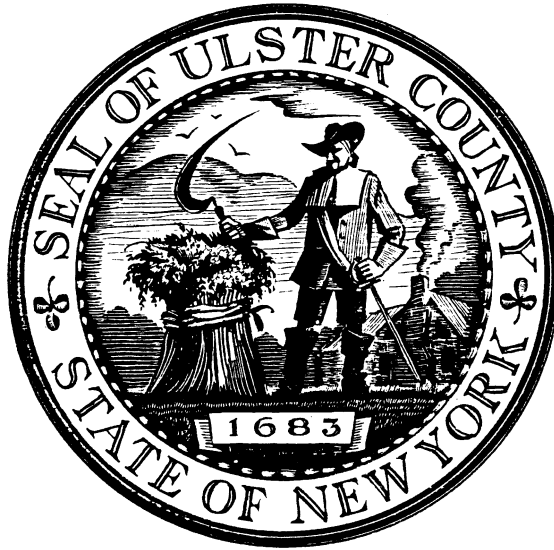


COUNTY OF ULSTER REQUEST FOR PROPOSALS



RFP-UC16-033

**TOURIST RAILROAD OPERATOR(S)
FOR ULSTER & DELAWARE RAILROAD
ULSTER COUNTY, NY**

***ULSTER COUNTY PURCHASING DEPARTMENT
MARC RIDER
DIRECTOR OF PURCHASING
244 FAIR STREET- THIRD FLOOR
KINGSTON, NY 12401***

COUNTY OF ULSTER – PURCHASING DEPARTMENT

244 Fair Street, Third Floor, Kingston, NY 12401
PHONE: 845-340-3400 / FAX: 845-340-3434 / WEB: www.co.ulster.ny.us/purchasing/

RFP NAME: TOURIST RAILROAD OPERATOR(S)
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REQUEST FOR PROPOSALS (RFP)

DATE: MARCH 17, 2016

**NOTICE IS HEREBY GIVEN THAT SEALED PROPOSALS
ARE SOUGHT AND REQUESTED FOR THE FOLLOWING:**

RFP NAME: TOURIST RAILROAD OPERATOR(S)
FOR ULSTER & DELAWARE RAILROAD

RFP NUMBER: RFP-UC16-033

PLACE OF RECEIPT: Ulster County Purchasing Department
244 Fair Street, Third Floor
Kingston, NY 12401

**FINAL DATE & TIME TO
RECEIVE PROPOSALS:** May 6, 2016; 4:00 PM

**FINAL DATE TO SUBMIT
QUESTIONS:** April 15, 2016

CONTACT PERSON: Edward Jordan, Deputy Director of Purchasing
Ulster County Purchasing Department
Phone: 845-340-5574
Email: ejor@co.ulster.ny.us

Please print on the face of package(s)/envelopes:

- 1) NAME & ADDRESS OF RESPONDER;
- 2) RFP NAME & NUMBER

It is the responder's responsibility to read the attached RFP specifications.

Marc Rider
Director of Purchasing

COUNTY OF ULSTER – PURCHASING DEPARTMENT

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RECEIPT CONFIRMATION FORM

To ensure you are advised of all addenda and other communications regarding this RFP, **please complete and return this confirmation form within five (5) business days** from receipt to:

Ulster County Purchasing Department
Edward Jordan, Deputy Director
244 Fair Street- Third Floor
Kingston, NY 12401
Ph: 845-334-5574
Fax: 845-340-3434

Failure to return this form may result in no further communications regarding this RFP.

Responder Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Person Name: _____ Title: _____

Telephone: _____ Fax: _____

Email: _____

Responder has received a copy of the above noted RFP and:

_____ Will be submitting a proposal.

_____ Will not be submitting a proposal.

_____ Requests to schedule site visit to inspect available track.

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1. BACKGROUND AND PURPOSE:

The County of Ulster (“the County”) is seeking proposals from experienced operators to develop tourist railroad operations on one, or both, of two available segments of the County-owned Ulster & Delaware (“U&D”) Railroad corridor. Located in the Hudson River Valley region of New York State, Ulster County is 90 minutes north of New York City and one hour south of Albany. The County has a robust and growing tourism sector (more than \$500 million annually) and is seeking to further develop this sector by using two designated segments of the U&D Railroad corridor for tourist railroad uses (please refer to map of available segments in Attachment A). Other segments of the U&D Railroad corridor are being converted to non-motorized recreational trails, which in the future will connect to the tourist railroad operations and will be designed to complement and benefit both rail and trail uses.

The identified track segments are currently under a long-term lease to a tourist railroad operator, for which the lease expires on May 31, 2016. The County is interested in identifying and working with a successful tourist railroad operator or operators to further develop the potential of the two available segments of the U&D corridor following the expiration of the current lease. Responders are invited to submit proposals to operate on part, or all, of one or both of the two available railroad segments.

The County is interested in maximizing the public benefit of the available railroad segments and promoting economic development and tourism. Sections of both available segments have been used in recent years for theme trains and scenic excursions, which the County would like to further expand and enhance in the future. Rail-based tourist alternatives, such as rail bike operations, may also be considered in one or both of the available railroad segments. The County anticipates that the selected responder(s) will negotiate an agreement with the County to utilize the available railroad segment(s) for up to five (5) years before renewal or re-solicitation. The County further anticipates that the future operator(s) will be responsible for the maintenance of the segment(s), including, but not limited to, maintenance of track and ties, clearing and repair of drainage facilities, inspection and repair to embankment and railroad structures, vegetative control along right-of-way, clearance of litter and debris, and upkeep of any supporting facilities, such as ticketing areas, parking areas, and loading platforms.

2. DESCRIPTION OF AVAILABLE RAILROAD SEGMENTS:

Eastern Segment:

The “Eastern Segment” of the U&D Railroad corridor extends approximately 4.5 miles from Westbrook Lane in the City of Kingston westward to Route 28A in the Town of Hurley (approximately Milepost 3.8 to Milepost 8.3). The Eastern Segment is located 90 miles north of New York City and is just off Exit 19 of the New York State Thruway (Interstate 87), putting it within 2 hours drive of approximately 20 million people. The Eastern Segment begins near a commercial property known as the Kingston Plaza, where there is a passenger loading platform, signage and small utility shed used by the current operator. The County plans to convert the U&D corridor east of this segment into a non-motorized recreational trail, the design of which will include a connection with future tourist railroad operations in the Eastern Segment. There has been no connection to the CSX Transportation River Subdivision since the switch was removed some time ago, and the County does not anticipate a reconnection at this time.

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Track inspection reports¹ from 2014 and 2015 of the U&D Railroad corridor documented the track from Milepost 3.8 to Milepost 6.45 met FRA Class I standards, including the C9 Trestle Bridge spanning the Esopus Creek (at Milepost 5). The track from approximately MP 6.45 to MP 8.3 at Route 28A does not currently meet Class I standards and will require rehabilitation, drainage work, and tie replacement. Since the last inspection, additional tie replacement and drainage repairs have occurred, but the County makes no assurances of the condition of this track segment. Potential responders are advised to schedule and conduct an inspection with the County prior to submission of proposals. In 2014 and 2015, the track from Westbrook Lane (MP 3.8) to just west of Hurley Mountain Road (MP 5.9) hosted theme-based excursion passenger train operations, including *The Polar Express*TM, *Peanuts*TM, *Chuggington*TM, and *Day Out With Thomas*TM. These and other local seasonal, part-time operations reportedly attracted more than 30,000 passengers to the Eastern Segment in 2014.

The Eastern Segment does not have a permanent railroad yard or maintenance facility, which the successful responder would need to establish in coordination with the County and the local municipality. The County has also identified the Eastern Segment for future construction of collocated rail-with-trail where feasible, particularly the sections from Westbrook Lane to Washington Avenue and from U.S. Route 209 to Route 28A, which the County would develop in coordination with a future operator. The Eastern Segment has a number of grade crossings (Washington Avenue, US Route 209, and Hurley Mountain Road) that do not currently have gates and warning signals, but the County anticipates it would work with the successful responder and the New York State Department of Transportation to make any necessary safety upgrades. These grade crossings are currently marked as Exempt crossings, and traffic is flag stopped by the current operator.

Western Segment:

The “Western Segment” extends approximately 6.2 miles from Route 28A in the hamlet of Boiceville in the Town of Olive westward to Bridge Street in the hamlet of Phoenicia in the Town of Shandaken (approximately Milepost 21.6 to 27.8). The Western Segment begins approximately 16-miles northwest of Exit 19 of the New York State Thruway (Interstate 87) and is situated in the Catskill Park. The Western Segment runs through the Esopus Creek valley, which is a popular destination for fishing, hiking, and other recreational activities. The Western Segment is more rural than the Eastern Section and has hosted seasonal, part-time scenic train excursions for more than two decades. In recent years, the Western Section has hosted fall foliage train rides and steam trains with a reported ridership of nearly 9,000 passengers in 2014.

The Boiceville end of the Western Segment will connect in the future to the planned “Ashokan Rail Trail,” an 11.5-mile rail trail along the Ashokan Reservoir. The western end of this Segment is immediately adjacent to the Empire State Railway Museum and the hamlet of Phoenicia, a growing tourist destination in the Catskill Mountains. The Western Segment includes the Mount Tremper station on New York State Route 28 in close proximity to the Emerson Resort & Spa/ Catamount Restaurant. This station currently serves as the passenger loading area for the Western Segment and provides parking, ticketing facilities, and temporary restroom facilities. The Western Section has one major grade crossing (across New York State Route 28), which is protected with railroad crossing gates and signals, as well as several minor grade crossings on lightly-traveled local roads. Trains are currently stored along the track at the Mount Tremper station, but the County does not own a permanent maintenance

¹ The engineering inspections are available for review at: <http://ulstercountyny.gov/planning/tourist-railroad-operator-RFP>

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facility in this segment. The County again anticipates working with the successful responder to identify and site an appropriate facility to house and maintain rolling stock and maintenance equipment.

The 2015 track inspection report documented the railroad track from Milepost 23.5 to Milepost 27.5 met FRA Class I standards. Since the inspection, some additional tie replacement and drainage repairs have occurred, but the County makes no assurances of the condition of this track segment, which responders are advised to inspect prior to submission of proposals. The County anticipates that the future operator would need to do tie replacement/ drainage maintenance if it desired to operate on the track outside of the above-mentioned Class I sections. This would include the repair of a significant embankment washout at Milepost 23.3, which was caused by catastrophic flooding resulting from a declared disaster. The County anticipates assisting in the repair and restoration of this flood-damaged area in cooperation with a future operator.

3. RFP SUBMISSION REQUIREMENTS:

In order for the County to conduct a uniform review process, all proposals shall be submitted using the following sections with the information and formats detailed below. The County will assess each responder's qualifications and experience, financial capabilities, proposed approach to operations, and specific service proposals separately for the Eastern Segment and the Western Segment. The County anticipates interviewing top scored responders for each segment. Please note that the following documents are required for proposals to be considered, and the County reserves the right to disqualify any responders who omit required information and documentation.

Section 1: Responder Qualifications and Experience

- A. Cover Letter (please limit to 1 page) stating the responder's interest in operating tourism railroad services and noting desired track segment(s) (Eastern and/or Western Segment.) Please include the following information: name, title, and signature of authorized responder representative; full legal name of responder organization (if applicable); location of responder's principal office; legal status of responder (individual, partnership/LLC, corporation, non-profit) including for any parent companies; state in which responder is organized or incorporated (if applicable); date of incorporation or formation (if applicable); brief summary of responder's qualifications; and signature of person authorized to obligate the responder, with contact information, including address, email address, phone number, and fax number.
- B. Overview of proposed project team (please limit to 3 pages plus resumes). Please include names, qualifications (including licenses and professional certifications), and resumes of the responder's officers and key personnel and any proposed subcontractors. Please identify the individual who will have overall responsibility for day-to-day operations. If more than one entity/individual is working jointly to submit a proposal, the responders must designate one of them to be the prime responder and make any subcontractor arrangements with partner entities/individuals.
- C. Organizational chart, including all participants in the proposal, showing the proposed relationships between the responder and all subcontractors (if any), and between the key personnel and support staff within the responder's organization, showing which work function(s) each entity or individual will be responsible for performing, and detailing the responsibilities of each position with each entity, including any parent company of the responder.

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- D. Description of the tourist railroad experience of the responder, parent company, and any subcontractors within the past seven (7) years (please limit to 4 pages). Please include the following information: legal name of responder (and parent companies, if applicable); location(s) of tourist railroad services; brief description of such service(s); experience with licensed rail events and/or special events; dates of service and current status of services; officers and/or key personnel involved in service(s); name and contact information for railroad track owner (if other than the responder); business references for each tourist railroad service discussed (please use the Reference Sheet attached to this RFP); and list of any contracts relating to rail operations that were terminated or not renewed, with reasons for termination or non-renewal.
- E. Discussion of safety compliance for railroad operations within the past seven (7) years. Please discuss the safety record of current and prior railroad operations, including names of all railroad companies/ services, and descriptions of reportable accidents/ incidents and/or regulatory actions taken against the responder, parent company, and/or subcontractors. Please note that the County may conduct searches on the FRA’s database of reportable accidents and incidents so please use this section to describe any extenuating circumstances for such events.
- F. Description of any pending, current, or concluded litigation involving the responder, parent company, subcontractor, or any of the respective directors, officers, or other key personnel involving any railroads owned or operated by responder for past seven (7) years.
- G. Description of any pending, current, or concluded investigation, action or proceeding instituted by any government agency against the responder, parent company, subcontract, or any of the respective directors, officers, or other key personnel, including any citations or fines levied, for the past seven (7) years.
- H. Summary of track inspections conducted by the Federal Railroad Administration (FRA) or other regulatory entities (e.g., state regulators) on any rail lines owned or operated by the responder and a list of any violations or fines imposed by the FRA or other regulatory authority concerning the same.

Section 2: Responder Financial Capability

Responders shall clearly mark any proprietary information in this section as “Proprietary,” and the County will review such information to determine if this classification is accurate. If the County agrees that the information is in fact “Proprietary” then it will be excluded from public disclosure to the extent permitted by law. All other information in the Proposal will be subject to public disclosure as required by the Freedom of Information Act and any other federal, state or local laws.

Please provide the following documentation:

- A. Financial statements, preferably audited, in compliance with generally accepted accounting principles (“GAAP”), for the immediate past three (3) years for responder (and any parent company), including notes to financial statements. Responders must include balance sheets, statements of income and expenses, cash flow statements, and statements of changes in owners’ equity or stockholders’ equity (or net assets for non-profit entities) as required for GAAP compliance. If responder has been formed less than three (3) years, please provide statements for years of operation and/or for any parent company.

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- B. Federal and state income tax returns for responder (and any parent company) or information returns (such as IRS Form 990 for non-profit entities) for the three (3) most recent tax years. If responder has been formed less than three (3) years, please provide returns for years of operation and for any parent company.
- C. Most recent interim financial statements.
- D. Listing and explanation of any existing or pending lawsuits, regulatory actions, liens, or environmental issues of or against the responder or parent company.
- E. Five-Year Financial Plan, including projections for capital investments and cash flow, with details on the assumptions used in the Plan. If responder is proposing for both the Eastern and Western Segments, please provide separate Plans for each segment.
- F. Statement explaining how start-up capital and operating funds, including for equipment and support facilities, in the Financial Plan will be provided by the responder. Please note that grants anticipated or proposed through future applications may not be included as legitimate start-up capital and operating funds. If proposal is for both the Eastern and Western Segments, please provide separate start-up discussions for each segment.
- G. Responder's insurance plan, specifying limits of liability and deductible consistent with minimum requirements set forth in Attachment B of this RFP.

Section 3: Operating Proposal for Tourist Railroad Service (by segment)

- A. Narrative of tourist railroad services proposed, by segment if proposing for both Eastern and Western Segments (please limit to 5 pages per segment). Please specify the following: Eastern or Western Segment (and track mileages within respective segments, if applicable) proposed for future services; discussion of scope and type of tourist services proposed (including licensed or special events and charters); discussion of operational and staging issues (parking, support facilities, event staging areas, ticketing facilities, etc.); proposed months/days/hours of operation; initial marketing and development plans; operational and maintenance staffing details, including number of paid and/or volunteer staff projected; and ridership estimates for five (5) years. Please note that proposals which include the use of track segments outside of the "Description of Available Railroad Segments" as provided in this RFP will be deemed non-responsive and rejected by the County.
- B. Mobilization plan (2 page limit per segment) detailing responder's proposed schedule and logistics for service commencement. Please include: inventory and description of equipment and rolling stock to be utilized for proposed services; discussion of the transport, acquisition, and/or rehabilitation of any needed rolling stock or maintenance equipment; and description of support facilities proposed for construction or acquisition within proposed track segments.
- C. Maintenance and rehabilitation plan (4 page limit per segment) by segment. Please include a discussion and the proposed investment by the responder for the following: capital improvements anticipated to be necessary to allow for operations on the railroad line as proposed, including to meet FRA class of track proposed for segments; proposed support facilities (whether remote or along the U&D right-of-way) and proposed structures, including locations, for rehabilitation, maintenance and storage facilities for rolling stock and railroad MOW

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equipment; schedule and logistics for bridge inspection (for Eastern Segment) and track inspections; staffing or subcontracting proposed for maintenance and rehabilitation, including experience with inspections and maintenance of track and rolling stock. Please note that the County prohibits application of herbicides and pesticides on County property, so please assume mechanical vegetative control for this proposal.

- D. Use Fee Proposal (one page only per segment). Please provide a separately sealed use fee proposal with an **annual use fee** to be paid to the County for each of the anticipated five years of operation. If responder is submitting proposals for both the Eastern and Western Segments, please provide a separate use fee proposal for EACH segment clearly marked with name of segment. Use fee proposals must be in the form of a fixed dollar amount per year for each of the anticipated operating years. Fee proposal envelopes should be clearly marked, "Sealed Use Fee Proposal." The County reserves the right to reject use fee proposals that are not in the specified format.
- E. Environmental sustainability initiatives (optional: one page only). Please describe any initiatives previously implemented and/or proposed for this RFP that reduce environmental and/or community impacts from operations. Please discuss any equipment or rolling stock proposed and/or operational procedures proposed that would reduce air emissions and noise pollution, utilize cleaner or alternative fuels/ technologies, and/or improve overall energy efficiency and environmental sustainability, particularly for the Eastern Segment (urban area.)

Proposal Format and Submission Requirements

- A. The County requires submission of eight (8) printed copies, one (1) unbound signed original copy, and an electronic copy (on CD or thumb drive) containing the entire electronic version of responder's submission. Please note that the sealed Fee Proposal for each segment desired should be included only in the unbound signed original and not included in the other printed and digital copies.
- B. All responses must be received by mail or hand delivered on or before May 6, 2016 at 4:00 P.M. to:

Marc Rider, Director of Purchasing
Ulster County Purchasing Department
244 Fair Street, Third Floor
PO Box 1800
Kingston, NY 12402

Proposals received after the due date will not be considered.

- C. The County recommends potential responders schedule a site visit to the railroad segment(s) of interest. To schedule a site visit, please fill out and return the Receipt Confirmation Form on Page 3 and indicate a site visit is requested. The date(s) and the time(s) of the site visit(s) will be determined based on interest and responder availability, and scheduled site visits will be communicated through an addendum to follow this RFP.

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4. NO DISCRIMINATION:

As required by Article 15 of the New York State Executive Law (also known as the Human Rights Law) and all other State and federal statutory and constitutional non-discrimination provisions, including the Civil Rights Act, the responder will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition, carrier status, military status, domestic violence victim status, or marital status.

The responder shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work, and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgrade, demotion, transfer, layoff, termination, and rates of pay.

5. REQUIRED LICENSES AND CERTIFICATIONS:

The selected responder and any subcontractors must submit proof of any licenses or certifications required for railroad operations within ten (10) days of selection.

6. SELECTION PROCEDURE:

Based on a review and evaluation of the information provided in proposals, Ulster County will rank the proposals for each of the two segments separately and select the responders ranked as most qualified to meet the County's needs and requirements for each segment. The ranking and selection will be based on a committee evaluation of the proposals based on the information required in this RFP. The County reserves the right to request any additional information deemed necessary to make an informed selection decision. The draft scoring criteria and associated maximum points for each section of the proposal are outlined in the "Scoring Criteria and Points Matrix" (Attachment C). The County reserves the right to modify the matrix.

Interviews may be scheduled with the highest-scoring, qualified responders after the RFP opening and initial evaluation. The interviews permit further evaluation and allow the County to inquire further into the responders' experience, qualifications, financial capability, and proposed plan (by segment) as it relates to the factors listed above. In addition to those criteria, as per Ulster County "Local Economic Development Policy," responders are awarded up to five points in RFPs based on location of the responder's offices as follows: office in Ulster County- 5 points; office in contiguous county- 3 points; office in non-contiguous county within New York State- 1 point. The County reserves the right to make a final selection based solely on the ranking of responders during the follow-up interviews.

7. METHOD OF AWARD:

A notice of award for the Eastern Segment and the Western Segment will be made to the responder with the highest ranked proposal for each respective segment, as established during the selection process highlighted previously. Negotiations will commence with the highest ranked responder to establish an acceptable detailed scope of services, annual rental amount, mobilization schedule, performance benchmarks, and requirements for safety, maintenance, inspection, operations, and reporting. If the County and the selected responder cannot agree on terms for an agreement within a reasonable timeframe, the County, at its sole discretion, can start negotiations with the second ranked responder, and so on through the top three ranked responders. The County retains the right to request

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further information from all responders or to reject all proposals at its sole discretion. An award for this RFP shall not be binding upon the County until an agreement has been fully executed by both parties.

8. QUESTIONS:

All questions must be submitted in writing and received by 4:00 PM on April 15, 2016. Submissions must be directed to the Ulster County Purchasing Department via fax or email using the form found at the end of this RFP. All questions submitted will receive a written response. No oral interpretations as to the meaning of this RFP or revisions to this RFP will be made. Any interpretation deemed necessary by the County will be in the form of an addendum to this RFP and, when issued, will be delivered as promptly as is practicable to all parties to whom this RFP has been issued. All addenda shall become part of the RFP. Responders shall not rely upon any oral statements or conversations they may have with Ulster County employees or third parties regarding this RFP.

9. GENERAL INFORMATION:

- A. This RFP is not to be construed as creating a contractual relationship between the County and any entity or individual submitting a response.
- B. The County reserves the right to reject any or all proposals. The County may also elect to cancel this solicitation and/or re-advertise this RFP entirely.
- C. By submitting a response to this RFP, the responder represents that it has examined and fully understands this RFP and all the requirements within it. All terms and conditions set forth in this RFP are accepted and must be incorporated in the submission unless explicit exception is made to the individual items and accepted by the County.
- D. By submitting a response, the responder represents it has the ability to meet the requirements in this RFP.
- E. By submitting a response, the responder agrees and accepts that all materials, with the exception of proprietary financial documents, submitted in the response become the property of Ulster County to use as it sees fit to meet its governmental purposes, and that the responder relinquishes any and all intellectual or contractual rights to material contained in the response.
- F. The County shall have no obligation of liability to any responder to this RFP.

10. COMPLIANCE WITH LAWS, LICENSES AND PERMITS:

The contract and any of the services provided hereunder are contingent and expressly conditioned upon the ability of the responder to provide the specified services consistent with all federal, State and local laws and regulations. The responder agrees to fully comply with federal, State and County policies, procedures, standards and laws, and rules and regulations. The responder, and any subcontractors, shall secure and maintain any necessary licenses and permits as may be required to provide the services as detailed in this RFP and pay all related charges. If, for any reason, the responder's required licenses or permits are terminated, suspended, revoked or in any manner modified from their status at the time the contract becomes effective, the responder shall notify Ulster County immediately of such condition in writing.

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11. DISQUALIFICATION:

The County reserves the right to refuse to issue awards to any responder should such responder fail to comply with any pre-qualification regulations of the County, if any such regulations or requirements are cited, or otherwise included in the RFP. Proposals received from responders who have previously failed to successfully fulfill contracts, or who have previously performed services work in an unsatisfactory manner, may be rejected. A proposal may be rejected if the responder cannot document that it has the necessary ability, financial and other resources, and qualified employees to commence the services at the time prescribed and thereafter to perform and complete the services and maintenance requirements. A proposal may be rejected if the responder is already obligated for the performance of other services that would delay or undermine the performance of the services detailed in this RFP.

12. INSURANCE:

The successful responder shall, at its own expense, maintain in effect at all times during the performance of the service under the resulting contract at least the insurance coverage specified in the attached insurance requirements (Attachment B). The successful responder shall file with Ulster County Purchasing, within ten (10) days of Notice of Award, evidence of insurance certifying the required coverage. The County reserves the right to require additional insurance coverage if deemed necessary.

13. FREEDOM OF INFORMATION:

The successful responder agrees to comply with the Freedom of Information Law and such rules and regulations as the County and the State may from time to time make, including, but not limited to, such rules as may be devised governing access to public documents pursuant to Article 6 of the Public Officers Law, popularly known as the Freedom of Information Law. Proposals shall be considered public documents and, with limited exceptions, all submissions, including submissions that are recommended for award, will be available for inspection and copying by the public.

If a responder considers any portion of its proposal to be protected under the law, the responder shall identify such portion(s) with the word, "Proprietary." If a request is made for disclosure of such portion(s), Ulster County will determine whether the material should be made available under the law. If the material is not exempt from public disclosure law, the County will notify the responder of the request and allow the responder five days to take whatever action it deems necessary to protect its interests. If the responder fails or neglects to take such action within said period, the County will release portions of the submission deemed subject to disclosure. By making a submission, the responder assents to the procedure outlined in this paragraph and shall have no claim against Ulster County on account of actions taken under such procedure.

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ATTACHMENT A

Maps of Subject Properties in RFP:

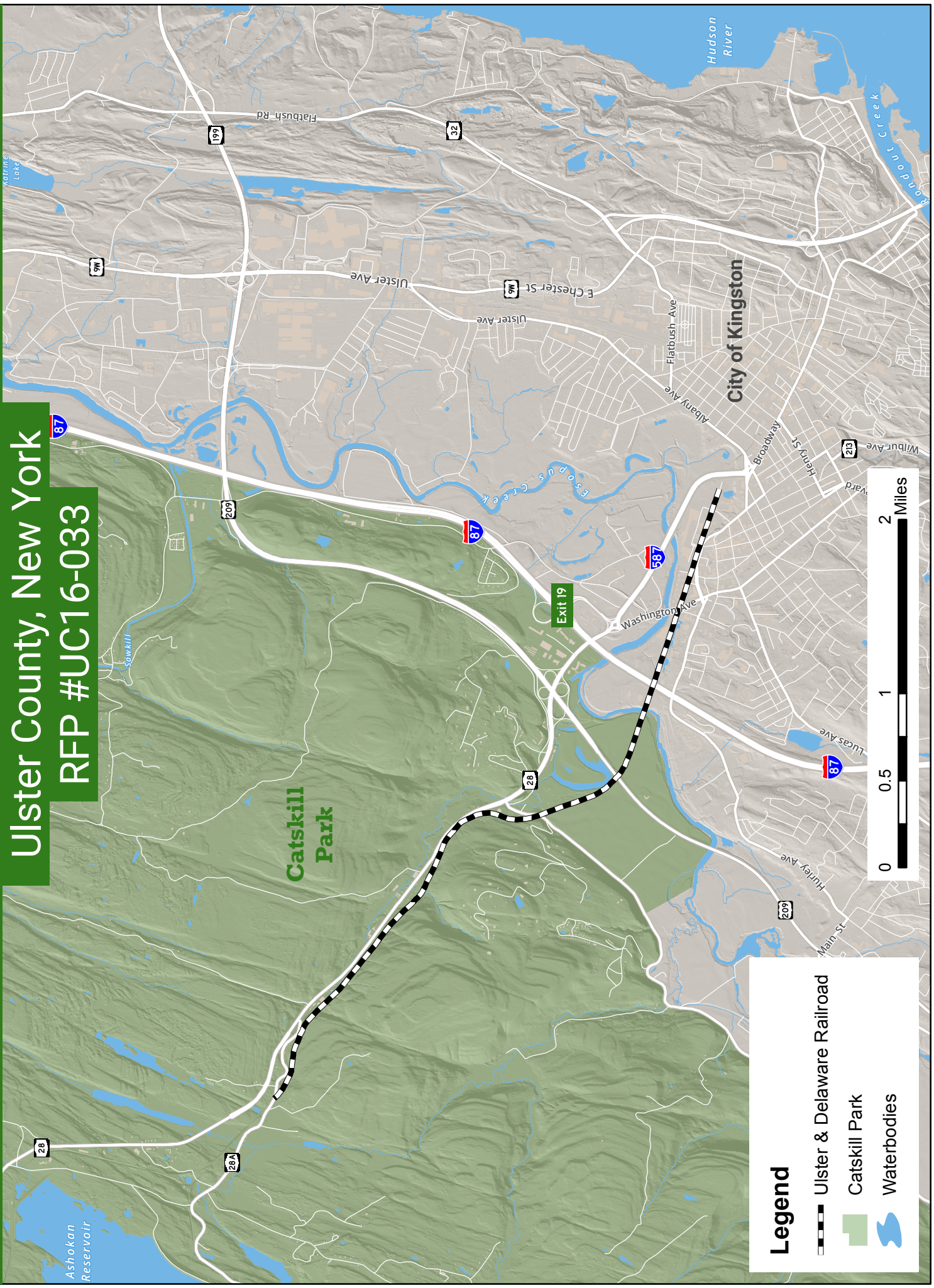
Ulster & Delaware Railroad- Eastern Section

Ulster & Delaware Railroad- Western Section

Ulster & Delaware Railroad: Eastern Segment

Ulster County, New York

RFP #UC16-033



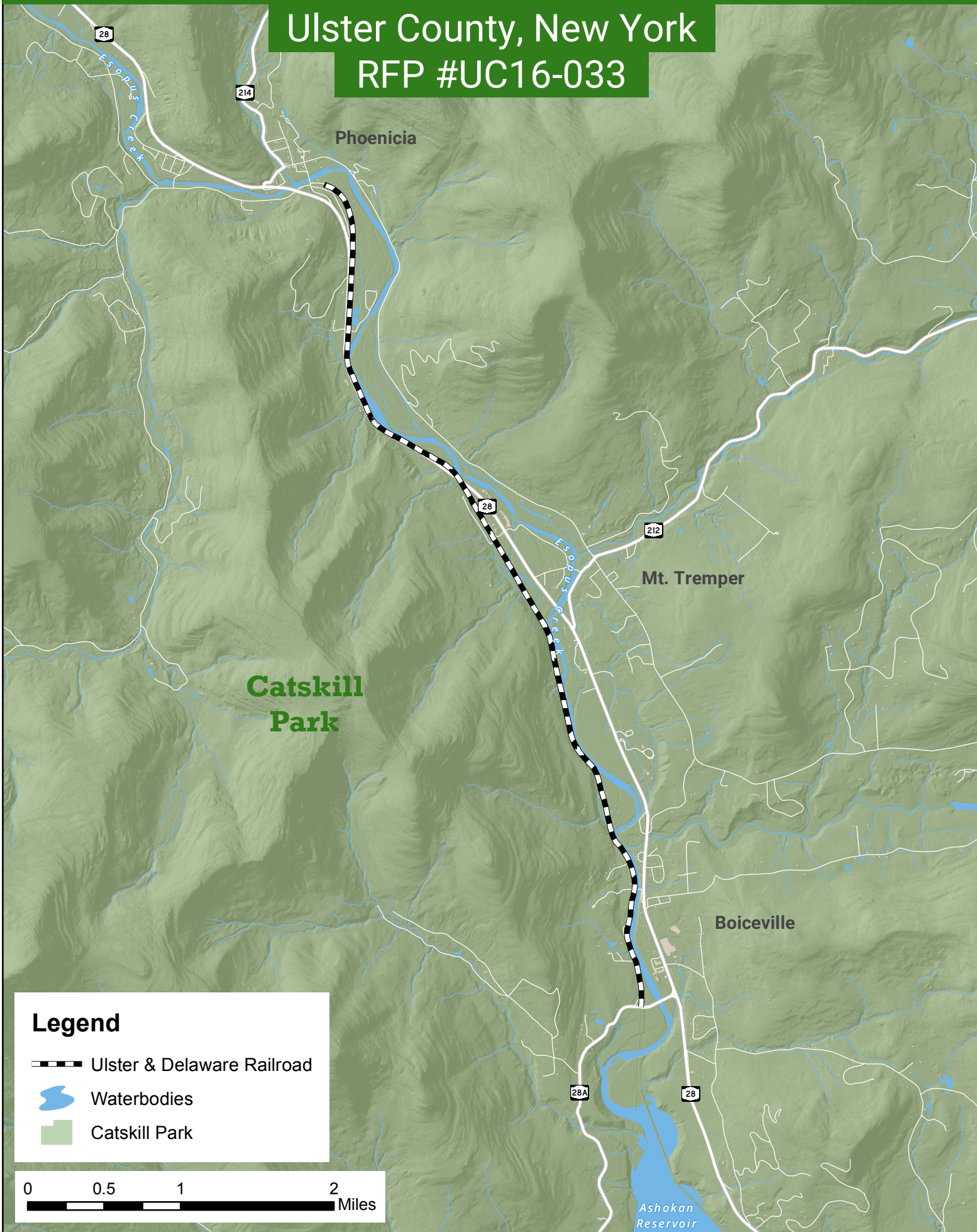
Legend

-  Ulster & Delaware Railroad
-  Catskill Park
-  Waterbodies




Ulster & Delaware Railroad: Western Segment

Ulster County, New York

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Legend

-  Ulster & Delaware Railroad
-  Waterbodies
-  Catskill Park

0 0.5 1 2 Miles

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ATTACHMENT B

Insurance Requirements

COUNTY OF ULSTER RAILROAD OPERATOR CONTRACT INSURANCE REQUIREMENTS

CONDITIONS OF INSURANCE

Unless otherwise authorized by the Ulster County Insurance Officer, strict adherence to this schedule is required. Any deviation without prior authorization from the County's Insurance Department will result in a delay in the finalization of this Agreement.

The Operator shall submit copies of any or all required insurance policies as and when requested by the County.

CERTIFICATES OF INSURANCE

The Operator shall file with the County's Insurance Department, prior to commencing work under this Agreement, all proper Certificates of Insurance.

The Certificates of Insurance shall include:

- a. Name and address of Insured
- b. Issue date of certificate
- c. Insurance company name
- d. Type of coverage in effect
- e. Policy number
- f. Inception and expiration dates of policies included on the certificate
- g. Limits of liability for all policies included on the certificate
- h. "Certificate Holder" shall be the County of Ulster, P.O. Box 1800, Kingston, New York 12402-1800.

If the Operator's insurance policies should be non-renewed or canceled, or should expire during the life of this Agreement, the County shall be provided with a new certificate indicating the replacement policy information as requested above. The County requires thirty (30) days prior written notice of cancellation [fifteen (15) days for non-payment of premium] from the Insurer, its agents or representatives.

WORKERS' COMPENSATION AND DISABILITY INSURANCE

The Operator shall take out and maintain during the life of this Agreement, Workers' Compensation (WC) Insurance and Disability Benefits (DB) Insurance, for all of its employees employed, including any volunteers, at the site of the project, and shall provide Certificates of Insurance evidencing this coverage to the County's Insurance Department.

If the Operator is not required to carry such insurance, the Vendor must submit form CE-200 attesting to the fact that it is exempt from providing WC and/or DB Insurance coverage for all of its employees and volunteers.

The manner of proof related to WC and DB Insurance is controlled by New York State Laws, Rules and Regulations. "ACORD" forms are not acceptable proof of WC and/or DB Insurance.

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WORKERS' COMPENSATION REQUIREMENTS

To assist the State of New York and municipal entities in enforcing WCL Section 57, a business entity (the Operator) seeking to enter into a contract with a municipality (the County) must provide one of the following forms to the municipal entity it is entering into a contract with. The Operator should contact their insurance agent to obtain acceptable proof of WC coverage:

- Form C-105.2 – “Certificate of NYS Workers’ Compensation Insurance” **or**
- Form U-26.3 – “Certificate of Workers’ Compensation Insurance” issued by the New York State Insurance Fund **or**
- Form SI-12 – “Affidavit Certifying that Compensation has Been Secured” issued by the Self-Insurance Office of the Workers’ Compensation Board if the Vendor is self-insured **or**
- Form GSI-105.2 – “Certificate of Participation in Workers’ Compensation Group Self-Insurance” issued by the Self-Insurance administrator of the group **or**
- Form GSI-12 – “Certificate of Group Workers’ Compensation Group Self-Insurance” issued by the Self-Insurance Office of the Workers’ Compensation Board if the Vendor is self-insured.

If the Operator is not required to carry WC coverage, it must submit Form CE-200, “Certificate of Attestation of Exemption from New York State Workers’ Compensation and/or Disability Benefits Insurance Coverage.” This form and the instructions for completing it are available at <http://www.wcb.ny.gov>

DISABILITY BENEFITS REQUIREMENTS

To assist the State of New York and municipal entities in enforcing WCL Section 220(8), a business entity (the Operator) seeking to enter into a contract with a municipality (the County) must provide one of the following forms to the municipal entity it is entering into a contract with. The Operator should contact their insurance agent to obtain acceptable proof of DB Insurance Coverage:

- Form DB-120.1 – “Certificate of Insurance Coverage Under the NYS Disability Benefits Law” **or**
- Form DB-155 – “Compliance with Disability Benefits Law” issued by the Self-Insurance Office of the Workers’ Compensation Board if the Vendor is self-insured.

If the Operator is not required to carry DB Insurance coverage, it must submit Form CE-200, “Certificate of Attestation of Exemption from New York State Workers’ Compensation and/or Disability Benefits Insurance Coverage.” This form and the instructions for completing it are available at <https://www.wcb.ny.gov/icexempt/index.jsp>

COMMERCIAL GENERAL LIABILITY INSURANCE:

The Operator shall take out and maintain during the life of this Agreement, such bodily injury liability and property damage liability insurance as shall protect it and the County from claims for damages for bodily injury including accidental death, as well as from claims for property damage that may arise from operations under this Agreement, whether such operations be by the Operator, by any subcontractor, or by anyone directly or indirectly employed by either of them.

It shall be the responsibility of the Operator to maintain such insurance in amounts sufficient to fully protect itself and the County, but in no instance shall amounts be less than the minimum acceptable levels of coverage set forth below:

- Bodily Injury Liability and Property Damage Insurance in an amount not less than **TEN MILLION AND 00/100 (\$10,000,000.00) DOLLARS** for each occurrence, and in an amount not less than **TWENTY MILLION AND 00/100 (\$20,000,000.00) DOLLARS** general aggregate.

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UMBRELLA LIABILITY OR EXCESS LIABILITY:

The Operator shall provide proof of coverage in the in an amount not less than **FIVE MILLION AND 00/100 (\$5,000,000.00) DOLLARS.**

Other Conditions of Commercial General Liability Insurance:

- a. Coverage shall be written on Commercial General Liability form.
- b. Coverage shall include:
 1. Contractual Liability
 2. Independent Contractors
 3. Products and Completed Operations
- c. "Additional Insured" status shall be granted to "County of Ulster, P.O. Box 1800, Kingston, New York, 12402-1800", shown on the Commercial General Liability policy, further stating that this insurance shall be primary and non-contributory with any other valid and collectable insurance.

AUTOMOBILE LIABILITY INSURANCE

Automobile Bodily Injury Liability and Property Damage Liability Insurance shall be provided by the Operator, with a minimum Combined Single Limit (CSL) of **ONE MILLION AND 00/100 (\$1,000,000.00) DOLLARS.**

Coverage shall include:

- a. All owned vehicles
- b. Hired car and non-ownership liability coverage
- c. Statutory No-Fault coverage

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ATTACHMENT C:

Scoring Criteria and Points Matrix

RESPONDER NAME:				
SEGMENT PROPOSED:				
Category	RFP Section	Criteria	Points Available	Points Assigned
QUALIFICATIONS / EXPERIENCE (Q&E)			<i>Thirty (30)</i>	
	1	Completeness/ Clarity of Q&E Response	3	
	1.B	Strength of Project Team	5	
	1.C	Organizational Chart- Clear Delineations	2	
	1.D	Successful Prior/ Current Tourist Railroad Experience	10	
	1.E	Safety Performance	5	
	1.F-I.H	Responder Responsibility and Regulatory Compliance	5	
FINANCIAL CAPABILITY (F.C.)			<i>Thirty (30)</i>	
	2	Completeness/ Clarity of F.C. Response	3	
	2.A- 2.C	Documentation of Financial Performance/ Stability	10	
	2.D	Manageable Liabilities and Risks	2	
	2.E	Strength and Reasonableness of Financial Plan	10	
	2.F	Strength of Start Up Plans	3	
	2.E	Plan Meets Insurance Requirements	2	
OPERATING PROPOSAL (O.P)			<i>Thirty-Five (35)</i>	
	3	Completeness/ Clarity of O.P. Response	3	
	3.A	Strength and Reasonableness of Services Proposed	15	
	3.B	Strength and Reasonableness of Mobilization Plan	5	
	3.C	Maintenance and Rehabilitation Plan	5	
	3.D	Fee Proposal	5	
	3.E	Environmental Initiatives	2	
OTHER			<i>Five (5)</i>	
		Local Economic Development Policy	5	
TOTAL			<i>100</i>	

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**Please Return the Following
Sheets with Your Submission**

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ADDRESS SHEET

DIRECT RFP INFORMATION TO:

RESPONDER NAME: _____

ADDRESS: _____

CONTACT: _____

TELEPHONE: _____ FAX: _____

E-MAIL: _____

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RESPONDER NAME: _____

RESPONDER REFERENCE SHEET

All responders, including proposed subcontractors, are required to complete this form providing up to five (5) references of past performance. References should involve tourist railroad service situations of similar size and scope to this RFP. References must have had dealings with the responder within the last seven (7) years. The County reserves the right to contact any or all of the references supplied for an evaluation of past performance in order to establish the responsibility of the responder before the actual award of a contract. Completion of the reference form is required (please attach additional reference information as needed).

1) Rail Service Name: _____

Description: _____
_____ Service Dates: _____

Reference Organization Name _____

Address: _____

Telephone: _____ Contact Person: _____

2) Rail Service Name: _____

Description: _____
_____ Service Dates: _____

Reference Organization Name _____

Address: _____

Telephone: _____ Contact Person: _____

3) Rail Service Name: _____

Description: _____
_____ Service Dates: _____

Reference Organization Name _____

Address: _____

Telephone: _____ Contact Person: _____

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RESPONDER NAME _____

RESPONDER REFERENCE SHEET (Continued)

4) Rail Service Name: _____

Description: _____

_____ Service Dates: _____

Reference Organization Name _____

Address: _____

Telephone: _____ Contact Person: _____

5) Rail Service Name: _____

Description: _____

_____ Service Dates: _____

Reference Organization Name _____

Address: _____

Telephone: _____ Contact Person: _____

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THIS PAGE MUST BE COMPLETED

RESPONDER INFORMATION

RESPONDER NAME: _____

RESPONDER TYPE:

CORPORATION _____ PARTNERSHIP/LLC _____ INDIVIDUAL _____

NON-PROFIT _____ OTHER (SPECIFY) _____

FEDERAL EMPLOYER ID #: _____ OR SOCIAL SECURITY #: _____

DATE OF ORGANIZATION OR INCORPORATION: _____

IF APPLICABLE: DATE FILED: _____ STATE FILED: _____

If a non-publicly owned Corporation:

CORPORATION NAME: _____

LIST PRINCIPAL STOCKHOLDERS: (5% of outstanding shares)

LIST OFFICERS AND DIRECTORS:

NAME

TITLE

If a partnership:

PARTNERSHIP/LLC NAME: _____

LIST PARTNERS NAME(S):

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**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
AND OTHER RESPONSIBILITY MATTERS -
PRIMARY COVERED TRANSACTIONS**

(1) The prospective primary participant certifies to the best of its knowledge that it and its principals -

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not, within a three-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, local) transaction or contract under a public transaction; and have not been convicted of any violations of Federal or State antitrust statutes or the commission of embezzlement, theft, forgery, bribery, falsification, the destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted, or otherwise criminally or civilly charged, by a government entity (Federal, State, or local) with the commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) If the prospective primary participant is unable to certify to any of the statements in this certification, the participant must attach an explanation to this SOQ.

Signed at _____, this _____ day of _____ 20____.

(Name of Responder)

By _____
(Title)

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ASSUMED NAME CERTIFICATION

*If the business is conducted under an assumed name, a copy of the certificate required to be filed under the New York General Business Law must be attached.

ASSUMED NAME: _____

If the responder is an individual, the bid must be signed by that individual; if the bidder is a corporation, by an officer of the corporation, or other person authorized by resolution of the board of directors, and in such case a copy of the resolution must be attached; if a partnership, by one of the partners or other person authorized by a writing signed by at least one general partner and included with the submission or previously filed with Ulster County's Director of Purchasing.

"The submission of this constitutes a certification that no County Officer has any interest therein. (Note: In the event that any County Officer has any such interest, the full nature thereof should be disclosed below.)"

INSURANCE STATEMENT

Responder agrees as follows - please mark appropriate box:

Insurance Certificate as requested is attached

OR

I certify that I can supply insurance as specified if awarded the bid

FAILURE TO PROVIDE SPECIFIED INSURANCE SHALL DISQUALIFY YOUR SUBMISSION.

AUTHORIZED SIGNATURE

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CERTIFICATION AND SIGNATURE FORM

AFFIDAVIT OF NON-COLLUSION

NAME OF RESPONDER: _____ PHONE NO.: _____ EXT: _____

BUSINESS ADDRESS: _____ TELEFAX NO.: _____

I hereby attest that I am the person responsible within my firm for the final decision as to the prices(s) and amount of this bid or, if not, that I have written authorization, enclosed herewith, from that person to make the statements set out below on his or her behalf and on behalf of my firm.

I further attest that:

1. The price(s) and amount of this bid have been arrived at independently, without consultation, communication or agreement for the purpose of restricting competition with any other contractor, bidder or potential bidder.
2. Neither the price(s), nor the amount of this bid, have been disclosed to any other firm or person who is a bidder or potential bidder on this project, and will not be so disclosed prior to bid opening.
3. No attempt has been made or will be made to solicit, cause or induce any firm or person to refrain from bidding on this project, or to submit a bid higher than the bid of this firm, or any intentionally high or non-competitive bid or other form of complementary bid.
4. The bid of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from any firm or person to submit a complementary bid.
5. My firm has not offered or entered into a subcontract or agreement regarding the purchase of materials or services from any other firm or person, or offered, promised or paid cash or anything of value to any firm or person, whether in connection with this or any other project, in consideration for an agreement or promise by an firm or person to refrain from bidding or to submit a complementary bid on this project.
6. My firm has not accepted or been promised any subcontract or agreement regarding the sale of materials or services to any firm or person, and has not been promised or paid cash or anything of value by any firm or person, whether in connection with this or any project, in consideration for my firm's submitting a complementary bid, or agreeing to do so, on this project.
7. I have made a diligent inquiry of all members, officers, employees, and agents of my firm with responsibilities relating to the preparation, approval or submission of my firm's bid on this project and have been advised by each of them that he or she has not participated in any communication, consultation, discussion, agreement, collusion, act or other conduct inconsistent with any of the statements and representations made in this affidavit.
8. **By submission of this SOQ, I certify I have read, am familiar with and will comply with any and all segments of these specifications.**

The person signing this SOQ, under the penalties of perjury, affirms the truth thereof.

Signature & Company Position

Print Name & Company Position

Company Name

Date Signed

Federal I.D. Number

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RESPONDER NAME: _____

CERTIFICATION OF COMPLIANCE WITH THE IRAN DIVESTMENT ACT

Pursuant to State Finance Law §165-a, on August 10, 2012 the Commissioner of the Office of General Services (OGS) posted a prohibited entities list of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law) on the OGS website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf>

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, each Bidder/Contractor, any person signing on behalf of any Bidder/Contractor and any assignee or subcontractor and, in the case of a joint bid, each party thereto, certifies, under penalty of perjury, that once the Prohibited Entities List is posted on the OGS website, that to the best of its knowledge and belief, that each Bidder/Contractor and any subcontractor or assignee is not identified on the Prohibited Entities List created pursuant to SFL § 165-a(3)(b).

Additionally, Bidder/Contractor is advised that once the Prohibited Entities List is posted on the OGS Website, any Bidder/Contractor seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to this solicitation must certify at the time the Contract is renewed, extended or assigned that it is not included on the Prohibited Entities List.

During the term of the Contract, should the County receive information that a Bidder/Contractor is in violation of the above-referenced certification, the County will offer the person or entity an opportunity to respond. If the person or entity fails to demonstrate that he/she/it has ceased engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the County shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the Bidder/Contractor in default.

The County reserves the right to reject any bid or request for assignment for a Bidder/Contractor that appears on the Prohibited Entities List prior to the award of a contract and to pursue a responsibility review with respect to any Bidder/Contractor that is awarded a contract and subsequently appears on the Prohibited Entities List.

I, _____, being duly sworn, deposes and says that he/she is the _____ of the _____

Corporation and that neither the Bidder/Contractor nor any proposed subcontractor is identified on the Prohibited Entities List.

SIGNED

SWORN to before me this

_____ day of _____

201 ____

Notary Public: _____

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RESPONDER NAME: _____

MACBRIDE FAIR EMPLOYMENT PRINCIPLES

Ulster County Resolution 108 of March 8, 2001, in an attempt to prevent discrimination in all forms, provides the requirement that vendors who do business with Ulster County read, initial and return the attached statement as part of their official document.

Please read and initial **either** Statement #1 or Statement #2.

DO NOT INITIAL BOTH STATEMENTS.

- ___1. The Bidder, and any individual or legal entity in which the Bidder holds a 10% or greater ownership interest and any individual or legal entity that holds a 10% or greater ownership interest in the Bidder, has no business operations in Northern Ireland.
- ___2. The Bidder, and any individual or legal entity in which the Bidder holds a 10% or greater ownership interest and any individual or legal entity that holds a 10% or greater ownership interest in the Bidder shall take lawful steps in good faith to conduct any business operations they have in Northern Ireland in accordance with the MacBride Fair Employment Principles and shall permit the independent monitoring of their compliance with such principles.

AUTHORIZED SIGNATURE

PRINT NAME:

COUNTY OF ULSTER – PURCHASING DEPARTMENT

244 Fair Street, Third Floor, Kingston, NY 12401

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**SUBMIT ALL QUESTIONS PERTAINING TO THIS RFP IN WRITING
NO LATER THAN APRIL 15, 2016.**

Please use this form and fax to 845-340-3434 to the attention of Edward Jordan.

Date: _____

Responder Name: _____

Contact Name: _____

Telephone Number: _____

Fax Number: _____

E-mail: _____
