

**Louisiana International Gulf Transfer Terminal Authority  
("LIGTT Authority")**

**REQUEST FOR PROPOSAL/REQUEST FOR QUALIFICATIONS  
("RFP/RFQ")**

**PROJECT DEVELOPER SERVICES  
FOR THE LIGTT AUTHORITY PROJECT  
RFP/RFQ # 2022-001**

**1. REQUEST FOR PROPOSALS/REQUEST FOR QUALIFICATIONS (RFP/RFQ)**

This RFP/RFQ is issued by the Louisiana International Gulf Transfer Terminal Authority ("LIGTT Authority") for the purpose of selecting a Project Developer to provide all necessary services as authorized by La. R.S. 34:3491, *et seq.* ([Attachment 1 to this RFP/RFQ](#)) to implement the LIGTT Authority Project inclusive of engineering, design, finance, construction, operation, and maintenance of import and export terminal facilities to be constructed on property as described in the Lease between the State of Louisiana and the LIGTT Authority, as set forth below:

Property Description: The Louisiana International Deep Water Gulf Transfer Terminal Authority shall have only that exclusive jurisdiction as provided herein over a structure, a series of structures, or a facility constructed after July 1, 2008, at the lower end of the east bank at Southwest Pass in Plaquemines Parish on state owned property, described as follows to wit: beginning at a point having latitude 28.953797 degrees north and longitude 89.316072 degrees west; thence proceed to a point having latitude 28.941817 degrees north and 89.316192 degrees west; thence proceed to a point having latitude 28.918486 degrees north and 89.336992 degrees west; thence proceed to a point having latitude 28.918692 degrees north and longitude 89.349631 degrees west; thence proceed to a point having latitude 28.940650 degrees north and longitude 89.353161 degrees west; thence proceed to a point having latitude 28.953931 degrees north and 89.324425 degrees west; thence proceed to the point of beginning and designed to accommodate deep draft

container vessels and their cargoes, including all intermodal structures, property, and equipment used for transportation, and facilities directly related thereto and necessary or useful to the operation thereof, whether landward , onshore, or seaward of the main structures or facilities themselves, including any facility which is part of a gulf transfer container terminal.

Site Location: Block 39 in the South Pass Area of Plaquemines Parish, Louisiana in the Gulf of Mexico.

Site Area: approximately 2,233.5 acres.

It is possible that this geographical “footprint” for the Project may be “expanded and/or relocated” by the Bureau of State Lands with Legislative approval.

Please refer to [Attachment 2](#) of this RFP/RFQ for additional information about the site.

## 2. **STATUTORY AUTHORITY**

The Project is authorized by La. R.S. 34:3491, *et seq.* The LIGTT Authority has the legal right and standing to issue this RFP/RFQ to select a Project Developer for the Services required to commence and complete the LIGTT Authority Project as described above.

## 3. **BACKGROUND AND HISTORY**

By Act 699, the 2008 Legislature created the LIGTT Authority. Its jurisdiction was amended and enlarged in 2014. Essentially, the goal of the Legislation was to position the State of Louisiana for the expansion of the Panama Canal. This expansion allows large container ships (capable of carrying up to 15,000+ containers at a time) to pass through the Panama Canal and then travel to ports in the United States and worldwide. Many of these container ships are so large (deep draft) that they cannot navigate the Mississippi River and/or cannot successfully

pass under the Crescent City Connection Bridge in New Orleans, so as to then move upriver through the Heartland of the United States.

The goal of the 2008 Legislative Session was to facilitate the construction of essentially a floating port facility near the mouth of the Mississippi River where these larger container ships could unload and place cargo onto smaller vessels, which could then navigate up the Mississippi River and thereafter into the Heartland of the United States ([Attachment 3 to this RFP/RFQ](#)).

The LIGTT Authority is governed by a Board, with Appointments made by the Governor's Office, Parish Governing Authorities, and Industry Groups. The composition of the Board has changed over time. The current Board includes the following:

Nicholas Celona – *AFL-CIO*

Arthur Cooper - *Louisiana Dept. of Economic Development*

Representative Ray Garofalo - *Project District*

Matthew Gresham – *Director-at-Large*

Senator Sharon Hewitt - *Project District*

John Hyatt, Vice President/Treasurer - *Louisiana Association of Business and Industry*

Renee Lapeyrolerie - *Department of Transportation & Development*

Jennifer Marusak - *Ports Association of Louisiana*

The original Developer Entity was unable to move the LIGTT Authority Project forward and was unable to secure the necessary financing to complete the permitting process so that actual construction could begin. **The LIGTT Authority Board has terminated its relationship with the Original Developer and has authorized the issuance of this RFP/RFQ to secure one or more Project Developer(s) that will serve as the Replacement Developer(s) for the LIGTT Authority Project, which may be constructed in phases over an extended period of time. The LIGTT Authority reserves the right to select more than one Developer for the Project or one Developer for each phase of the overall Project. A Proposer shall**

clearly state that it is submitting for one phase, more than one phase, or for the entire Project.

#### 4. THE CHANGING SCOPE OF THE LIGTT AUTHORITY PROJECT

As the Original Developer experienced challenges in securing necessary financing, market conditions also changed, making the viability of an offshore port exclusively dedicated to the container business a riskier proposition. In response to those challenges – especially market conditions – a multi-phase development plan has been under consideration by the LIGTT Authority which would include “**verticals**” (or phases) of **liquified natural gas (“LNG”); other oil and gas products; containers; dry bulk; and maritime-related services noted below**. The LIGTT Authority is open to the concept of a project that would commence with (for example) LNG opportunities which, when profitable, would then lead to other phases such as oil and gas products, containers, and dry bulk.

In addition, the LIGTT Authority is open to consideration of other maritime-related services, consistent with its enabling legislation, which may include the following illustrative, but not exclusive, functions:

**Carbon Capture Sequester** to move carbon underground at great depths;

**Fueling facility** for vessels that load heavy at river terminals with minimal fuel and then fully fuel after exiting the mouth of the river;

**Lightering facility** to offload heavy inbound cargos to barges that would otherwise present draught issues going upriver;

**Top-off facility** to load to required depths and then top-off past the mouth of the river;

**Wind turbine technology;** and other maritime functions consistent with the LIGTT Project and as authorized by Louisiana law.

Any Proposer is urged to contact and potentially participate with any interested federal or state agency such as the United States Coast Guard; United States Dept. of Homeland Security; United States Army Corps of Engineers; MARAD; any branch of the Armed Forces as those entities may relate to functions for National security relative to the Project in this geographical footprint.

**In summary, the LIGTT Authority is open to consider any or all other project concepts within the scope of the LIGTT Authority's enabling Legislation and not inconsistent with this RFP/RFQ.**

Coastal Use Permit /Consistency Determination C.U.P. No: 20150998 and U.S. Corps of Engineer Permit No: MVN-2014 0815 EBB were first phase of federal and state permits issued for a dry bulk facility for the purpose of placement of anchor pilings, chains and buoys, to provide mooring stations for dry bulk cargo transshipment vessels and ocean-going vessels with no dredge or fill involved.

The LIGTT Board envisions negotiation and execution of two documents with the Project Developer: a Development Agreement that will fully detail the duties and responsibilities of the Project Developer and the LIGTT Authority substantially in the form of [Attachment 4 to this RFP/RFQ](#); and a Sub-Lease Agreement substantially in the form of [Attachment 5 to this RFP/RFQ](#).

The financial details of payments due to the LIGTT Authority under the Development and Sub-Lease will be subject to negotiation between the parties and will be dependent upon whether one developer is selected for the Project or more than one developer is selected for various phases of the overall project.

## 5. DEFINITIONS

The following Definitions apply to this RFP/RFQ:

**“Affiliate” or “Affiliated Entity”** means, with respect to any Proposer, any other Person directly or indirectly controlling, controlled by or under common or shared control with such Proposer. For the purposes of this definition, the term “control” (including with correlative meaning, the terms “controlled by” and “under common control with”) as applied to any Proposer, means the possession, directly or indirectly, of the power to direct or influence the management of that Proposer, whether through ownership, by contract, or otherwise.

**“Agreements”** means the Development Agreement and Sub-Lease, as may be amended, supplemented or modified in accordance with the provisions hereof.

**“Applicable Laws”** means all federal, Louisiana, local, municipal and parish laws in full force and effect as of the Effective Date.

**“Applicable Permits”** means any and all permissions, clearances, licenses, authorizations, consents, no-objections, approvals and exemptions under or pursuant to any of the Applicable Laws or from any Government Authority required in connection with the **LIGTT Project** and for undertaking, performing or discharging the obligations contemplated by this RFP/RFQ or any other transaction document.

**“Authority” or “LIGTT Authority”** means the **Louisiana International Deep Water Gulf Transfer Terminal Authority**, a political subdivision of the State of Louisiana created pursuant to and by Act No. 699 of the 2008 Regular Session of the Louisiana State Legislature enacting Chapter 49 of Title 34 of the Louisiana Revised Statutes of 1950 (La. R.S. 34:3491, *et seq.*), which expression shall include its successors and permitted assigns.

**“Construction”** means all works, equipment and things necessary to construct, and implement the **LIGTT Project**.

“**Developer**” means the entity selected by the **LIGTT Authority** to develop the **LIGTT Project** and to enter into a Development and Sub-Lease. **Developer** includes any affiliate or affiliated entity of the entity so selected by the **LIGTT Authority** for the **LIGTT Project**.

“**Development Agreement**” means that Agreement to be entered into between the **LIGTT Authority** and the Proposer(s) which is selected to be the **Developer** for the **LIGTT Project**.

“**Effective Date**” of this Agreement is “to be determined.”

“**Facilities**” means “Transfer Terminal facilities” or “facilities” as defined in La. R.S. 34:3492(14).

“**Financial Assistance**” means all funded and non-funded credit assistance including, but not limited to, loans, advances, investments, funding sources, lease assistance and guarantees required for the **LIGTT Project**.

“**Generally Accepted Accounting Principles**” means the accounting standards promulgated by the Financial Accounting Standards Board in the United States of America.

“**Good Industry Practice**” shall mean those practices, methods, equipment, specifications and standards of safety and performance commonly used by professional organizations performing management, engineering, construction, operation and maintenance services in connection with facilities of the type and size similar to the **LIGTT Project**, which are considered good, safe and prudent practices in connection with the design, construction and use of equipment and facilities substantially similar to those required for the **LIGTT Project**.

“**Governmental Authority**” means the governments of the United States of America, the State of Louisiana, any Louisiana political subdivision, department, commission, board, body, bureau, agency, authority, instrumentality, administrative body with jurisdiction over Proposer(s) and/or the **LIGTT Project**.

“**Lease**” means the lease of the **LIGTT Project** site by the State of Louisiana to the **LIGTT Authority**.

“**LIGTT Project**” means promoting, planning, financing, developing, engineering, designing, constructing, operating, supervising, maintaining and modifying the **Facilities** to be constructed in deep water on the **LIGTT Project Site** for import and export of cargo (e.g., dry goods and products, machinery, liquids, manufactured and/or refined products, chemicals, and goods as cargo, bulk cargo and containerized products as cargo; and the import or export of crude oil and refined oil and gas products as permitted by FERC or other permitting authority).

“**LIGTT Project Requirements**” means the minimum requirements for the construction, operation and maintenance of the **Facilities** and the services as will be provided by the engineers and contractors in plans and specifications as the LIGTT Project is developed.

“**LIGTT Project Site**” means the area described in Act No. 471 of 2014 of the Louisiana Legislature and Act 699 of 2008, which Proposer is authorized to develop and operate as the **LIGTT Project**; and which is the object of the Lease from the State of Louisiana to the **LIGTT Authority** and the Sub-Lease from the **LIGTT Authority** to the Proposer.

“**Operations Phase**” means the period from the Date of Commercial Operation to the end of the Term.

“**Party**” means either the Authority or Proposer as the context may require or admit, and “**Parties**” means both the Authority and the Proposer(s).

“**Performance Standards**” means the minimum standards of performance as will be provided by the engineers, consultants, and consultant in plans and specifications as the LIGTT Project is developed.

“**Person**” means any individual, company, corporation, partnership, joint venture, trust, unincorporated organization, government or governmental authority or agency or any other legal entity.

“**Program Manager**” means the entity selected by Proposer, with the advice and consent of the Authority, to assist with the development of the LIGTT Project.

**“Project Contracts”** means collectively the Agreements and any Contracts entered into by Proposer in connection with the LIGTT Project.

**“Safety Standards”** means the minimum standards of safety applicable to the LIGTT Project.

**“Sub-Lease”** means the subletting of the LIGTT Project Site by the Authority to the Proposer(s).

**“Term”** shall have the meaning provided in the Development Agreement and the Sub-Lease.

## **6. THE LIGTT AUTHORITY PROJECT NARRATIVE**

The LIGTT Authority will oversee the performance of the Project Developer as it performs its duties and responsibilities under the Development Agreement and the Sub-Lease.

While the LIGTT Authority has preliminary Projected Cost Estimates for the Project, it is the responsibility of the Proposer(s) to establish preliminary cost estimates for their approach and demonstrate ability to secure verifiable funding. The ability of the Successful Proposer(s) to secure confirmed financing to commence and complete the LIGTT Authority Project is of most importance.

## **7. TERM OF CONTRACT**

Though subject to negotiation between the LIGTT Authority and the Successful Proposer(s), it is anticipated that the Term of the Development Agreement and the Term of the Sub-Lease would be up to and including 50 years in length.

It is the desire of the LIGTT Authority that pre-construction and permitting functions be completed by the Successful Proposer(s) no later than December 31, 2023, and that actual construction of Phase 1 of the Project be commenced by July 1, 2024, subject to reasonable extensions of time as necessary.

## 8. SUBMITTAL INSTRUCTIONS AND NON-REFUNDABLE APPLICATION FEE

Proposer(s) should submit the following to the LIGTT Authority, Attention: Larry M. Roedel, Legal Counsel, Roedel Parsons Blache Fontana Piontek & Pisano, 8440 Jefferson Highway, Suite 300, Baton Rouge, LA 70809-7654, no later than February 1, 2023, at 5:00 PM Central Time:

- a. Five signed hard copies of the Proposal in a sealed envelope, marked "LIGTT Authority Project" and one digitally signed Proposal on a CD or flash drive, in Microsoft Word format, or as a PDF file, marked LIGTT Authority Project. Proposals should contain evidence establishing the signatory's authority to sign and submit the Proposal on behalf of the entity making the Proposal.
  - 1) The Proposal should on 8½" x 11" printed double-sided;
  - 2) The Proposal should be printed at a minimum of 11 pt. font;
  - 3) The Proposal should be bound.
- b. A signed cover letter including Proposer's name, primary address, and primary contact for the Proposal. The primary contact information should include Proposer's name, telephone, and email address.

Proposals will not be accepted by facsimile or other electronic submission. Proposals will not be accepted after the February 1, 2023, deadline.

- c. **Each Proposal must be accompanied with a non-refundable application fee of \$15,000 payable to Louisiana International Gulf Transfer Terminal Authority.** All Proposers must be in good standing with the LIGTT Authority.

## 9. TIMELINE OF EVENTS

EVENT	DATE
Mandatory Pre-Submittal Conference	November 8, 2022
Closing Date for submittal of Inquiries/Questions	December 5, 2022
LIGTT Authority's Response to Inquiries/Questions	January 10, 2023
Deadline for Submittal of Proposals	February 1, 2023
Evaluation Team Meetings	March 17, 2023
Oral Presentations/Interviews, if required	April 14, 2023
Recommendation by Evaluation Team to LIGTT Authority Board	April 28, 2023
Protest Period	— By Law —
Award of Contract/Development Agreement and Sub-Lease to Successful Proposer(s) <sup>1</sup>	May 26, 2023 unless Protest delays this Award

The Timeline of Events is tentative and is subject to change.

The Mandatory Pre-Submittal Conference will be held on November 8, 2022, at 2 PM at 1515 Poydras Street, Suite 2330, New Orleans, Louisiana 70112. This event may be conducted by Zoom or other virtual conference format.

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<sup>1</sup> If a Proposer selected by the LIGTT Authority pursuant to this RFP/RFQ to receive the Award of the Development Agreement and the Sub-Lease for any Phase of the Project includes as one of its Affiliates a person or entity previously part of, connected with, or deriving rights from the original Developer, then the Proposer selected must pay the LIGTT Authority for all past due rental payments owed by the original Developer to the LIGTT Authority prior to the signing of a Development Agreement and Sub-Lease. The past due rental payments owed by the original Developer to the LIGTT Authority total \$400,000 as of November 7, 2020.

## 10. PROPOSALS

**Proposal Content:** The following components are to be considered as contents for a complete submittal. The Evaluation Team will evaluate and compare only those Proposals that substantially conform to the terms and conditions of the RFP/RFQ. The Evaluation Team and LIGTT Authority expressly reserve the right to reject any and all Proposals and to waive administrative informalities. The Evaluation Team and LIGTT Authority also reserve the right to request that Proposer(s) supplement or correct its Proposal with information that may be necessary for a proper evaluation of the Proposal. The Proposal response format should be presented and submitted under Tabs as noted below:

*As a Tab to your Proposal, please provide a Signed Cover Letter of Interest and Miscellaneous Forms*

Proposer(s) should provide a signed cover letter of interest on Proposer's letterhead, which includes Proposer's name, address, website and primary contact for the Proposal and indicates Proposer's request for consideration. The letter of interest should clearly demonstrate Proposer's interest in performing design, permitting, pre-construction, construction, and construction management functions and services for the LIGTT Authority Project and all factors applicable in the Project Developer relationship including ability to perform financially and operationally in the United States. The letter of interest should be signed by the Proposer's authorized representative.

All Proposals must contain the following statement signed by the applicant or its authorized representative: **“By responding to this RFP/RFQ, Proposer agrees to the LIGTT Authority’s Required Contract Provisions as generally provided in Attachments 3 and 4 and subject to negotiations between the LIGTT Authority and the selected Proposer.”**

Proposer(s) should disclose in its Proposal any financial or legal conflicts of interest, whether existing or potential, which may affect Proposer's performance of services required if Proposer is selected as Project Developer, including, but not limited to, any business services currently being provided for institutions that may be in direct competition with the State of Louisiana and the LIGTT Authority, including its board members. A listing of the LIGTT Authority Board members can be found at page 3 of this RFP/RFQ. Failure of disclosure will result in termination of Development Agreement consideration.

Additionally, Proposer(s) should attach to its letter of interest the following completed forms:

LIGTT Authority Conflict of Interest Disclosure Affidavit (attached hereto as [Attachment 6 to this RFP/RFQ](#)); and

Convicted Felon Affidavit (attached hereto as [Attachment 7](#) to this RFP/RFQ).

***As a Tab to your Proposal, please provide an Executive Summary***

Provide a brief summary of the Proposal's contents, emphasizing any unique aspects or strengths of the Proposal (5 pages).

***As a Tab to your Proposal, please provide the Business Organization and History of Proposer***

\_\_\_\_ Provide a narrative on the history of Proposer, including years in business and the depth of resources to provide Project Developer services. Explain the size of your company, the legal entity structure, and office locations (both home/corporate office and local office), with particular emphasis regarding the Key Personnel and depth of resources available at any and all offices in the State of Louisiana, United States.

If Proposer is a newly created entity, then a narrative should be provided indicating a history of Proposer's principal owners' and Key Personnel's prior experience as a general contractor, the depth of resources to provide Project Developer services. Also, explain the size of your company, including office locations and the legal-entity structure.

If Proposer is a joint venture, then a narrative should be provided indicating each of the members of the joint venture's history, including years in business and the depth of resources to provide Project Developer services. Also, explain the size each member's firm, office locations, the legal-entity structure, the personnel assigned from each member's firm, and the organizational structure of the proposed joint venture operation.

\_\_\_ Proposer(s) should confirm possession of all required licenses and certifications to perform as the Project Developer for the LIGTT Authority Project and that it is registered to do business in Louisiana. Proposer(s) should include copies of all such licenses, certifications and proof of registration.

\_\_\_ Proposer(s) should disclose whether it is or has been the subject of any sanctions or complaints filed with the Louisiana Board of Ethics, the Louisiana Licensing Board for Contractors, or any other state or federal regulatory agency. If so, then Proposer(s) should provide a full description of the facts and circumstances of said sanctions or complaints.

If Proposer is a newly created entity, then disclose whether any other construction companies currently or previously owned by the principal owners of Proposer are or have been the subject of any sanctions or complaints filed with the Louisiana Board of Ethics, the Louisiana Licensing Board for Contractors, or any other state or federal regulatory agency. If so, then provide a full description of the facts and circumstances of said sanctions or complaints.

If Proposer is a joint venture, then disclose whether any of the members of the joint venture are or have been the subject of any sanctions or complaints filed with the Louisiana Board of Ethics, the Louisiana Licensing Board for Contractors, or any other state or federal regulatory agency. If so, then provide a full description of the facts and circumstances of said sanctions or complaints.

\_\_\_\_ Proposer(s) should provide a copy of its most recent safety record through December 2021, its Occupational Safety and Health Administration (“OSHA”) filings, and its Experience Modification Rate (EMR) for the past three (3) calendar years. Provide the total number of accident and/or safety related deaths that Proposer has experienced in the past three (3) calendar years, including subcontractor deaths from projects where Proposer functioned as the general contractor or a Project Developer.

If Proposer is a newly created entity, then produce the safety record of any other construction companies currently or previously owned by the principal owners of Proposer and provide the total number of accident/safety related deaths that any such companies experienced over the past three (3) calendar years, including subcontractor deaths from projects where Proposer functioned as the general contractor or Project Developer.

If Proposer is a joint venture, then produce the safety records of all of the members of the joint venture and provide the total number of accident/safety related deaths that each member of the joint venture has experienced over the past three (3) calendar years, including subcontractor deaths from projects where Proposer functioned as the general contractor or Project Developer.

***As a Tab to your Proposal, please provide the Organizational Structure***

This section of the Proposal should contain the following information and data:

\_\_\_ If Proposer is a corporation, provide the following information:

Date of incorporation;

Place of incorporation and principal place of business;

Officers and Directors (include position, address and telephone number); and

Affiliates, partner or related corporations, and subsidiaries.

\_\_\_ If Proposer is a general or limited partnership, provide the following information:

General Partners (include address and telephone number); and

Limited Partners, if applicable (include address and telephone number).

\_\_\_ If Proposer is a joint venture, provide the following information:

Date of formation;

Name and address of each venture partner;

Principals of each venture partner; and

Venture partner holding the majority of interest in the joint venture and its percentage of interest.

\_\_\_ If Proposer is not a corporation, general or limited partnership, or joint venture, then identify the type of business entity and provide any pertinent information.

\_\_\_ Provide the total number of employees (divided into full-time and part-time); and if a sole proprietor, so state this.

***As a Tab to your Proposal, please provide the Financial Condition***

\_\_\_ Proposer(s) should provide audited (if available) financial statements for the past three (3) fiscal years that show net worth and all such other financial information usually contained in such statements. An independent, licensed, certified public accountant or certified public accounting firm to have audited the statements of business conducted in the United States.

Foreign (non-U.S.) Proposers must demonstrate ability to successfully secure funding/invest in the United States under the scrutiny of the United States government, including the U.S. Treasury, Defense, State and Commerce Departments.

\_\_\_ The Project Developer will be required to maintain policies covering at least the following types of coverage. As such, Proposer(s) should be prepared to provide insurance certificates evidencing Proposer's insurance coverages with at least the minimum limits shown below upon execution of a contract for the services listed in this RFP/RFQ:

Workers Compensation – Statutory;  
Employers Liability – \$1,000,000;  
General Liability – \$10,000,000;  
Automobile Liability – \$10,000,000;  
Errors and Omissions – \$25,000,000; and  
Commercial Crime/Fraud Prevention Policy – \$10,000,000.

\_\_\_ As part of the Development Agreement to be signed for various Phases of the LIGTT Authority Project, the Project Developer will be required to furnish performance and payment bonds in amounts sufficient to cover 100% of the

Project Budget. As such, Proposer(s) should present evidence establishing its bonding capacity, which must be sufficient to cover the Budget.

\_\_\_ Arbitration/Litigation. Proposer(s) should disclose whether it is or has been involved in any arbitration, litigation, or disciplinary proceedings within the past ten (10) years or any such other proceedings or litigation which had or could have a material effect on Proposer(s). If Proposer(s) has been involved in any such matters, then provide a full description of the facts and circumstances of each.

If Proposer is a newly created entity, then disclose whether any other construction companies currently or previously owned by the principal owners of Proposer are or have been parties to any arbitration, litigation, or disciplinary proceedings within the past ten (10) years or any such other proceedings or litigation that had or could have a material effect on those entities and provide a full description for each such matter identified.

If Proposer is a joint venture, then disclose whether any of the members of the joint venture are or have been parties to any arbitration proceedings, litigation, or disciplinary proceedings within the past ten (10) years or any such other proceedings or litigation that could have a material effect on those members or entities and provide a full description for each such matter identified.

\_\_\_ Debarment or Suspension: Proposer(s) should certify at the time its Proposal is submitted that neither it nor its principals are presently debarred or suspended by any Federal or State department or agency from participation in this transaction.

***As a Tab to your Proposal, please provide the Experience of Key Personnel and LIGTT Authority Project Management Team and Staffing Plan***

\_\_\_ Ownership Interest

\_1.1. Proposer(s) will submit detailed ownership interests. All ownership interests should be in good standing with the U.S. federal government. Failure to disclose foreign interests will result in terminated consideration for Development Agreement and will be grounds for termination of Development Agreement.

\_\_\_ Organizational Chart

\_1.1 Proposer should submit a detailed organization chart identifying the Key Personnel who will perform services on the LIGTT Authority Project. All entities and individuals intended to be subcontracted by Proposer should be clearly noted as such. If Proposer is a joint venture, then the individual's firm affiliation should be clearly noted on the organizational chart.

\_1.2 The organizational chart should be accompanied by a narrative summary indicating the duties, functional responsibilities, and designated authority of each individual and entity identified on the chart.

\_\_\_ Key Personnel, as defined herein, means all personnel that are essential to successful work performance of Proposer. Project Developer's contract(s) will require that all Key Personnel listed in this section remain assigned to and working on the LIGTT Authority Project and cannot be substituted without prior written permission of LIGTT Authority. Likewise, Key Personnel should not be assigned to multiple roles on the LIGTT Authority Project without the prior written approval of LIGTT Authority. For each Phase, Proposer's Key

Personnel will be evaluated by the Evaluation Team and should include the following:

Key Executive and Management Personnel;

Investment or Development Management;

Legal Counsel;

Architectural and Engineering Design Team;

Construction Management;

Project Management;

All other Key Personnel Proposer deems necessary. List the job title and functions to be performed by each such Key Personnel identified.

\_\_\_ For each Key Personnel identified, attach a detailed one-page resume that should include the following information in resume format:

Name and title;

LIGTT Authority Project responsibilities and roles;

Educational background;

Professional registrations and memberships (if applicable);

Years of relevant experience; and

Prior experience on similar projects (highlight experience on such projects).

***As a Tab to your Proposal, please provide Experience on Similar Projects***

Prior Experience with Port Construction Projects

\_.1.1 Has Proposer or its team member performed work as a lead/prime Project Developer or general contractor on a Port Project over \$100 million within the last ten (10) years?

If so, provide the following information regarding any such projects: (a) name of projects; (b) general description of the projects including photos and internet reference; (c) dates of projects; (d) location of projects; (e) services performed on the projects; (f) original budget for the projects; (g) final total cost of the projects; (h) total number and dollar value of change orders issued on the projects (separately listing the collective value of “owner-initiated” change orders); (i) original scheduled delivery date of the projects; (j) actual delivery date of the projects; (k) entity with which Proposer contracted on any such projects (include addresses and telephone numbers); (l) name of the chief designer and/or engineers of record on the referenced projects (include addresses and telephone numbers); (m) Key Personnel who worked on any of the referenced projects that will also be assigned to the LIGTT Authority Project; and (n) financial mechanisms secured and references.

In addition, for all such projects provide a brief two- (2-) page description of up to five (5) projects that Proposer has completed that are most similar or relevant to the LIGTT Authority Project.

\_.1.2 Does Proposer or its team member have prior experience as a Project Developer or general contractor with at least one (1) major construction project in Louisiana within the last five (5) years that had a cumulative construction contract amount over \$100 million, and/or does Proposer have prior experience as a Project Developer or general contractor with at least one (1) other major construction project in the Gulf Coast region within the last five (5) years that had a cumulative construction contract amount over \$100 million?

If so, provide the same project details as requested in Section 7.1.1 (a)-(n). In addition, for all such projects, provide a brief two- (2-) page description of up to five (5) projects that Proposer has completed that are most similar to the LIGTT Authority Project.

\_.1.3 List other relevant projects completed in the past ten (10) years that are similar to the LIGTT Authority Project. Listed projects should be of similar nature, scope, and services to be rendered with respect to the LIGTT Authority Project, providing specific examples, wherever possible, of successfully working with tenants through substantial completion within budget and schedule constraints.

\_.2 Prior Experience as Project Developer: Describe relevant prior experience of Proposer working as a Project Developer in the last ten (10) years, including Proposer's ability to obtain timely completion of said projects and the same project details as requested in Section 7.1.1 (a)-(n).

\_.3 Prior Experience on Public Works Projects: Describe relevant experience working on public works projects in the last ten (10) years, including Proposer's ability to obtain timely completion of said projects, and the same project details as requested in Section 7.1.1 (a)-(n).

- \_4. Prior Experience Providing Pre-Construction Services During Design Phase: List relevant prior experience on projects where Proposer worked with a design team during the design and development stages of specified projects and conducted added value/value engineering exercises that maintained or enhanced the design intent of the original project. Include successful permitting/licensing experience with Federal, State and local agencies.
- \_5. Prior Experience with Davis-Bacon Act: Describe relevant prior experience and projects that Proposer has worked on within the past ten (10) years that required compliance with the Davis-Bacon Act. For all such project(s), list the following information: (a) name of project; (b) project dates; (c) name and contact information of the contracting parties; (d) general description of the project(s); (e) any violations of the Davis-Bacon Act; (f) result of any violations of the Davis-Bacon Act; (g) brief description of the procedures and oversight implemented to ensure compliance with the Davis-Bacon Act; and (h) a listing of any personnel that have prior experience in dealing with the Davis-Bacon Act that will be assigned to the LIGTT Authority Project.
- \_6. Prior Experience with Buy American Preference, 49 USC § 50101: Describe relevant prior experience and projects that Proposer has worked on within the past ten (10) years that required compliance with the Buy American Preference requirements found in 49 USC § 50101.
- \_7. Prior Experience Conducting Competitive Procurement Process: Describe Proposer's prior experience in administering bidding procurement processes for the selection of subcontractors.
- \_8. Current and Prior Experience Successfully Negotiating and Implementing Supplier and Off-take Agreements: Describe current and prior successfully negotiated product agreements. Include entities, contractual vehicles and

financing scenarios that best illustrate how this experience will apply to the LIGTT.

***As a Tab to your Proposal, please provide References***

- \_1 List three (3) projects on which Proposer or its team member was the Project Developer or General Contractor within the last ten (10) years as examples of Proposer's ability to perform as Project Developer on the LIGTT Authority Project. Identify the projects, locations, services performed on said projects, internet reference, and the contact information of the owner and/or administrator of said projects who will be called on as references for Proposer.
  
- \_2 Proposer should provide the names, addresses, e-mail addresses, and telephone numbers of three (3) architectural or engineering design professionals to act as references for Proposer or persons currently employed by Proposer with whom Proposer has worked within the last ten (10) years. Identify the projects, locations, and services performed.
  
- \_3 Proposer should provide the names, addresses, e-mail addresses, and telephone numbers of three (3) construction contractors to act as references for Proposer or persons currently employed by Proposer with whom Proposer has worked within the last five (5) years. Identify the projects, locations, and services performed.
  
- \_4 Proposer should provide the names, addresses, e-mail addresses, and telephone numbers of three (3) references that can attest to financial stability and/or ability to appropriately manage organizational or project financial obligations.

- \_5. Proposer hereby provides its consent for the Evaluation Team and LIGTT Authority to contact Proposer's references for purposes of evaluating Proposer as the Developer for the LIGTT Authority Project.

***As a Tab to your Proposal, please provide Management Approach and Services***

\_1 Proposer should provide an explanation of the structure and organization of its proposed Project Developer team, as well as a detailed narrative of the management approach that will be used for the LIGTT Authority Project. Proposer should identify any unique experience, qualifications, techniques, and approaches that will best achieve the LIGTT Authority Project's objectives.

\_2 The following issues should be addressed:

- Project Development, including sequencing of key project phases
- Financial Planning, including project operating and capital expense determinations
- Investor development and management
- International (non-U.S.) considerations
- Risk and Operational Management considerations such as personnel, vendor and consultant management, and contract development/ execution/enforcement
- Project Management considerations such as Design/Engineering, Permitting, Construction, Quality approach/control plan, Scheduling and scheduling management; and Cost tracking and control
- Formal and informal project activities with Federal, State, and local agencies/ authorities, as well as project stakeholders
- Economic Development considerations such as jobs creation and project benefit to the State of Louisiana, public financing tools, State, and Federal ED programs of interest to this project, and measurement of success
- Environmental impact considerations

- LIGTT Authority (ongoing) engagement, including methods of communication, means of reporting on project financials and investment, project status, timelines, and deliverables. Please provides samples.

***As a Tab to your Proposal, please provide Unique Capabilities/Resources***

- \_.1 Summarize any unique capabilities and/or resources that distinguish Proposer with regard to the LIGTT Authority Project. Include any and all unique capabilities and/or resources that will allow Proposer to effectively engage in Project Development services and complete the LIGTT Authority Project in an efficient and timely manner within the Budget and the deadlines listed in Section 9 of this RFP/RFQ.

Proposer may include brief videos, renderings or photographs comparing conceptual designs to completed projects to illustrate their ability to execute successful projects that retain the original design intent.

***As a Tab to your Proposal, please provide Disadvantaged Business Enterprise (DBE)***

- \_.1 DBE Participation.
- \_.1.1 The LIGTT Authority has a set goal of DBE participation for the LIGTT Authority Project at 15% with respect to pre-construction and construction management functions and services and 15% with respect to construction work.
- \_.1.2 As a Tab, all Proposals should include a Proposed Schedule of the DBE Participation. The DBE Commitment form should specify the DBE firms that have been or will be retained to provide functions and services.

\_.1.3 DBE Compliance Plan: Proposers are challenged to present creative and responsive DBE Compliance Plans for DBE participation that is commercially meaningful and useful. If a Proposer cannot meet the DBE participation goal, then Proposer should include documentation justifying their failure to meet the stated goal. Such justification should be supported by written documentary evidence of efforts to secure DBE participation or evidence of the unavailability of sufficient DBE participation.

DBE Compliance plans should contain the following elements:

Address Proposer's plan to promote full and equal business opportunities in accordance with the LIGTT Authority's DBE programs and policies.

Describe Proposer's experience working with DBE firms in the past.

Describe the outreach methods that Proposer has and will use to encourage and incorporate DBE firms in past projects and the results of those efforts.

List at least three (3) references that have experience with Proposer's performance with Federal DBE projects. Include name, agency, position, address, telephone numbers, project names or description, and brief description of DBE involvement.

***As a Tab to your Proposal, please provide Proprietary Information***

All Proposals will be considered public records in accordance with the Louisiana Public Records Act unless an applicable exception applies. If you believe an exception applies, indicate any information contained in your Proposal that is being declared proprietary. Proposers should clearly mark documents or information claimed to be confidential and exempt from public records disclosure and specifically justify the

exemption. Information deemed proprietary and/or confidential that is included in the submittal should be printed on pink paper and marked “CONFIDENTIAL” or “PROPRIETARY.” The LIGTT Authority will not credit any blanket exemption claims lacking specific justification. The LIGTT Authority does not guarantee the confidentiality of submissions. Any submittal marked as confidential and/or proprietary in its entirety may be rejected without further consideration or recourse. The LIGTT Authority reserves final judgment on all information deemed proprietary and confidential by Proposer.

## **11. EVALUATION OF PROPOSALS**

**11.1 Determination of Responsibility:** In determining Proposer’s responsibility relating to the RFP/RFQ, the LIGTT Authority must find that Proposer:

- (a) Has adequate financial resources for performance or has the ability to obtain and maintain such resources as required during performance;
- (b) Has the necessary experience, organization, technical qualifications, skills, and facilities, or has the ability to obtain them;
- (c) Is able to comply with the proposed schedule or required time of delivery of the LIGTT Authority Project;
- (d) Has a satisfactory record of integrity, judgment, and performance;
- (e) Is otherwise qualified and eligible to receive an award under applicable laws and regulations; and
- (f) Has executed and returned all applicable Tabs as required by this RFP/RFQ.

With respect to Proposer's financial resources, the Successful Proposer will be required to furnish performance and payment bonds in amounts sufficient to cover the estimated cost of each Project Phase. Therefore, Proposer must provide evidence that its bonding capacity can cover 100% of the Budget for Phase 1 of the LIGTT Authority Project.

Proposer should ensure that its Proposal contains sufficient information for the Evaluation Team and the LIGTT Authority to make its determination by presenting acceptable evidence of the Proposer's ability to perform the services called for herein and in its contract(s).

**11.2 Evaluation Team:** The evaluation of Proposals will be accomplished by the Evaluation Team, to be designated by the LIGTT Authority, which may consist of the following: one (1) or more representatives of the LIGTT Authority; and/or one (1) design professional not involved with the LIGTT Authority Project; and/or one (1) construction industry representative not involved with the LIGTT Authority Project; and/or one (1) representative of the Louisiana Department of Transportation and Development; and one (1) representative of the Louisiana Department of Economic Development.

**11.3 Administrative and Mandatory Screening:** All Proposals will be reviewed to determine compliance with the requirements as specified in the RFP/RFQ. As noted herein, the Evaluation Team and the LIGTT Authority may request clarification and/or supplementation of information by Proposers and may request omitted information required for evaluation of a Proposal to be submitted by Proposer. The Evaluation Team and the LIGTT Authority may reject any Proposal that is determined to have not complied with the provisions of this RFP/RFQ.

**11.4 Evaluation and Review:** Proposals that meet the requirements of this RFP/RFQ will be evaluated based upon the information provided in the Proposal. During the review of Proposals, the Evaluation Team may:

- (a) Conduct reference checks with any or all of the references cited in the Proposals to verify information contained in the Proposals, and rely on and consider any relevant information from such cited references;
- (b) Seek clarification or supplementation from a Proposer regarding information, errors, or omissions that may be contained in a Proposal and consider such clarifications or supplementations in the evaluation of the Proposals; and
- (c) Request interviews and/or oral presentations with any or all Proposers to clarify any questions or considerations based on the information included in the Proposals during the evaluation process and consider any supplementary information obtained from the interview or oral presentation in the evaluation of the Proposals.

**11.5 Grading Criteria:** The Evaluation Team will evaluate and score the Proposals using the criteria and scoring specified in the following table:

<b>Grading Criteria</b>	<b>Maximum Score</b>
History, organization, and financial condition	30
Staff qualifications, staffing plan, and prior experience	30
Approach and methodology	30
Disadvantaged Business Enterprise	10
<b>Total Score</b>	<b>100</b>

**11.6 Scoring Methodology:** The evaluation will be conducted as follows:

***1. History, organization, and financial condition of Proposer (30%)***

- History of Proposer, including but not limited to the following: safety record, pending/prior litigation, arbitration, sanctions, suspensions, debarments, or any and all other penalties or reprimands levied against Proposer by a licensing, ethical, or other regulatory agency, and existing or potential conflicts of interest;
- Business organization, structure, size, office locations, and depth of resources of Proposer;
- Key Personnel and depth of resources available at any and all offices in Louisiana, including the City of New Orleans, or within a one (1) hour in-person response time to the LIGTT Authority; and
- Financial condition of Proposer.

***2. Staff qualifications, staffing plan, and prior experience (30%)***

- LIGTT Authority Project staff plan;
- Experience and competence of Key Personnel including, but not limited to experience on similar projects;
- Experience on similar projects;
- Prior Project Developer experience;
- Prior experience on public works projects;
- Prior experience providing preconstruction services during the design phase of specified projects;
- Timely completion of prior projects;
- Prior compliance with Davis-Bacon Act;
- Prior compliance with Buy American Preference 49 USC § 50101;

- Prior experience in providing preconstruction services as described herein;
- Prior experience conducting a competitive procurement process; and
- References.

**3. *Approach and methodology (30%)***

- Management approach;
- Structure and organization of Project Developer team;
- Experience with innovative delivery and procurement strategies;
- Unique capabilities, resources, qualifications, techniques, and approaches; and
- Ability to self-perform 20% of the total cost of construction.

**4. *Disadvantaged Business Enterprise - Planning and Compliance (10%)***

- DBE commitment for use of DBE firms for the performance of pre-construction services;
- DBE commitment for use of DBE firms for the performance of construction management functions and services;
- DBE Compliance Plan for use of DBE firms for construction work;
- Prior DBE experience; and
- Prior success in meeting established DBE goals.

The Evaluation Team will compile the scores and make a recommendation to the LIGTT Board on the basis of the highest overall score.

**11.7 Procedure Following Evaluation of Proposals:**

**11.7.1 Oral Presentations:** After the initial evaluation of the Proposals, the highest scoring Proposers who may be qualified to receive an award of the Development Agreement and Sub-Lease may be asked to participate in a presentation-interview with the Evaluation Team. This provides an oppor-

tunity for Proposer to clarify or elaborate on its Proposal and is intended to be a fact finding and explanation session.

The Evaluation Team will schedule the time and location of these presentation-interviews. Proposer is responsible for all travel and lodging costs that may be incurred by Proposer to conduct this oral presentation.

Please note that the presentation-interviews are an option of the Evaluation Team, at its sole discretion, and that an award may be based solely on the initial written Proposals received. Further, the Evaluation Team reserves the right to adjust its evaluations following the presentation-interviews process.

**11.7.2 Recommendation to the LIGTT Board:** As promptly as possible after the deadline for submission of Proposals, the Evaluation Team will make recommendations to the LIGTT Board as to which Proposer it recommends should be awarded a Development Agreement and Sub-Lease and for which Phases. After initial evaluation and any oral presentations per 11.7.1 above, the Evaluation Team will compile final scores and make a recommendation to the LIGTT Board on the basis of the highest overall score.

**11.7.3 Review and Protest:** Any Proposer who was not recommended to the LIGTT Board for selection to serve as the Project Developer shall have a right to protest the Evaluation Team's recommendation and award of the Project Developer contracts as provided by law. Any issues or protest regarding the terms or form of the RFP/RFQ should be raised in advance of submittal of Proposals and shall not be a basis to thereafter challenge this RFP/RFQ or the award of any Project Developer contracts.

## **12. OWNERSHIP OF PROPOSALS.**

All Proposals and documentation submitted therewith are the property of the LIGTT Authority for all purposes. The provisions of the Louisiana Public Records Act (La. R.S. 44.1, *et seq.*) will be in effect for this RFP/RFQ. All submittals, proceedings, records, contracts, and other public documents relating to this RFP/RFQ may be open to public inspection.

### **13. CONFIDENTIAL AND PROPRIETARY INFORMATION IN PROPOSALS.**

Proposers will clearly mark documents or information claimed exempt from public records disclosure and specifically justify the exemption. Information deemed proprietary and/or confidential that is included in the submittal should be printed on pink paper and marked CONFIDENTIAL or PROPRIETARY. The LIGTT Authority will not credit any blanket exemption claims lacking specific justification. The LIGTT Authority does not guarantee the confidentiality of submissions. Any submittal marked as confidential or proprietary in its entirety may be rejected without further consideration or recourse. The LIGTT Authority reserves final judgment on all information deemed proprietary and confidential by Proposer.

### **14. COST OF PREPARING PROPOSALS.**

The LIGTT Authority is not responsible for any costs related to responding to this RFP/RFQ. Costs associated with preparation of each Proposal and/or presentations or interviews shall be borne by Proposer(s).

### **15. ERRORS AND OMISSIONS IN PROPOSALS.**

The LIGTT Authority will not be liable for any errors and/or omissions in Proposals. The LIGTT Authority reserves the right to make corrections or amendments due to errors identified in Proposals by the LIGTT Authority or Proposer. The LIGTT Authority will not make any corrections or amendments to a Proposal without Proposer's prior consent. The LIGTT Authority, at its option, has the right to request clarification or additional information from a Proposer(s).

## **16. WITHDRAWAL AND RE-SUBMISSION.**

At any time up to the date and time Proposals are due, a Proposer may withdraw its Proposal. To accomplish this, a written request signed by the authorized representative of Proposer must be submitted to Larry M. Roedel, Legal Counsel, at [lroedel@roedelparsons.com](mailto:lroedel@roedelparsons.com). If for any reason multiple Proposals are submitted by a single Proposer, then the last Proposal received will be the only one considered and evaluated, and Proposer shall not have any right to contest which Proposal is evaluated by the LIGTT Authority.

## **17. FUNDING.**

It will be the responsibility of the Successful Proposer(s) to provide adequate funding and financing for the LIGTT Project or Phases for which it is selected. This is a specific requirement of Louisiana Law and will be made a requirement of the Development Agreement and the Sub-Lease. The State of Louisiana and the LIGTT Authority will not be providing funding or financing for the LIGTT Project.<sup>2</sup>

## **18. ADMINISTRATIVE/MISCELLANEOUS PROVISIONS.**

**18.1 Effect:** This RFP/RFQ and any related discussions or evaluations by anyone create no rights or obligations whatsoever. The LIGTT Authority may cancel or modify this RFP/RFQ at any time at will, with or without notice. Anything to the contrary notwithstanding, the contracts executed by the LIGTT Authority and the Project Developer, if any, are the exclusive statement of rights and obligations extending from this RFP/RFQ.

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<sup>2</sup> This Project may meet the federal definition of a public-private partnership for financing purposes; however, under no circumstances will the Authority be deemed a “legal partner” of the Successful Proposer.

**18.2 Point of Contact:** All correspondence and other communications regarding this RFP/RFQ, including but not limited to questions, concerns, or problems regarding the provisions of this RFP/RFQ, should be directed to the attention of Larry M. Roedel at [lroedel@roedelparsons.com](mailto:lroedel@roedelparsons.com).

All questions should be submitted in writing to Larry M. Roedel at [lroedel@roedelparsons.com](mailto:lroedel@roedelparsons.com) ***no later than December 5, 2022***. The RFP/RFQ number and title should be in the subject header, and all questions should contain the Proposer's name, address, and telephone number.

The LIGTT Authority will issue a response to any inquiry if it deems it necessary by written addendum to the RFP/RFQ, posted on its website and issued prior to the Deadline for Submittals. Proposers shall not rely on any representations, statements or explanations other than those made in this RFP/RFQ, addenda issued or official responses to inquiries. Where there appears to be conflict between this RFP/RFQ and an addendum issued, the last addendum issued will prevail.

**18.3 Prohibited Contact:** From the time of advertising and until the final award, there is a prohibition on communication by Proposer(s) (or anyone on their behalf) with the employees, elected officials, and LIGTT Authority Board Members. This does not apply to oral communications or written questions at Pre-Proposal conferences, oral presentations before evaluation committees, contract negotiations, or communications in writing at any time with any employee or elected official, LIGTT Board Members, or LIGTT Authority's legal counsel regarding matters not concerning this Solicitation.

Violating the established Prohibited Contact provisions may result in a disqualification of your Proposal.

**18.4 Amendments Schedule of Event:** The LIGTT Authority will make every effort to administer the RFP/RFQ process in accordance with the terms and dates provided

herein. However, the LIGTT Authority reserves the right to modify the RFP/RFQ process and dates as deemed necessary.

- 18.5 Addenda:** Addenda to this RFP/RFQ may be necessary prior to the Closing Date, will be furnished to all prospective bidders, and will be published at the LIGTT Authority's website. All Proposers are asked to formally acknowledge receipt of all amendments and addenda.
- 18.6 Reservation of Rights:** The LIGTT Board reserve the right to cancel this RFP/RFQ, accept or reject any/all submittals, waive any technicalities and/or informalities in the Proposals, or re-advertise for any reason deemed in the best interest of the LIGTT Authority.
- 18.7 In-Process Technical Review:** Project Developer's performance with respect to the LIGTT Authority Project shall be subject to in-process technical review by the LIGTT Authority's Technical Representative or such other person(s) as may be designated in writing by the LIGTT Authority, provided that such actions are not unreasonable and do not interfere with the progress of the LIGTT Authority Project.
- 18.8 Governing Law:** The laws of the State of Louisiana shall govern this RFP/RFQ and resulting contracts. Exclusive venue for any lawsuits or disputes arising out of this RFP/RFQ or contract(s) negotiated pursuant thereto shall be in the 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, State of Louisiana.
- 18.9 This RFP/RFQ was authorized and approved on August 2, 2022, by the LIGTT Authority Board to be circulated, distributed, and posted for public review and response.**