

Request for Proposal (RFP)

To Acquire Permanent Dredging Capacity

**(Pursuant to NC General Assembly Session 2017,
Senate Bill 99, Section 13.7. (a-h))**

Dare County, North Carolina

Issue Date: June 29,2018

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SECTION 1. PURPOSE

1.1 DEFINITIONS

- a.** Local Partner- Dare County in conjunction with the Oregon Inlet Task Force.
- b.** Private Partner- the entity chosen from the responses to this RFP.
- c.** Legislation- Senate Bill 99, Section 13.7(a-h) of the 2017 Session of the NC General Assembly.
- d.** RFP- Request for proposal
- e.** State- North Carolina
- f.** Respondent – the entity responding to this RFP

1.2 OVERVIEW

This is a Request for Proposal (RFP).

The North Carolina General Assembly in the 2017 Session of the NC General Assembly, Senate Bill 99, Section 13.7(a-h) found that “the maintenance of the State’s shallow draft navigation channels in a manner that keeps those channels navigable and safe and minimizes their closure or degradation is a vital public purpose and proper governmental function and that declines in federal funding and dredging activity have significantly and adversely impacted the ability of the federal government to maintain these channels in a timely manner. The resulting deterioration in these channels damages the significant portion of the economy of the State’s coastal regions that is dependent on the use of the navigation channels by watercraft. Therefore, it is the policy of the State to support and, when necessary to meet the public purposes set forth in this subsection, to supplement federal maintenance of the navigational channels”

1.3. Project Goals

Pursuant to and in compliance with the provisions of the 2017 Session of the NC General Assembly, Senate Bill 99, Section 13.7(a-h) Dare County as the Local Partner, in conjunction with the Oregon Inlet Task Force and the successful Respondent as the Private Partner, seeks to have constructed an ocean certified hopper dredge, constructed, owned, operated and maintained by Private Partner, to provide dredging services for Oregon Inlet, Hatteras Inlet, their surrounding waterways and other shallow draft inlets and waterways in North Carolina as directed by the Oregon Inlet Task Force in conjunction with Dare County as the Local Partner.

1.4 Scope of Work

The Private Partner selected and the Oregon Inlet Task Force shall work together to design, create specifications, and construct, a hopper dredge with capacity to obtain and maintain the Oregon Inlet Channel to the authorized depth of seventeen (17) feet, while maintaining the capability to dredge in

Hatteras Inlet and other similar shallow draft inlets of the State and in the interior waterways of the State. The time for completing this activity should be accomplished within twenty-four (24) months from the date of the signed MOA with the Private Partner.

The Private Partner selected shall be eligible for a forgivable loan from the Local Partner in the amount of \$15 million dollars upon terms to be agreed upon between the Private Partner selected and the Local Partner and in compliance with the provisions of Senate Bill 99, Section 13.7(a-h) of the 2017 Session of the NC General Assembly, for the construction of the dredge. Respondent shall pay all costs of design and construction (which are estimated to be between \$25 and \$30 million dollars) in excess of the \$15 million forgivable loan, shall enter a contract with a dredge construction company based upon specifications approved by the Oregon Inlet Task Force in consultation with Private Partner and shall be responsible for and pay all costs to operate, maintain and protect the dredge and its operation.

The Oregon Inlet Task Force will work with the Private Partner in scheduling and location of dredging activities but the decisions of the Oregon Inlet Task Force as to scheduling and location of dredging activity shall prevail.

The Private Partner selected, the Local Partner and the Oregon Inlet Task Force shall negotiate, and upon agreement enter:

- (a) a promissory note for the forgivable loan referenced above, with appropriate collateral, guaranties and/or inter creditor agreements as agreed by the parties, and
- (b) a Memorandum of Agreement (MOA) setting forth the rights, duties, responsibilities, and obligations of the parties, not inconsistent with the legislation or the terms of this RFP.

This RFP and the responses thereto shall create no legal obligations or liabilities between the Local Partner and the Private Partner and/or the Oregon Inlet Task Force. All legal rights, obligations and responsibilities of the parties shall be evidenced by separate written documents negotiated and agreed upon by the Private Partner selected, the Oregon Inlet Task Force, and the Local Partner.

1.5 QUESTIONS

Any questions submitted concerning this RFP must be received no later than 5:00 p.m. local time on July 14, 2018. Questions shall be submitted to Jim Tobin, Chairman of the Oregon Inlet Task Force, Dredge Subcommittee, Jim.Tobin@darenc.com, with copies to Dare County Purchasing Agent Dustin Peele, dustin.peele@darenc.com and Dare County Manager Robert L. Outten, outten@darenc.com

Responses to questions will be issued to all vendors known to have received this RFP within ten business days.

1.6 CLOSING DATE

The closing date for responses to this RFP is July 29, 2018 at 5:00 p.m. EDT. Each Respondent shall submit three (3) hard copies and one (1) electronic copy in PDF format. The responses shall be addressed to Oregon Inlet Task Force Dredge Subcommittee C/O Dustin Peele, Dare County Purchasing Agent, as instructed in Subsection 2.1.

Responses received after the scheduled closing date and time will not be accepted and will not be considered.

Responses submitted must comply with all instructions, specifications, and requirements as set forth herein.

Responses failing to comply with the RFP may be deemed non-responsive and could be eliminated from consideration

1.7 PROJECT TIMELINE

The projected timeline is as follows:

EVENT	DATE
RFP Released	June 29, 2018
Proposals Due	5:00 p.m. EDT, July 29, 2018
Anticipated Selection of Private Partner	August 2018

The Local Partner anticipates completion of construction, sea trials, Coast Guard certifications and all other matters and things necessary to begin dredge operations to be completed in time for dredging activity to begin in Oregon Inlet on or before 24 months from the signature date of the MOA.

SECTION 2. RESPONSE REQUIREMENTS

2.1 RESPONSE REQUIREMENTS

All proposals shall be provided in three (3) hard copies and one (1) electronic copy in PDF format, delivered to Dare County Government. Responses shall be addressed to:

Mailing Address:

Oregon Inlet Task Force
Dredge Subcommittee
C/O Dustin Peele
Purchasing Agent, Dare County Government
P.O. Box 1000
Manteo, NC 27954

Physical Address:

954 Marshall Collins Drive
Manteo, NC. 27954

Electronic copy to: dustin.peele@darenc.com and sallyd@darenc.com

2.2 SELECTION PROCESS

Pursuant to the provisions of Senate Bill 99, Section 13.7(a-h) of the 2017 Session of the NC General Assembly, selection is exempt from the provisions Articles 3 and 8 of Chapter 143 of the North Carolina General Statutes and only subject to the provisions of Senate Bill 99, Section 13.7(a-h) of the 2017 Session of the NC General Assembly. The Private Partner shall be selected by the Oregon Inlet Task Force

from the responses received. The Private Partner selected will be the Respondent who, in the judgement of the Oregon Inlet Task Force, can best meet the goals, needs, desires and objectives of the above cited legislation.

The Oregon Inlet Task Force reserves the right not to select a Private Partner based on this RFP.

2.3 SELECTION CRITERIA

The successful Respondent shall:

- 1.** Have a dredge operations manager/captain available to be assigned to the construction & operation of the dredge to be constructed who is recently experienced in operating a hopper dredge in Oregon Inlet, Hatteras Inlet and other shallow draft inlets and waterways in North Carolina. Provide the names of the dredge operations manager/captain and list their recent experience operating hopper dredges in Oregon Inlet, Hatteras Inlet and other inlets and waterways of North Carolina.
- 2.** Provide financial Statements, letters of credit and/or other documentation sufficient to demonstrate to the Local Partner and the Oregon Inlet Task Force that Respondent has the financial ability to fund or obtain funds sufficient to pay the costs of dredge construction in excess of the forgivable loan, operations, maintenance and to repay the balance of the forgivable loan in the event that the cost savings goals of the legislation are not met.
- 3.** Provide proof of insurance or other documentation to demonstrate the ability to obtain property and casualty insurance on the dredge of up to thirty million (\$30,000,000) dollars and liability insurance with limits of \$5,000,000.00/incident. Dare County, North Carolina and the Oregon Inlet Task Force must be named as additional insureds.
- 4.** Provide its methods of financing its share of the design and construction costs, and proposals to provide the Local Partner with collateral and guarantees sufficient to cover the amount of the forgivable loan.
- 5.** Demonstrate its knowledge of the dredging needs and requirements of Oregon and Hatteras Inlets and the other shallow draft inlets and waterways of the State.
- 6.** Provide a plan for maintaining as the homeport and base of operations in Dare County North Carolina.
- 7.** Provide the location and plan for maintenance of the dredge.
- 8.** Demonstrate its ability and provide a plan to comply with all provisions of the legislation.
- 9.** Proposed material terms for the forgivable loan.
- 10.** Acknowledgement that the Oregon Inlet Task Force shall be responsible for the scheduling of the dredging of the inlets and waterways and that the base of operations and home port shall be Dare County, North Carolina.

SECTION 3. ATTACHMENTS

- 3.1** Senate Bill 99, Section 13.7(a-h) of the 2017 Session of the NC General Assembly
- 3.2** Resolution Delegating Duties to the Oregon Inlet Task Force