



**MURIEL BOWSER**  
**MAYOR**

February 24, 2021

The Honorable Phil Mendelson  
Chairman  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Chairman Mendelson:

Pursuant to the Public-Private Partnerships Act of 2014 ("Act"), D.C. Official Code § 2-273.01 *et seq.*, enclosed for consideration and approval by the Council of the District of Columbia is the draft Request for Proposals ("RFP") for the DC Smart Street Lighting Project ("Project"), and the Office of Public-Private Partnerships DC Smart Street Lighting Project Request for Proposals Approval Resolution of 2021.

The Project includes the conversion of the District Department of Transportation's network of 75,000 streetlights to energy-efficient LEDs, installation of a remote dimming and monitoring system, maintenance and improvement of all District streetlight assets to a state of good repair, and installation of wireless access points on select poles to extend DC-NET public Wi-Fi access.

As indicated above, the Act provides that Council approval is necessary before the RFP may be released to the shortlisted respondents for proposal submissions. Although I believe that the requirement for Council approval of a request for proposals for a procurement contract is not authorized under the Home Rule Act, I am submitting the RFP to the Council for its review in order to advance this important project. I look forward to working with the Council in the future to amend the Act to address the legal concern that the RFP review process raises.

As always, if you have any questions about this contract, please contact Jonathan Kayne, Interim Director of the Office of Public Private Partnerships at 202-741-0923.

Sinc  
A handwritten signature in black ink, appearing to read "Muriel Bowser".

Muriel Bowser  
Mayor

  
Chairman Phil Mendelson  
at the request of the Mayor

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6 A PROPOSED RESOLUTION  
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9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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13 To approve the Office of Public-Private Partnerships proposed request for proposals for the DC  
14 Smart Street Lighting Project

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16 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
17 resolution may be cited as the “Office of Public-Private Partnerships DC Smart Street Lighting  
18 Project Request for Proposals Approval Resolution of 2021”.

19 Sec. 2. Pursuant to the Public-Private Partnerships Act of 2014, effective March 11,  
20 2015 (D.C. Law 20-228; D.C. Official Code § 2-273.01 *et seq.*) the Office of Public-Private  
21 Partnerships, through the Mayor, is transmitting to the Council a proposed resolution to approve  
22 the proposed request for proposals. Council approves the proposed request for proposals.

23 Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its  
24 adoption, to the Mayor.

25 Sec. 4. The Council adopts the fiscal impact statement provided by the Chief Financial  
26 Officer as the fiscal impact statement required by section 4a of General Legislative Procedures  
27 Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

28 Sec. 5. This resolution shall take effect immediately.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of Contracting and Procurement**



Pursuant to the Public-Private Partnerships Act of 2014 (the “Act”) this draft Request for Proposals (“RFP”) for the DC Smart Street Lighting Project (“Project”) is submitted to the D.C. Council for approval as required by the Act.

**COUNCIL SUMMARY**

(DC Smart Lighting Project Request for Proposal)

**(A) RFP Number:**

Not applicable. Solicitation will only be issued to the three prequalified shortlisted Respondents.

**Estimated Contract Amount:**

\$350,000,000.00

**Unit and Method of Compensation:**

Performance-based contract where the District will compensate the eventual awardee in the form of milestone (during construction) and availability (during operations and maintenance) payments based on awardees performance during the term of the agreement.

**Term of Contract:**

15 years

**Type of Contract:**

Performance-based design, build, operate, finance and maintenance (DBFOM) contract.

**Source Selection Method:**

DC Office Public-Private Partnership’s (DCOP3) solicited procurement method, which is a multi-phased process including (1) Requests for Information, (2) Requests for Qualifications and (3) a Request for Proposals.

**(B) The goods or services to be provided, the methods of delivering goods or services, and any significant program changes reflected in the proposed contract:**

The Project will include the design, construction, installation, financing, and asset management of upgrades to the existing street light network in the District. It will include upgrades of the entire street light network within the District that currently consists of approximately 75,000 primarily street and alley lights, as well as (i) select overhead guide signs, (ii) internal and external lighting for approximately 30 “Welcome to Washington, D.C.” signs located throughout the District, and (iii) navigation, underpass, bike trail, and tunnel lights (for a limited number of tunnels). The

Project will require lights of different color temperatures appropriate to their setting, as further detailed in the technical specifications.

During the final phase of the procurement process, RFP, the District seeks a private partner/contractor to:

1. convert existing non-light-emitting diode (“LED”) and LED District-owned lights to LED technology;
2. design and install systems providing for the remote monitoring and control of the street light network that: (i) are fully scalable, reliable, and fast; (ii) use open standards; (iii) and feature dynamic or environmentally responsive dimming capability;
3. upgrade poles and associated infrastructure (including underground infrastructure), where appropriate or required based on the District’s Department of Transportation’s (“DDOT”) condition assessment and a pre-determined process and criteria for establishing when such infrastructure must be replaced;
4. deliver long-term asset management of the street light system pursuant to the terms, conditions, and requirements of the project agreement;
5. install smart city technology (“SCT”), including wireless access points, to leverage the street light system and the District’s significant fiber optic network, DC-Net, for ancillary uses and to deliver broadband Wi-Fi coverage that advances the District’s goal of city-wide broadband access; and
6. finance the improvements to the District’s existing street light network and installation of the SCT.

**(C) The selection process, including the number of offerors, and the evaluation results:**

DCOP3 on behalf of The District of Columbia sought to upgrade its extensive street lighting network, which is comprised of a variety of different fixtures and pole types located throughout the District. Specifically, the District is focused on converting its street light network to LED technology with remote monitoring and control capabilities. Additionally, the District sought to install on its street lighting network SCT, including Wireless Access Points that will serve as a flexible and scalable platform for future uses and applications.

DCOP3, in conjunction with the DDOT and the Office of the Chief Technology Officer, invited interested parties to respond to a Request for qualifications (“RFQ”) to partner with the District pursuant to a performance-based contract.

The RFQ was issued on June 21, 2017 with responses due on August 7, 2017. Amendment one was issued on July 21<sup>st</sup> (1) providing answers to all questions received by the District, (2) revising sections of the RFQ, and extending the deadline for submissions until August 28, 2017. Amendment two was issued on August 18<sup>th</sup>, (1) with additional/clarifying responses to questions received by the District, (2) revising sections of the RFQ.

A total of eleven Statement of Qualifications (“SOQ”) were submitted in response to the Districts’ request.

The Respondents were: (1) Noresco, (2) DC Smart Lighting Partners, (3) Plenary Infrastructure DC, (4) Mastec-Smart City Capital LLC, (5) MAB Smart Solutions, (6) Capitol Hill Infrastructure Partners, (7) Citelum US, (8) Clean Tech Partners of Washington DC, (9) DC Bright Future, (10) Vivacity DC and (11) DC Smart Lighting Partners - Star.

Per the process stated in the RFQ each SOQ was initially reviewed for the stated mandatory minimum requirements, and all submissions satisfied this requirement.

The proposals were then disseminated to the Evaluation and Selection Review Committees (“ESRC”), which was made up of a technical committee, finance committee and DBE committee for review and evaluation. Each committee reviewed the sections of the RFQ directly related to their area of expertise and prepared a report for the contracting officer based on their findings. All the advisors engaged by the District for this project, KPMG – financial advisor, Hunton Andrews Kurth – legal advisor, and RK&K – technical advisor, were also consulted as needed during the evaluation process. Finally, all SOQs were also reviewed by the procurement team for a determination of responsiveness and responsibility per the submission requirements in the RFQ.

The ESRC held their first meetings on December 1st, where each committee presented their initial findings to the contracting officer and provided any follow up/clarifying questions they had for each Respondent.

All questions were issued to the Respondents on December 13th, with responses due on December 19<sup>th</sup>. The responses were disseminated to the ESRC committees to review and update their reports if necessary.

A second meeting of the ESRC was held on January 24th, where the ESRC presented their final assessments and results and the CO discussed his initial findings based on his independent evaluation of the submissions.

Based on the contracting officer’s assessment of each SOQ and a review of the supporting documentation from the ESRC, a determination was made that of the 11 responses received, 3 of the Respondents: (1) MAB, (2) Plenary and (3) DC Smart Lighting Partners-Star proposals were rated the most highly qualified, and demonstrated the capacity to fulfill all of the requirements in the scope of work based upon the evaluation criteria in the RFQ, and are thereby within the competitive range and should be shortlisted

A protest was filed with the Contracts Appeals Board (“CAB”) on April 3, 2018 by Respondent CleanTech Partners. In response the District agreed to a de novo e-evaluation of all SOQs received, and the protest was dismissed with prejudice. The submissions were reevaluated by the ESRC and contracting officer utilizing the same process stated above in the RFQ.

After the re-evaluation of all respondent submissions by all the committees making up the ESRC and the contracting officer consensus meetings were held from September 10<sup>th</sup> through September 21st.

On June 19, 2019 after completing his re-evaluation of all of the SOQs received and reviewing the final consensus reports from each committee the contracting officer made a determination that of the eleven responses received, three of the Respondents: (1) Plenary, (2) MAB and (3) DC Smart Lighting Partners-Star demonstrated the capacity to fulfill all of the requirements in the scope of work based upon the evaluation criteria in the RFQ, and were rated the most highly qualified overall, and are thereby within the competitive range and should be shortlisted

On August 20, 2019, CleanTech filed another protest with the CAB. On January 2, 2020, by opinion of the Board, CleanTech's second protest was denied and dismissed.

During the pendency of the second protest, certain procurement activities laid out in the Act were advanced including the commencement of a series of one-on-one meetings with the shortlisted teams.

**(D) A description of any bid protest related to the project, including whether the protest was resolved through litigation, withdrawal of the protest by the protestor, or voluntary corrective action by the District. Include the identity of the protestor, the grounds alleged in the protest, and any deficiencies identified by the District as a result of the protest:**

On April 3, 2018, CleanTech Partners of Washington, D.C., LLC filed a protest with the District of Columbia Contract Appeals Board claiming that is was wrongfully excluded from the shortlist. CleanTech agreed to dismiss the protest based on corrective action in the form of a *de novo* evaluation of all 11 submissions. On May 3, 2018, the Board dismissed the protest.

The reevaluation commenced and a representative of the DC Office of the Attorney General ("OAG") attended the reevaluation sessions to provide advice and counsel. The evaluation committees met multiple time between August and September 2018. In February and March 2019, the committees submitted their final reports to the contracting officer. The CO conducted an independent evaluation and scoring assessment based on the evaluation factors in the RFQ, with review by OAG. In June 2019, the CO issued his Contracting Officer's Independent Assessment finding that MAB Smart Solutions, Plenary Infrastructure DC, and DC Smart Lighting Partners-Star were the most highly qualified offerors and that they should be advanced to the RFP phase. On August 20, 2019, CleanTech filed another protest with the CAB. On January 2, 2020, by opinion of the Board, CleanTech's second protest was denied and dismissed.

**(E) The background and qualifications of the shortlisted Respondents, including its team organization and performance on past or current government or private sector contracts with requirements similar to those of the proposed contract:**

**1. Plenary Infrastructure DC**

Plenary is one of the largest dedicated, on the ground P3 developers in North America, with a staff approaching 100 people across five offices. Plenary has unmatched P3 experience in North America, with 29 projects currently in the construction or operations phase. Plenary brings the P3 financing and delivery experience needed to ensure the Project's success.

**Team Members:**

1. Plenary Group USA Concessions
2. Kiewit Development Company
3. OpTerra Energy Services
4. Mass Electric Company
5. Indigo Mid-Atlantic
6. Engie Services

**Relevant Projects:**

1. **Long Beach Civic Center** – Acted as developer and sole equity provider that managed financing structure for the project, overseeing proposal development. 600,000 sq. ft. multi-asset project including a new City Hall, main library, and parking to the city of Long Beach, and other uses.
2. **State Street Development** – Acted as developer and sole equity provider, plenary arranged financing structure for the project, overseeing proposal development. The project modified traffic patterns on main street and other roads in and around Purdue University
3. **Waterloo Light Rail Transit** – Acted as developer and an equity provider, plenary arranged the financing structure for the project, overseeing proposal development. Project involved new light rail line and associated infrastructure, including 19 LRT stops.
4. **City of Arlington (phase 1 &2)** – OpTerra acted as prime contractor performing 100% of the work. The project modernized the city’s streetlights as part of a comprehensive energy conservation program.
5. **Wyoming Development (phase 2)** – OpTerra acted as prime contractor, performing 100% of the work. Project upgraded 5300 exterior lighting fixtures to LED.
6. **City of San Jose** - OpTerra acted as prime contractor, performing 100% of the work. Project involved converting lights within streetlight grid to LED.
7. **Michigan Freeway** – OpTerra is the lead operations and maintenance (OM) provider in currently the only US Streetlight P3 project. Project involved the replacement and refurbishment of freeway and tunnel lighting system and infrastructure in Detroit.
8. **Italy Community Lighting Project** – OpTerra is the lead OM services provider. Project involves maintenance of streetlights, decorative lighting, smart meter tech and video monitoring.

**2. Meridiam Smart Solutions DC**

Meridiam is a leading developer, equity investor and long-term partner that specializes in P3 infrastructure projects. Led in North America, with 57 P3 projects globally and 13 in North America, stands apart from the competition as a true long-term investor with a fund tenor in excess of 25 years. Meridiam has received numerous awards for its achievements in the development and

closing of “groundbreaking” P3s, such as LaGuardia Central Terminal in New York and Long Beach Courthouse in California, and was recently awarded the North American Sponsor of the Year (2016) . Much of this success lies in Meridiam’s unique focus on taking a long-term partnership approach with the communities that it serves.

**Team Members:**

1. Meridiam Smart Solutions
2. Ameresco
3. Broadspectrum Infrastructure
4. Parsons Transportation Group
5. C3M Power Systems
6. Monrad Engineering
7. L.S. Caldwell & Associates
8. S2N Technology Group

**Relevant Projects:**

1. **Long Beach Court House** – DBFOM project that built a new 545,000 square foot courthouse in Long Beach California. It was the first performance based social infrastructure P3 in the US. Meridiam acted as developer, sole equity investor and financial arranger and supervised DB activities, and now operations. The project has a 38-year concession period based on availability payments.
2. **Presidio Parkway** – Along with Broadspectrum, Meridiam was contracted for the replacement of a 1.6 mile stretch of parkway in San Fran California that had reached the end of its useful life and did not meet current structural and seismic safety standards. The project scope has smart city technological aspects – tunnel lighting system/incident detection system. Broad spectrum is responsible for the OM of the asset. The contract is DBFOM structured as a 33.5-year concession agreement with availability payments.
3. **Port of Miami Tunnel** - Along with Broadspectrum, Meridiam was contracted for the new .75-mile twin tunnel and associated road/access ways, along with OM, which includes smart city tech for monitoring and data analysis and metrics. Meridiam led the consortium and is the 100% equity partner. Broad Spectrum is the lead OM contractor for the 30-year operating period. The deal is structured as a 35-year concession with 4/5 years construction, with availability payments.
4. **Chicago Smart Lighting Project** - The biggest street lighting project in the US, the project includes replacement or retrofitting of more than 270,000 cobra head and decorative street lights, as well as viaduct and tunnel lights, to convert them to LED; design and installation of a city-wide network to monitor, control and meter street lights, and facilitate other SCT uses; integration of the control network and management system with the City’s 311 system; a city-wide assessment of street light infrastructure; and design and implementation of \$35m in critical street light infrastructure stabilization repairs. In addition to being the design-build contractor, Ameresco updated the City’s illumination standards and LED luminaire specifications, provided the cost and photometric analysis used to select replacement LED luminaires, and designed the



mesh network.

5. **Tucson LED Lighting Conversion Project** - An energy savings performance contract that includes the LED lighting conversion of the lighting systems in Tucson. Scopes included design and build conversion of more than 20,000 HPS streetlights to LED, streetlights in underpasses and garages, and installation of a new SCT Remote Operations Asset Management system to monitor and implement energy reducing dimming strategies.
6. **Capitol & Senate Bldgs. Energy Savings Performance** - Ameresco was selected by the Architect of the Capitol to design and implement five Energy Conservation Measures at the Hart, Dirksen, and Russell Senate Office Buildings as well as the US Capitol Building in Washington, DC. Ameresco provided audit, engineering/design, construction management, financing, and training for this project along with ongoing annual measurement and verification throughout the 17-year performance period.
7. **City of Madrid** - The largest street lighting and energy performance contract in Spain, scope includes maintenance and management of 1,500 miles of road, 2,600 miles of footways and over 88,000 streetlights, 24/7 emergency response, winter maintenance, and Intelligent Traffic Systems management with SCT DALI interface. The project uses a pure energy conservation/ESCO model, in which utility bills are paid by the ESCO.
8. **Sheffield Streets ADEAD PFI** - A 25-year Private Finance Initiative for highway maintenance and capital works, Amey, Broadspectrum's sister company, is responsible for management, design, installation and repair and maintenance of the highway pavements, 1,180 miles of highway and 2,050 miles of pavement, over 600 bridges and structures, 68,000 streetlights with SCT monitoring, 480 traffic signal sites, 28,000 street signs, 72,000 drainage gullies, 18,000 street furniture items, 31 million ft<sup>2</sup> of grass verges and 36,000 trees.

### **3. DC Smart Lighting Partners**

D.C. Smart Lighting Partners is a leading developer, equity investor and long-term partner that specializes in P3 infrastructure projects that thrives on solving real challenges and bringing long-term economic, social, and environmental benefits for the communities we live and work in. Having recently achieved substantial completion on the first street lighting P3 in the United States – the Michigan Department of Transportation Lighting P3 and are excited to transfer their wealth of relevant knowledge and best-practices into the delivery of this complex and challenging Project.

#### **Team members:**

1. Star America Fund GP
2. Aldridge Electric
3. Fluor Enterprises
4. WSP/Parsons
5. Chesapeake Electric Systems
6. Sharp & Company
7. Business Transformation Group

**Relevant Projects:**

1. **Michigan Department of Transportation Lighting P3** – Team members Star America, Aldridge, and WSP are currently delivering the first street lighting P3 in the United States. The project developer entered into a 15-year DBFOM project agreement with the Michigan Department of Transportation (MDOT). The project was also the first P3 for MDOT.
  2. **Purple Line Light Rail P3** Team members Star America and Fluor are currently delivering the largest rail P3 in US history. The project developer entered into a DBFOM project agreement with the Maryland Transit Administration that includes 30 years of operations and maintenance after substantial completion is achieved.
  3. **National Roads Telecommunications P3** - Fluor is delivering a technology focused P3 to operate and maintain complex infrastructure network combining new and legacy fiber and copper systems..
  4. **Right Hon. Herb Gray Parkway (Windsor Essex Parkway)** - Fluor is acting as equity member, lead contractor, and OM provider for the Windsor Essex Parkway, who's OM team has provided maintenance, operations, and renewals since January 2011. Fluor is responsible for maintaining assets to the prescribed performance measures, which are a combination of outcomes and response times. Fluor's project scope of services involves the installation and maintenance of street and highway lighting systems.
  5. **CTA 4G Wireless System** – Aldridge, acting as development, design and installation of the Chicago Transit Authority's 4G Next Generation Distributed Antenna System.
  6. **Arterial Roadway Lighting** - Lead Contractor Aldridge replaced a portfolio of street lighting with LEDs.
  7. **Cambridge Smart Lighting** – Project involves the design of first city-wide adaptive lighting system to utilize smart control technology in the United States and the development of lighting master plan for a citywide LED conversion using active lighting control. WSP/Parsons performed a lighting master plan for the city and designed the conversion of the city's street lighting system to LED technology in the scope of work.
  8. **SMART Columbus** - Advisor and designer for complete smart city deployment, WSP/Parsons was selected to lead the implementation of smart city technologies, including systems engineering and design activities for both the Connected Vehicle and Autonomous Vehicle projects.
- (F) **A summary of the subcontracting plan required under section 2346 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, as amended, D.C. Official Code § 2-218.01 et seq.:**

Not applicable. Due to federal funding related to DDOT's maintenance of the District's streetlight assets the federal Disadvantaged Business Enterprises (DBE) rules and goals will apply to the

project. Those goals are included in the draft RFP and the Respondents will be required to submit DBE subcontracting plans with their proposals.

**(G) Performance standards and the expected outcome stated in the RFP and the proposed contract:**

The eventual award will be an incentive/disincentive laden performance-based design, build, operate, finance and maintenance contract, with a heavily involved District project management team that will utilize and an extensive regime of compliance/noncompliance factor to evaluate performance during all phases of the project, which will impact payments to contractor.

**(H) The amount and date of any expenditure of funds by the District prior to its submission to the Council for approval:**

None. As with any procurement all costs associated with proposal preparation are the responsibility of the Respondent.

**(I) A certification that the proposed RFP is within the appropriated budget authority for the agency for the fiscal year and is consistent with the financial plan and budget adopted in accordance with D.C. Official Code §§ 47-392.01 and 47-392.02:**

Not required during this phase of the procurement. The project will be initially financed entirely by the contractor and the District will make several milestone payments during the construction/LED conversion phase when specified deliverables/LED conversions milestones are completed. After the conversion is completed the District will make regular availability payments to the contractor based on the contractor and associated systems performance during the maintenance period.

The District via DDOT has included funding for the project in its budgets moving forward as appropriate.

**(J) A certification that the RFP is legally sufficient, including whether the proposed contractor has any pending legal claims against the District:**

OAG provided a legal sufficiency memo regarding RFP on December 18, 2020, which is included as part of this approval package.

**(K) Where the original RFP, and any amendments or modifications, will be made available online:**

Per the Act the draft solicitation is presently available for review/comment on the DC Registry and the DCOP3 website.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL



Legal Counsel Division

**MEMORANDUM**

**TO:** Ronan Gulstone  
Director  
Office of Policy and Legislative Affairs

**FROM:** Brian K. Flowers  
Deputy Attorney General  
Legal Counsel Division

**DATE:** February 22, 2021

**RE:** Office of Public-Private Partnerships DC Smart Street Lighting Project Request for Proposals Approval Resolution of 2021  
(AE-21-078)

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**This is to Certify that** this Office has reviewed the legislation entitled the “Office of Public-Private Partnerships DC Smart Street Lighting Project Request for Proposals Approval Resolution of 2021” and determined that it is legally sufficient. If you have any questions, please do not hesitate to call me at 724-5524.

*Brian K. Flowers*

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Brian K. Flowers


Government of the District of Columbia  
Office of the Chief Financial Officer



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** February 23, 2021

**SUBJECT:** Fiscal Impact Statement – Office of Public-Private Partnerships DC  
Smart Street Lighting Project Request for Proposals Approval  
Resolution of 2021

**REFERENCE:** Draft Approval Resolution as provided to the Office of Revenue  
Analysis on February 22, 2021

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**Conclusion**

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the proposed resolution.

**Background**

In 2015, the District launched the Office of Public-Private Partnerships (Office) to review both solicited and unsolicited opportunities for District agencies to partner with private entities to deliver government services.<sup>1</sup> The Office has partnered with the District Department of Transportation (DDOT) to consider a public-private partnership for the management of the District's approximately 75,000 street and alley lights, as well as other signage and lights located throughout the District. After reviewing the statements of qualifications from eleven potential partners, the District ranked three potential partners as highly qualified and thus eligible to participate in the request for proposal (RFP) process.

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<sup>1</sup> Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-271.01 et seq.).

The Honorable Phil Mendelson

FIS: "Office of Public-Private Partnerships DC Smart Street Lighting Project Request for Proposals Approval Resolution of 2021 Draft Approval Resolution as provided to the Office of Revenue Analysis on February 22, 2021

The approval resolution approves the Office's \$350 million, 15-year RFP so that the Office can request technical and financial bid proposals from the three highly qualified potential partners. The RFP is for a performance-based design, build, operate, finance, and maintenance contract. The RFP requires the potential partners to submit technical proposals by March 22, 2021 (technical proposal due date) and financial proposals by April 19, 2021. The Office plans to select the preferred proposal by July 2021. The RFP requires the District to pay a stipend of up to \$250,000 to each proposer if the District withdraws the RFP within 30 days of the technical proposal due date. If the RFP process moves past the technical proposal due date and is awarded to one proposer, the RFP requires the District to pay a stipend to each of the losing proposers up to \$500,000.<sup>2</sup> Stipend payments are common for technical RFPs to compensate bidders for the effort and resources they expend to respond to the RFP.

### **Financial Plan Impact**

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the proposed resolution. The only financial commitments directly resulting from the RFP are the stipend payments that could be up to \$250,000 for each proposer if the RFP is withdrawn by a certain point or up to \$500,000 for each unsuccessful proposer after a successful proposer is chosen. These payments would be made in fiscal year 2021 based on the proposed timeline in the RFP and DDOT's fiscal year 2021 budget includes sufficient funding to pay the required stipends.

Once the District enters into a contract based on the RFP and vendor selection process, the District will be responsible for milestone payments during the construction phase of the project and availability payments during the operations and maintenance phase of the project. These payments will be made from both local and federal transportation funds and are currently included in DDOT's six-year capital improvement plan and four-year statewide transportation program. However, the Council must approve the project agreement prior to the District beginning the project with the preferred proposer, and the financial elements for the project itself will be reviewed in greater detail at that time.

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<sup>2</sup> The RFP also requires the District to pay this stipend amount to the winning proposer if the District cancels the procurement after the proposer has been selected and prior to 30 days after the Council has approved the project agreement.