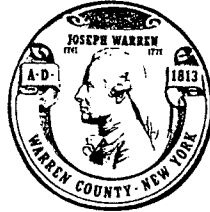


WARREN COUNTY PURCHASING DEPARTMENT

1340 State Route 9  
Lake George, NY 12845  
Telephone: (518) 761-6538  
Fax: (518) 761-6395



Julie A. Butler, Purchasing Agent  
Jason M. Shpur, Deputy Purchasing Agent  
Amber N. Brownell, Purchasing Assistant

March 1, 2019


INTERESTED PARTIES

RE: WC 29-19 - RFP FOR TRAIN OPERATOR  
OR PURCHASE OF WARREN COUNTY'S  
PORTION OF RAIL LINE

Prospective Proposers:

Enclosed please find an Invitation to Bid relative to a short-line railroad located in the beautiful southern Adirondacks in Upstate New York. If you'd like more information, please complete the form and return to this office as directed.

Please do not hesitate to contact me should you have any procedural questions in this regard.

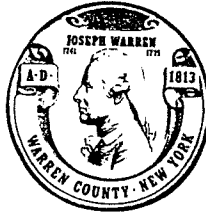
Regards,  
  
Julie A. Butler  
Purchasing Agent

Enc.

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## Invitation to Bid

### **WC 29-19 - REQUEST FOR PROPOSALS FOR TRAIN OPERATOR AND TRAIN SERVICE FOR SHORT LINE RAILROAD OWNED BY THE COUNTY OF WARREN AND TOWN OF CORINTH, NEW YORK WITH A CONNECTION AVAILABLE TO A CANADIAN PACIFIC RAIL LINE ALLOWING ACCESS TO POINTS SOUTH (SARATOGA SPRINGS, ALBANY, NEW YORK, ETC.)**

**OR**

### **PURCHASE OF WARREN COUNTY'S PORTION OF SAID LINE**

Objective/Intent of the Owners - Generally. It is anticipated that interested parties will consider the available tracks, supporting infrastructure, available connections to Canadian Pacific to points south, and propose train service (freight and possible excursion train service), provide rolling stock, maintain the tracks and supporting infrastructure and financial returns to the municipalities.

The successful operating proposal will be that which best addresses the following concerns and/or objectives of the municipalities:

1. A licensing agreement with an operator for at least a five (5) year term;
2. An operation which maximizes the freight and industrial development potential along the entire rail line;
3. An operation which recognizes the tourism potential along the entire rail line, including but not limited to recognition of the impact of passenger train service and recreational usage (e.g. rail bikes, snowmobiling, trails) upon the local economy;
4. Financial proposal and business plan, including track maintenance and repair costs of facilities and track, utility costs, franchise or similar fees to the municipalities, projected/anticipated revenues and expenses. Financials should include a five (5) year pro-forma of operation of project and proposed business structure;
5. If proposer is seeking a contract to operate on the County and Town-owned rail lines, this portion of the proposal must include how payment will be made to the County and Town. Fee proposals must include track rental fees and may also include a percentage of gross revenues or any other proposed payments not specifically listed herein. If applicable, the County and Town must have the ability to audit and inspect records to substantiate payments made by the contractor; and
6. Proof of Insurance, including liability, property and other appropriate types of insurance with satisfactory coverage limits to be determined in negotiations with the County and Town. Policies may include and are not limited to Railroad Protective Liability, General Railroad Liability, Commercial General Liability, Automobile Liability, Workers' Compensation, Pollution Liability and Owners Contractors protective insurance. The County and Town must be afforded primary coverage and named as additional insured. Insurance companies must be licensed in the State of New York, be an AM Best rated company and generally be satisfactory to Warren County and the Town of Corinth. Proposer must also agree to hold harmless and defend the County and Town against all liability, risk of loss or costs associated with operation, including negligence by any party.

**The County may also consider sale of its portion of the line.** Proposers interested in owning this portion of the line outright must acknowledge and agree to terms of sale including but not limited to:

1. Proposer must describe anticipated freight operations on the line. Proposer must also specify its intent in regard to consideration of non-freight uses of the line, whether operated by proposer or third parties, including but not limited to passenger service and recreational uses (e.g. rail bikes, snowmobiling, trails). Proposer must also specify its intent in regard to consideration of granting the County and rail line towns easements (e.g. recreational, utilities, broadband/fiber optic infrastructure);
2. Warren County reserves the right to, as part of the conveyance of the rail line, record one or more deed restrictions setting forth the various obligations and covenants set forth in this RFP and the purchase and sale contract. Such deed restrictions would be subject to negotiation with the purchaser and include storage of rolling stock and other property along the line;
3. Purchasers will agree to grant the State of New York and the County of Warren the right of first and second refusal in the event that purchaser desires to sell the line;
4. There will be a minimum purchase price established in the RFP. The minimum purchase price is anticipated to be Two Million Dollars (\$2,000,000). All proposals must be submitted with a certified check in the amount of Fifty Thousand Dollars (\$50,000), payable to the County of Warren as an Earnest Money Deposit. The \$50,000 proposal security will be returned to all proposers except for the successful proposer, and will be applied to the successful proposer's ultimate, minimum ten percent (10%) earnest money deposit. The 10% earnest money deposit payments will be non-refundable. Warren County will only accept purchase proposals calling for an all cash purchase of the line. All proposers will be required to provide evidence of sufficient assets to purchase the property and to operate rail service thereupon. Sufficient evidence may include but is not limited to, copies of bank statements, firm lender's commitments from reputable lending institutions, brokerage accounts in the names of the principals of the proper, or a combination of the aforementioned documents, evidencing sufficient assets to close the transaction and operate after the closing.

The entire Request for Proposals will be provided electronically by e-mail or fax. Complete and return this form to Julie Butler, Purchasing Agent, by faxing to (518) 761-6395 or e-mailing to [butlerj@warrencountyny.gov](mailto:butlerj@warrencountyny.gov) to request the specifications. Specifications may also be picked up in the Purchasing Office between the hours of 8:00 am and 4:00 pm.

**NOTE: Proposals are due APRIL 18, 2019 at 3:00 pm. Please don't delay in submitting your request.**

I would like to receive the specifications:       Yes       No

If yes:      E-mail \_\_\_\_\_ Mail \_\_\_\_\_ or pick up \_\_\_\_\_

Please check format preference for addenda: \_\_\_\_\_ e-mail \_\_\_\_\_ fax \_\_\_\_\_ mail

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

**YOU MUST RETURN THIS FORM TO ENSURE THAT YOU ARE ON THE RFP LIST & RECEIVE ALL COMMUNICATIONS REGARDING THESE SPECIFICATIONS.**