



## REQUEST FOR INDUSTRY FEEDBACK (RFIF)

# EWR

**AIRTRAIN EWR  
REPLACEMENT  
PROGRAM**

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# 1 INTRODUCTION

## 1.1 Invitation to Respond

The Port Authority of New York & New Jersey (“Port Authority”) invites Qualified Respondents to respond to this Request for Industry Feedback (“RFIF”) regarding the AirTrain Newark Replacement Program (“AirTrain Program”). The Port Authority is embarking on the implementation of a new AirTrain Newark to replace the existing system which is reaching its life expectancy and cannot accommodate the current passenger demand and future needs of the airport. The new AirTrain will provide for a completely new Right-of-Way (ROW) in a revised alignment to meet the changing Airport layout. The AirTrain Program is also anticipated to include the operations and maintenance (O&M) of the existing AirTrain during construction until the new system is complete and begins revenue service.

Additional information can be found regarding the AirTrain Program within the AirTrain Program Briefing Book (“Program Briefing Book”) available on the EWR Redevelopment Capital Programs website, [www.anewewr.com](http://www.anewewr.com).

## 1.2 Qualified Respondent

The Port Authority encourages responses to this RFIF from a variety of firms, organizations and teams that meet the following eligibility criteria (each a “**Qualifying Respondent**”):

- (a) Industry leaders with a record of successful delivery of projects in the design, and construction of Automated People Mover (APM) operating systems and fixed facilities of similar size, complexity, and scale to the anticipated AirTrain Newark Program (for the purposes of this RFIF the term “APM” is generic and may encompass any automated system providing mass transit services);
- (b) Industry leaders with a record of accomplishment in the operation and maintenance of airport APM operating systems and fixed facilities of similar size, complexity and scale to the anticipated AirTrain Newark Program;
- (c) Industry leaders whose functional expertise contributes to the financing, revenue generation, customer service and development of a project of similar scale to the anticipated AirTrain Newark Program.

The Port Authority will determine whether a respondent is a Qualified Respondent for purposes of this RFIF, based on the information provided by the respondent. The Port Authority may invite a Qualified Respondent to attend a one-on-one meeting with Port Authority staff to discuss the Qualified Respondent’s responses to the RFIF questions set forth in Section 4 of this RFIF. Organizations or firms that do not meet the eligibility criteria for responding to this RFIF, including but not limited to providers of specialty construction or maintenance services, legal or financial advisors, or other providers of professional services, are encouraged, but are not required, to participate

in responding to this RFIF as part of a Qualified Respondent. The Port Authority will not preclude organizations or firms who do not respond to this RFIF from participating in future procurements for the AirTrain Program.

### **1.3 Purpose of this RFIF**

Prior to the commencement of a formal procurement process for the AirTrain Program, the Port Authority is seeking feedback from Qualified Respondents regarding the anticipated scope and proposed project delivery methods for the AirTrain Program. Qualified Respondents, although not required, are encouraged to provide feedback regarding the AirTrain Program discussed in the Program Briefing Book.

The Port Authority may consider responses to this RFIF when finalizing the scope and project delivery methods for the AirTrain Program. The Port Authority may also use information provided by Qualified Respondents to assist with the preparation of any resulting Request for Qualifications (RFQ) or Request for Proposals (RFP) document.

### **1.4 RFIF Contact Person**

The Port Authority's Contact Person for this RFIF is:

Timothy J. Pullen  
Manager, Alternative Project Delivery  
Procurement Department  
The Port Authority of New York & New Jersey  
E-Mail: [tpullen@panynj.gov](mailto:tpullen@panynj.gov)

Firms and Qualified Respondents may at any time during the RFIF process send questions relating to the AirTrain Program or the RFIF process to the Contact Person. The Port Authority will review these questions and may post responses to these questions on the RFIF designated web page on the Port Authority's website. The Port Authority will not treat any RFIF questions as either confidential or proprietary.

### **1.5 Qualified Respondent Meetings**

After reviewing Qualified Respondent's responses, the Port Authority intends to hold one-on-one meetings with select Qualified Respondents. These one-on-one meetings are limited to Qualified Respondents only. The intent of these meetings is to promote an open exchange of information that, as noted, may assist the Port Authority with finalizing the project delivery and procurement and contracting strategy for the AirTrain Program.

The Port Authority anticipates that Qualified Respondent meetings, if any, will be scheduled during a two-week period in mid-December 2019. The Port Authority expects each meeting with a Qualified Respondent to last no more than one hour.

## **2 RESPONSE REQUIREMENTS AND FORMAT**

### **2.1 Response Requirements**

Each Qualified Respondent must submit:

- (1) A cover letter that includes the name and principal business of your firm, and how the firm meets the definition of a Qualified Respondent;
- (2) A designated point of contact for correspondence;
- (3) A request to participate in a one-on-one meeting with Port Authority staff (if desired);
- (4) A concise description of what role the firm might play in the future procurement for the AirTrain Program;
- (5) As applicable, a description of your experience undertaking or participating on projects within a major commercial airport setting; and
- (6) Your response to the RFIF questions in the format described in Section 4.

### **2.2 Response Format**

Respondents must email their responses (in PDF) to Timothy Pullen at [tpullen@panynj.gov](mailto:tpullen@panynj.gov) on or before Thursday, December 5, 2019. Respondents should include "AirTrain Newark RFIF Response" in the subject line of their email.



### **3 RFIF PARTICIPATION CONDITIONS**

#### **3.1 Terms of Discussion**

The Port Authority's receipt or discussion of any information related to this RFIF and a Respondent's response to this RFIF, does not impose any obligations whatsoever on the Port Authority or the Respondent.

#### **3.2 Inquiry Only – No Contract**

This RFIF is an inquiry only. The Port Authority will not enter into an agreement or contract with a Qualified Respondent as a result of this RFIF process. Neither the Port Authority nor any other agency guarantees that the projects discussed in this RFIF will advance to a public procurement, or that any subsequent procurement will follow the approaches described in this RFIF.

#### **3.3 Qualified Respondent Attendance Costs**

The Port Authority will not be liable for any costs incurred in the preparation, submission, revision or any other aspect of a response by a Qualified Respondent to the RFIF questions. Similarly, the Port Authority is not liable to a firm or Qualified Respondent for any costs incurred or related to participation in the one-on-one meetings.

#### **3.4 Disclosure of Responses**

The Port Authority will not consider responses to this RFIF as confidential or proprietary. A Qualified Respondent's response may be subject to disclosure under the Port Authority's Freedom of Information Policy.

#### **3.5 Ownership of Responses**

All materials submitted in response to or in connection with this RFIF will become the property of the Port Authority.

#### **3.6 Reserved Rights of the Port Authority**

The Port Authority reserves all its rights at law and equity with respect to this RFIF. No Qualified Respondent will have any rights against the Port Authority arising from the contents of this RFIF or the receipt of information in a response. The Port Authority makes no representations, warranties, or guarantees that the information contained in this RFIF or the Program Briefing Book, or any addenda hereto, is accurate, complete, or timely. Furthermore, no such representations, warranties or guarantees are made that the information in this RFIF or the Program Briefing Book accurately represents the conditions that would be encountered during the performance of any subsequent contract, if any. The furnishing of such information by the Port Authority does not create, nor should be deemed to create, any obligation or liability upon it for any reason whatsoever. Each Qualified Respondent, by submitting their submission,

expressly agrees that it has not relied upon the foregoing information contained in this RFIF and that it may not hold the Port Authority liable or responsible in any manner whatsoever.

### **3.7 No Personal Liability**

Neither the Port Authority's Board of Commissioners, nor any of them, nor any officer, agent or employee thereof, may be charged personally with any liability by a firm or Qualified Respondent or another or held liable to a Qualified Respondent under any term or provision of this RFIF or any statements made in this document or the Program Briefing Book or during a one-on-one meeting with a Qualified Respondent, as the case may be, or because of the submission or attempted submission of information or other response to this RFIF.

## 4 RFIF QUESTIONS

The Port Authority is interested in receiving bona fide responses from Qualified Respondents to the RFIF Questions provided in this section. To this end, we ask that responses to the RFIF questions be concise, informative, and to the extent possible, based on current and past projects or observations of design-build-operate-maintain (DBOM) contract and related industry best practices. We also ask that Qualified Respondents not provide firm marketing materials or other promotional materials, but only include materials on the firm's past and current projects to the extent they respond to the eligibility requirements set forth in Section 1 of this RFIF, and inform the Qualified Respondent's responses to these RFIF Questions. Qualified Respondents should be aware when responding to these RFIF questions that, as noted in the Program Briefing Book, the Port Authority currently anticipates using a DBOM project delivery model to deliver the AirTrain Program. Qualified Respondents should label their responses to match the question subject heading and RFIF question numbers.

### 4.1 Project Delivery and Contracting

- (a) Describe the various options of teaming arrangements that your experience has found to be most advantageous for your firm and any fatal flaw requirements you may have experienced with owner requirements in the past.
- (b) Regarding allocation of risks, please identify risks which you believe the Port Authority should assume for the AirTrain Newark program; specify the risks the DBOM contractor should assume for the AirTrain Newark program.
- (c) Please describe any alternative project delivery approach that you have been involved with that you feel should be considered for the AirTrain Newark program. What benefits would each approach provide?
- (d) Provide lessons learned on APM project delivery from past projects that you can share with the Port Authority.
- (e) The Port Authority will require the successful proposer of the AirTrain Newark system to assume the responsibility for Operating and Maintaining (O&M) the existing AirTrain, until the replacement AirTrain is constructed and commissioned. Please comment on this requirement and potential structuring of the arrangement to appropriately distribute the risk in this element.
- (f) Describe steps that can be taken to ensure a smooth transition from the existing O&M operator to a new operator.
- (g) Note areas of concern you may have with the proposed implementation of the AirTrain Replacement Program.
- (h) The Port Authority is interested in past successful and unsuccessful contractual approaches to handling site condition risks on programs similar to the AirTrain Newark Program. Provide examples of contractual approaches that your firm has



engaged in or has otherwise identified in the market both positive and negative regarding this area.

- (i) Describe how your firm conducts market outreach and otherwise engages and contracts with qualified MBE/WBE and local firms, including any partnering efforts or mentoring programs your firm is engaged in.
- (j) Identify any early action contract work that can be advanced independently prior to the execution of the anticipated DBOM contract to facilitate schedule adherence and risk minimization and how these contracts could be delivered as part of the contract packaging strategy. Please provide relevant past experiences, and other market examples, if possible.
- (k) Explain if Respondent has participated in any projects involving provision of equity in the project, and if the respondent has taken an equity position on that project?
- (l) Describe how best to ensure that the civil infrastructure partner in the DBOM arrangement maintains a long-term interest in the maintenance of the system's infrastructure to realize the appropriate asset life.

#### **4.2 Technology, Design, Development & Construction**

- (a) Provide a list of the types of APM technologies that may be suitable for the AirTrain Newark replacement program.
- (b) Describe the issues you see that could impact service availability and reliability for an APM system that operates in snow and ice conditions, similar to Newark, and how those issues can be mitigated.
- (c) Please explain what your firm can do or has done in the past to reduce the duration of delivery of complex infrastructure programs. What elements of the planned AirTrain Program do you anticipate can be expedited to reduce the overall duration of the schedule?
- (d) If there was a requirement to construct the new AirTrain alignment on the existing alignment between Station P4 and Rail Link Station, what challenges do you see and what is the minimum duration of AirTrain service shutdown to Rail Link Station you would anticipate?
- (e) What areas of technology, system and infrastructure design, and construction innovation might the Port Authority expect to see on the development for the AirTrain Newark program? Please provide examples based on your firm's experience and other relevant market examples, if possible.

- (f) Please describe the challenges that can be expected from constructing a new AirTrain system adjacent to existing roadways, operating facilities and the existing operating AirTrain system, in a complex airport operating environment, and how those challenges will be mitigated.
- (g) What are the most critical areas of design development for the AirTrain Newark program under a DBOM model?

#### **4.3 Operations & Maintenance**

- (a) Please explain what steps can be taken to efficiently maintain the operation of the existing AirTrain until the replacement AirTrain is ready for passenger service.
- (b) Please describe your approach to Total Cost of Ownership and what is appropriate to include in the vendor contract vs. Port Authority actions over the life of the system.
- (c) What is the optimum O&M term?

#### **4.4 Procurement**

- (a) The Port Authority anticipates incorporating a formal process for the evaluation and consideration of proposers' alternative technical concepts (ATCs) during the RFP phase of the procurement process. Please provide your firm's experience with developing and providing ATCs during DBOM procurements, and comment on how the ATC process may be improved. In your firm's experience, what are some of the "Best-in-Class" examples for the ATC process?
- (b) Do you have any observations to make on the intended procurement schedule for the AirTrain program or the overall program as provided in the Program Briefing Book?
- (c) In addition to standard RFP documentation, what additional documents, data, records, surveys and studies should the Port Authority consider providing to proposers during the RFP phase of the procurement process for the AirTrain Newark program?
- (d) What are the key factors your firm would consider in determining whether to participate in the procurement for the AirTrain Newark program?
- (e) Please provide detailed examples of requirements or specifications in other APM DBOM procurements that your firm believes could have been modified to reduce proposal development and overall project pursuit costs, without adversely affecting the public goals for, and the ability to review, the solicitation.

#### **4.5 Other**

- (a) We welcome any other feedback you wish to provide regarding the AirTrain Newark Replacement Program.
- (b) Explain other related topics of interest or issues that you would like to discuss and that may be important to address during any future procurement process for the program.
- (c) Provide a recommendation on what post award allowances could be developed in order to reduce contingency assumptions during solicitation period (i.e. Geotechnical and environmental investigations).