’s perspective and feedback on the questions presented herein and to provide an opportunity for industry input on the overall procurement process for the Program. Interested firms and parties are strongly encouraged to submit responses with detailed comments. The information provided in response to this RFI process will assist ADOT in the planning and development efforts as well as to provide ADOT viable options to consider in the procurement, financing, and delivery approach for this prospective future solicitation.

1.2 EFFECT OF THIS REQUEST FOR INFORMATION

This RFI is an inquiry only, intended solely to assist ADOT on an administrative level, and is not a formal solicitation or initiation of a procurement process. Submissions will not be evaluated. No contract or agreement will be entered into as a result of this RFI.

This RFI does not represent a commitment to issue a Request for Qualifications (“RFQ”) or a Request for Proposals (“RFP”) in the future, or a commitment that a subsequent procurement, if any, will follow the delivery approach described herein. Therefore, those choosing to respond to this RFI will not, merely by virtue of providing any manner of response, be deemed to be “bidders” on the Program in any sense.

Submission of responses is not a prerequisite for participating in a future procurement. Such participation would be subject to demonstrating satisfaction of the criteria stipulated in potential subsequent solicitation documents. Participation in this RFI and ensuing One-on-One meetings, or an election not to participate, will not confer on any Respondent any preference, special designation, advantage or disadvantage whatsoever in any subsequent procurement process related to the Program.

1.3 SUBMISSION REQUIREMENTS

ADOT welcomes responses to this RFI from independent companies or corporations or from consortia or partnerships that have the ability and potential interest in developing a partnership with ADOT to establish an effective program. ADOT is interested in the maximum amount of constructive comments. It is not necessary for Respondents to respond as the consortia or partnerships which are planning to submit future bids, although ADOT is interested in being informed as to the formation of any future bidding groups for work on the Program. Such information will not be binding on the Respondents. Please see Section 5.7 below entitled “Organizational Conflicts of Interest” for additional limitations on entities and individuals who will not be eligible to participate in an RFI submission.

1.4 SUBMISSIONS, QUESTIONS, AND COMMENTS

Respondents shall submit electronic pdf documents of the requested information. Please enable the Commenting or User Rights Feature before uploading your response. Adobe Professional Version 7 or above may be used for this purpose. As respondents may utilize different versions of Adobe, consider using an internet search engine or Help feature of the specific Adobe program to find instructions on how to enable comments.

Please comply with the page requirements stipulated in Appendix A (Questionnaire) and to restrict submissions to a short letter of transmittal, together with the information specifically requested on the Questionnaire. ADOT requests that the letter of transmittal include the firm name, reference RFI P3-15-01, and name, title and contact information of the person responsible for interfacing with ADOT. Marketing materials are not to be submitted as part of a written response.

Respondent’s submission shall be emailed to the following address, in sufficient time so that ADOT receives it no later than 2:00 p.m. Mountain Standard Time (MST) on July 15, 2014:

Please include ‘Firm Name’ and ‘RFI P3-15-01’ must be clearly indicated in the Subject line of the email and on the submission cover. Late submissions may not be considered. Email RFI to crodriguez@azdot.gov and cc: stellez@azdot.gov.

Any questions concerning this RFI should be directed to ADOT Engineering Consultants Section. Email questions to ldelamore-crum@azdot.gov and cc: crodriguez@azdot.gov. Interpretation of this RFI or additional information will only be given by written amendment to this RFI from ADOT’s contact person named above.

1.5 INDUSTRY FEEDBACK

This RFI is intended, in part, to provide an opportunity to receive industry feedback, including associated one-on-one meetings with industry participants. Respondents are encouraged to request a one-on-one meeting to discuss their responses and provide further input to ADOT. One-on-one meetings will be held from 9A – 4PM on July 22 and 23, 2014. There will be a limited number of

available one-on-one meetings and Respondents must submit a request no later than by 5:00 PM MST July 15, 2014 to MSanders3@azdot.gov. ADOT intends to conduct as many one-on-one meetings as possible, time permitting. However, ADOT does not guarantee a one-on-one meeting and will determine with whom to meet at its discretion. Respondents will be notified of acceptance of a one-on-one meeting by 12 Noon, MST on July 18, 2014.

2. ADOT PROGRAM OVERVIEW

2.1 SCOPE OF THE PROGRAM

ADOT currently envisions a program in which the Consultant will plan, implement, and deliver a comprehensive, high quality sponsorship program and will perform functions including but not limited to, marketing, sales, development of fee schedules, and collection of revenue. The contract will be executed in phases as follows:

1. Phase 1 – Feasibility Study
 - a. Identify sponsorship opportunities throughout Arizona that are compliant with state and federal law and FHWA directives. All transportation assets and facilities, except rest areas, are eligible to be included in the program. This includes but is not limited to, sections of state highway systems, interchanges, freeway patrol vehicles, traffic images and data, the 511 traveler information program, Motor Vehicle Department (MVD), Point of Entries (POE), websites, office space merchandising, the Grand Canyon National Park Airport (GCNPA) and the Adopt a Highway program (AAH).
 - b. Estimate the amount of annual revenue that could be generated through a comprehensive statewide asset sponsorship program operated for five (5) years.
 - c. Develop standard sponsorship agreements
 - d. Develop a fee structure for participation in the sponsorship program.
 - e. Develop participation guidelines
2. Phase 2 – Administer Program
 - a. Prioritize and aggressively market those sponsorship opportunities
 - b. Negotiate fees and execute agreements with sponsors
 - c. Collect all program fees and distribute revenue to ADOT

If ADOT determines not to proceed with Phase 2, or is unable to negotiate an acceptable fee for Phase 2, the contract may be terminated. The State has the right to terminate the contract at any time or phase.

2.2 PROGRAM SCHEDULE

The following is a preliminary schedule if an innovative procurement is pursued.

<u>Milestone</u>	<u>Date</u>
Publish RFQ	3rd quarter 2014
Evaluation and Short Listing	4th quarter 2014
Publish Final RFP and Distribute to Shortlisted Firms	4th quarter 2014
Contract Award	1 st quarter 2015
Begin Phase 1	1 st quarter 2015
Begin Phase 2	3rd quarter 2015

2.3 ADDITIONAL INFORMATION

Additional information/amendments regarding the Program will be posted at [http://www.azdot.gov/business/engineering-consultants/advertisements/public-private-partnership-\(p3\)-initiatives](http://www.azdot.gov/business/engineering-consultants/advertisements/public-private-partnership-(p3)-initiatives). Respondents are encouraged to monitor this site for any future solicitation information related to the Program.

3. ANTICIPATED PROGRAM PROCUREMENT PROCESS

Should ADOT decide to proceed with procurement for the Program, ADOT intends to pre-qualify potential proposers through a RFQ. The RFQ would be followed by a RFP. Only those entities shortlisted by ADOT through the RFQ process will participate in Phase II of the selection process and will receive an RFP.

The objective of the RFQ phase is to shortlist proposers that best demonstrate that they have the financial ability and the qualifications and experience necessary to complete the Program.

The RFP will be issued to all shortlisted proposers and will include a complete project agreement. In addition, as part of the final RFP process, ADOT will issue any changes to RFP documents by formal amendment to all shortlisted proposers.

The proposers will be required to make management, technical and financial submissions that are compliant with and demonstrate full acceptance of project agreement terms. A proposal bond or letter of credit may be required.

ADOT expects to use a “best value” evaluation approach as well as other selection criteria to award the contract to the proposer. Best value evaluation factors and weightings remain to be determined but potentially will be based on such criteria as technical competency, technical approach, strength of management team, price, risk analysis, and/or schedule for Program delivery and completion.

4. PUBLIC-PRIVATE PROGRAM DELIVERY

4.1 LEGAL AUTHORITY

The procurement process will be implemented in accordance with ADOT’s policies and procedures and in compliance with applicable State and Federal laws and regulations. ADOT may procure and deliver the Program under its authority to engage in public-private partnerships, as set forth in ARS 28-7701 *et seq.* (the “P3 Law”).

5. CONDITIONS FOR THE SUBMISSION OF INFORMATION

5.1 CHANGES TO THIS RFI

At any time, in its sole discretion, ADOT may, by written addenda to this RFI, modify, amend, cancel and/or reissue this RFI. If an amendment is issued prior to the date information is due, it will be made available on the following website [http://www.azdot.gov/business/engineering-consultants/advertisements/public-private-partnership-\(p3\)-initiatives](http://www.azdot.gov/business/engineering-consultants/advertisements/public-private-partnership-(p3)-initiatives).

5.2 INFORMATION PREPARATION COSTS

ADOT shall not be liable for any costs incurred by any Respondent in the preparation, submission, presentation, or revision of its information and response, or in any other aspect of the Respondent’s pre-information submission activity. All such costs shall be borne solely by the Respondent. In no event shall ADOT be bound by, or liable for, any obligations with respect to the Program until such time (if at all) as ADOT authorizes and executes a written agreement, and then only to the extent set forth in such agreement.

5.3 CLARIFICATION OF RESPONSES

ADOT reserves the option, at its sole discretion, to contact a Respondent to seek clarification regarding information contained in its response, but shall have no obligation to do so. The decision to contact and request clarification from a Respondent rests solely with ADOT. In submitting its response, a Respondent should not assume that it will be provided an opportunity to subsequently clarify or otherwise discuss any feature thereof.

5.4 DISCLOSURE OF INFORMATION CONTENTS

All materials and information submitted in response to this RFI, and any materials delivered to ADOT during one-on-one meetings, are subject to the Arizona Public Records Law, Title 39 ARS, and any other laws, regulations and case decisions applicable to the disclosure of materials and information submitted under this RFI (collectively, the “Public Records Laws”).

Respondents are also advised that the Public Records Laws may exempt certain portions of the responses, such as certain trade secrets and commercial and financial information, from public disclosure and permit confidential treatment by ADOT. If a Respondent has special concerns about the confidentiality of materials and information that it desires to make available to ADOT, but which the Respondent believes is exempted from disclosure under the Public Records Laws, such Respondent shall specifically and conspicuously designate that material and information in writing and by placing “CONFIDENTIAL” in the header or footer of each such page affected, together with a concise written explanation as to why the information is exempt from disclosure. No oral designations of any kind will be accepted. Blanket written designations that do not identify the specific materials and information are not acceptable and may be cause for ADOT to treat the entire response as public information.

ADOT may disclose the contents of all responses to this RFI, except to the extent that a portion of the response may be exempt from disclosure in accordance with applicable Public Records Laws and the instructions provided above. By delivering a response, as well as by registering and participating in a one-on-one meeting with ADOT, each Respondent consents to such disclosure and expressly waives any right to contest such disclosure unless exempt under applicable provisions of the Public Records Laws.

ADOT will not advise a Respondent or other party as to the nature or content of documents entitled to protection from disclosure under the Public Records Laws, as to the interpretation of such laws, or as to the definition of trade secret or other proprietary information. Nothing contained in this provision shall modify or amend requirements and obligations imposed by the Public Records Laws. The provisions of the Public Records Laws shall control in the event of a conflict between the procedures described above and the Public Records Laws.

In the event of any litigation or other proceeding concerning the disclosure of a Respondent’s materials or information or portion thereof submitted to ADOT, the Respondent shall be responsible for prosecuting or defending such action at its sole expense and risk; provided, however, that ADOT reserves the right, in its sole discretion, to intervene or participate in the litigation or other proceeding in such manner as it deems necessary or desirable. All costs and fees (including attorneys’ fees and costs) incurred by ADOT in connection with any litigation, other proceeding or request for disclosure shall be reimbursed and paid by the Respondent whose response is the subject thereof.

In no event shall the State, ADOT or any of their respective agents, representatives, consultants, directors, officers or employees be professionally or personally liable to a Respondent, a Respondent

team member, or any other party for the disclosure of any materials or information submitted in response to this RFI or at the Industry Forum, including materials marked “CONFIDENTIAL,” whether the disclosure is deemed required by Public Records Laws or by an order of court or occurs through inadvertence, mistake or negligence.

5.5 OWNERSHIP OF SUBMITTED MATERIALS

All materials and information submitted in response to or in connection with this RFI shall become the property of ADOT and will not be returned to the submitting parties. ADOT shall have the right to use such materials and information and ideas set forth therein without restriction.

5.6 RIGHTS OF ADOT

ADOT reserves to itself all rights available to it under applicable law, including but not limited to the unqualified right, at any time and in its sole discretion, to change or modify this RFI, to reject any and all information, to seek clarification of information, to request additional information, and to undertake communications with one or more Respondents or others who, at any time subsequent to the deadline for submissions to this RFI, may express an interest in the subject matter hereof.

No Respondent or any other person or entity shall have any rights against ADOT arising from the contents of this RFI, the receipt of information, or the incorporation in or rejection of information contained in any response or in any other document. ADOT makes no representations, warranties or guarantees that the information contained herein or on the Program website, or in any addenda hereto or thereto, is accurate, complete, or timely or that such information accurately represents the conditions that would be encountered during the performance of any subsequent contract issued from a separate procurement. The furnishing of such information by ADOT shall not create or be deemed to create any obligation or liability upon it for any reason whatsoever; and each Respondent, by submitting its information, expressly agrees that it has not relied upon the foregoing information, and that it shall not hold ADOT liable or responsible therefore in any manner whatsoever.

5.7 ORGANIZATIONAL CONFLICTS OF INTEREST

Respondents are advised that the following entities and individuals are precluded from submitting a response to this RFI and from participating on a Respondent’s team in the event of a future solicitation, unless otherwise authorized by ADOT:

Any consultant firm that has been contracted by ADOT to provide expert professional services in connection with the ADOT Office of P3 Initiatives, including, but not limited to:

- HDR, Inc.
- Jacobs, Inc.
- CDM Smith
- Nossaman LLP
- Public Financial Management

Any entity that is a parent, affiliate, or subsidiary of any of the foregoing entities, or that is under common ownership, control or management with any of the foregoing entities; and any employee or former employee of any of the foregoing entities who was involved with the P3 Program delivery approach or P3 Program procurement while serving as an employee of such entity.

APPENDIX A - QUESTIONNAIRE

Respondents are invited to return the following questionnaire together with a 1-2 page cover letter to ADOT. Total page count for the questionnaire should not exceed [10] pages, utilizing 12pt Calibri type font, inclusive of the cover letter. Please follow the format below.

GENERAL INFORMATION

- 1) Please briefly provide the following descriptive information for the Respondent and its team members (if any). The purpose of this question is to aid ADOT in understanding the identity and type of business of the Respondent.
 - Name of Respondent and its team members (if any)
 - Describe principal business for Respondent and its team members (if any)
- 2) Describe in detail at least 2 similar sponsorship programs implemented and the lessons learned from the effort.
- 3) Describe the types of sponsors that may be interested in sponsoring on some portion of ADOT's assets.
- 4) What process would likely be used to solicit sponsors?
- 5) Based upon what you know now, which potential ADOT assets do you feel would generate the most interest and revenue?
- 6) Are there any specific technologies that should be used or would be beneficial to this type of program?
- 7) What process should be used to evaluate the revenue potential for each sponsorship opportunity?
- 8) Discuss ADOT's suggested timeline.
- 9) Please provide estimated timeframes that would generate a focused and effective Program.
- 10) Discuss the required information you would need from ADOT regarding suggestions on transportation assets to obtain sponsorship, to respond to a potential RFP, and/or to perform the anticipated Scope of Work.
- 11) Please provide your recommended approach to potential payment structures by sponsors and commission earnings by the Consultant with ADOT for the program.