

*Request for Proposal:*

**To Operate a Concrete Batch Facility  
at  
Shutler Station Industrial Park, Gilliam County**

*Thank you for requesting the Request for Proposal to operate a concrete batch plant.*

*Proposals Due*  
**Monday, July 10th, 2017 at 2:00 p.m.**

Submit Proposals to:  
Gilliam County Court  
PO Box 427  
221 S. Oregon Street,  
Condon, Oregon 97823

Request for Proposal Process

Final selection will be based on a combination of relevant experience, available qualified staff, pricing, and how well the proposed methods are deemed to fit into the goals and objectives of Gilliam County's economic development program. The proposals received will be evaluated on point system.

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## 1 EXECUTIVE SUMMARY

**Request to Lease and Operate Proposals** –Gilliam County is seeking to lease its 12 yard concrete batch plant at the Shutler Station Industrial Park complex. Shutler Station Industrial Park is located approximately 7 miles South of Arlington, Oregon on Oregon Route 19. Trucks can access the facility via I-84 (exit 137) and Oregon Route 19. Rail access is directly at the site via Union Pacific railroad and Gilliam County’s Shutler Station spur. The facility is currently in operation on a month to month basis. The County is seeking a long term tenant, no less than three years and no more than ten years, to operate the facility and serve the concrete needs of the community and surrounding areas.

Time is of the essence. Gilliam County, as owner of the concrete batch plant, is seeking proposals to enter lease agreement and begin operation by September 1, 2017.

Interested parties please contact Peter Mitchell, Port Manager, PO Box 279 Arlington, Oregon 97812, phone 541-454-2868 or email address [peter.mitchell@portofarlington.com](mailto:peter.mitchell@portofarlington.com)

## BACKGROUND

Gilliam County boasts multiple wind farm projects, either in production, ready to start construction, or contemplated. Currently 2,645 MW is in production, which includes 845 MW in the Shepherd’s Flat wind farm, “the world’s largest wind farm.” Large industrial facilities, such as Waste Management’s Columbia Ridge, Industrial parks, and confined animal feeding units, continue to grow and develop in the County and surrounding areas, creating a steady demand for concrete. New housing projects are highly desired and encouraged by the County. Gilliam County seeks a stable, experienced, and competent organization to lease and operate the concrete batch plant on a long term basis as soon as practical.

## 2 THE FACILITY AND SITE MAP

The batch plant is located in Gilliam County’s Shutler Station Industrial Park on approximately 1 acre of land. Power, water and sewer are on site. See site map below. Shutler Station Industrial Park land lease prices are \$750 per month for first acre. Additional acreage is available for expansion at \$400 per month.

### Shutler Station Concrete Batch Plant – April 2017



Map above outlines approximately 3 acres

### 3 TIMELINE FOR RFP PROCESS

Mail RFP Notification	May 31, 2017
Receive Proposals	July 10, 2017
Meet to Review Proposals	July 19, 2017
County Court Meeting	July 19, 2017
Notice to Proceed	to be determined based on Proposal evaluation
Protest of Intent to Award	Within 7 days after notice given

### 4 DEFINITIONS

Definitions applicable to the solicitation document are located in this section.

"Addendum" or "Addenda" means an addition to, deletion from, a material change in, or general interest explanation of a solicitation document.

"Closing" means the date and time specified in a solicitation document as the deadline for submitting Proposals.

"Price Agreement" means a public contract for the procurement of Goods or Services at a set price with: (A) No guarantee of a minimum or maximum purchase; or (B) An initial order or minimum purchase combined with a continuing contractor obligation to provide Goods or Services in which the Agency does not guarantee a minimum or maximum additional purchase.

"Proposal" means a written response to a Request for Proposals.

"Proposer" means a Person that submits a Proposal in response to a Request for Proposals.

"Request for Proposals" or "RFP" means all documents, whether attached or incorporated by reference used for soliciting Proposals.

"Responsible Proposer" means a Person who meets the standards of responsibility described in ORS2798.110.

"Responsive Proposal" means a Proposal that substantially complies with the Request for Proposals and all prescribed procurement procedures and requirements.

### 5 SCOPE OF WORK

This Request for Proposal describes Gilliam County's requirements for a firm to Lease and operate a concrete batch plant. Gilliam County will evaluate the Proposal of each Proposer for combination of relevant experience, available qualified staff, lease rate, and how well the proposed methods are deemed to fit into the goals and objectives of the Gilliam County's economic development.

Each of the four (4) mandatory Sections, of this Request for proposal will be graded on a scale of one (1) to twenty (20) for a maximum total of 80 points in the mandatory sections. References are optional and will be graded on a scale of one (1) to ten (10) points.

**Gilliam County will use the competitive sealed Proposal method**, also known as Request for Proposals, pursuant to ORS 279B.060. See Reservation of Rights, 93.17 below.

### 5.1 Single Point of Contact (SPC)

The Single Point of Contact (SPC) for this Request for Proposals is:

Firm Name:	Port of Arlington
Contact Name:	Peter Mitchell
Title:	Port Manager/Economic Development Officer
Address:	PO Box 279 Arlington, Oregon 97812
Phone Number:	541-454-2868
Email:	<a href="mailto:peter.mitchell@co.gilliam.or.us">peter.mitchell@co.gilliam.or.us</a>

The completed RFP may be delivered in a sealed envelope to the Gilliam County Court’s administrative office or mailed to the Gilliam County Court, Attn: Leanne Durfey at PO Box 427, 221 S. Oregon Street, Condon, Oregon 97823.

**All RFPs are due Gilliam County Court’s administrative office by 2 p.m. July 10, 2017.**

### 5.2 Non-Discrimination

Gilliam County’s hereby notifies all Proposers that it will affirmatively ensure that all business enterprises will be afforded full opportunity to submit Proposals in response to this solicitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

### 5.3 RFP Protest Due date

Any Proposer who claims to have been adversely affected by the RFP due date must submit a written protest of the selection to the Single Point of Contact identified in # 6.1 specifying the grounds for the protest within 3 calendar days prior to the RFP due date as specified in # 5.1. Gilliam County will not consider any late protest. The reason for protest must be that Gilliam County’s evaluation of Proposals is in violation of ORS 279A or 279B. Gilliam County will respond to all timely submitted protests in accordance with OAR 137-047-0740.

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## 6 PROPOSAL REQUIREMENTS

### 6.1 Administrative Proposal Requirements

Method and Format for Preparation Proposals and pricing information must be prepared by printer in blue or black ink. No oral, telephone, e-mail or facsimile Proposals will be accepted. To quicken and simplify Proposal evaluations and to ensure that each Proposal receives the same orderly review, all Proposals must follow the format described in this section.

### 6.2 Proper Identification

Gilliam County is not responsible for the proper handling of Proposals that are not properly identified, marked and submitted in a timely manner.

### 6.3 Corporations, Joint Ventures/Partnership Information

Corporations, partnerships and joint ventures shall supply, with Proposal submission, the name of the contact person for the entity. Prior to award, Proposer must provide a certified document prepared in accordance with the entity governing provisions evidencing authority to submit a Proposal and to enter into the Price Agreement, if awarded, together the corporate resolutions (if applicable) evidencing corporate authority to participate as a corporation, joint venture or partner. A contact person must also be designated for purposes of receiving all notices and communications under the Price Agreement, and to act as Lessor's Contract Administrator. All Partners and Joint Ventures shall be required to sign the Lease Agreement award.

### 6.4 Necessary Informational Attachments

RFP submittals must be complete in all respects, including necessary signatures, certifications, documentation, responses on pricing and reference forms, and any other required information. All necessary attachments (references, descriptive literature, etc.) must be submitted with the Proposal in the required format.

### 6.5 Substantial Compliance

Proposals which are not in substantial compliance with the RFP Requirements may be determined to be Non-Responsive. Gilliam County may request clarification of minor informalities and irregularities that the Gilliam County determines are not prejudicial to the Gilliam County or other Proposers.

## 7 MANDATORY PROPOSAL SUBMISSIONS

# 13 Sections I through IV pages 15 -16 are mandatory submissions and will be evaluated by the Evaluation Team. During evaluation, each section will be deemed a "pass" or "fail" based on the opinion of the team majority. Proposer must receive a pass on all of these sections in order to be considered responsive.

## 8 SOLICITATION PROCESS

### 8.1 Procurement Authority

Gilliam County is conducting this lease and operate proposal pursuant to its authority under ORS 279A.050.

### 8.2 Method

Gilliam County will use the competitive sealed Proposal method, also known as Request for Proposals, pursuant to ORS 279B.060. Gilliam County intends to utilize the highest ranked firm to lease and operate the Shutler Station Concrete Batch plant. See Reservation of Rights, #10.1 below.

### 8.3 Advertisement, RFP, Solicitation, Addenda, and Attachments

The RFP solicitation will be advertised in the Daily Journal of Commerce, East Oregonian, The Dalles Chronicle and Times-Journal. Hard copy documents can be requested through the Gilliam County Court office at PO Box 427, 221 S. Oregon Street, Condon Oregon 97823. A \$5.00 printing/shipping fee will apply.

### 8.4 Attachments

In the event some Exhibits and Attachments cannot be viewed or downloaded through email, hard copy documents can be obtained through the Single Point of Contact identified in # 6.1 of this solicitation.

### 8.5 Methods of Seeking Clarification or Changes

**Procedure.** The appropriate means of seeking clarifications or changes to the requirements of the RFP and Price Agreement are through (a) requests for RFP clarification; (b) formal submittal of requests for changes to the terms and conditions of the Price Agreement; and (c) formal submittal of a protest.

**Request for RFP Clarification.** Any Proposer may make a request for clarification in writing to the Single Point of Contact identified in # 5.1. Mail, fax, or e-mail requests are acceptable. To be considered, the request for clarification must be received no later than the RFP Protest Due date specified in # 11.6 or any extension made to this date by Addenda.

**Solicitation (RFP) Protest Requirements.** Proposers may submit a written protest if Proposer believes that the procurement process is contrary to law or that a solicitation document is unnecessarily restrictive, legally flawed, or improperly specifies a brand name. Prospective Proposers must submit protests concerning the RFP to the Single Point of Contact identified in # 5.1. To be considered, the protest must be received no later than the RFP Protest Due date specified in # 10.6, or any extension made to this date by Addenda. Gilliam County will not consider any protest to the RFP after this deadline. Each protest must identify the RFP; describe the grounds that demonstrate how the procurement process is contrary to law or how the solicitation document is unnecessarily restrictive, is legally flawed; provide evidence or supporting documentation that supports the grounds on which the protest is based; and the relief sought. Agency

will resolve all timely submitted protests meeting the requirements above in accordance with OAR 137-0474730.

**Response to Requests for Clarification or Change, and Protests.** Gilliam County will respond to each properly-submitted written request for clarification, request for change, and protest in accordance with ORS 279B.405. Where appropriate, Gilliam County will issue revisions and clarify the RFP provision via Addenda. Gilliam County may also informally respond to Proposer questions. However, informal responses do not affect the provisions of the RFP. Lease requirements of the RFP can only be changed via formal addenda issued by Gilliam County.

## 8.6 Addenda to RFP

Gilliam County reserves the right to make revisions and clarifications to this RFP prior to the Proposal Due Date specified in # 6.1 only by written addenda sent to all registered plan holders.

Interpretations, corrections, or changes to this RFP made in any other manner will not be binding and Proposers must not rely upon such clarifications, interpretations, corrections, or changes. Proposers may not consider any communications interpreting or clarifying provisions of this RFP with any person, Gilliam County designated representative or otherwise, unless in the form of official written Addenda to the RFP issued by Gilliam County.

## 8.7 Protest of Addenda

To be considered, protests of Addenda provisions must be received by Gilliam County by the date and time specified in the Addendum. Gilliam County will not consider requests or protests of matters not added or modified by the Addendum.

## 8.8 Gilliam County Request for Further Clarification Proposal

Gilliam County reserves the right to request additional clarification from Proposers of any portion of the Proposal.

## 8.9 Proposal Withdrawal

Proposals may be withdrawn in writing when submitted by U.S. Mail or courier in a sealed envelope marked "Proposal Withdrawal" on company letterhead, signed in ink by an authorized representative, and received by Gilliam County at the single point of contact address set forth in # 6.1 prior to the Closing. Proposals may also be withdrawn in person prior to the Closing upon presentation of appropriate identification and evidence of authorization to act for Proposer. Faxed or electronically transmitted (e-mailed) withdrawal requests will not be accepted. Gilliam County may permit a Proposal to be withdrawn after Closing if it meets the conditions required in the appropriate OAR.

### 8.10 Proposal Opening

Proposals will be opened on the Closing date specified in # 6.1 of the RFP at:

**Gilliam County Courthouse  
Conference Room #106 A  
221 S. Oregon Street,  
Condon, Oregon 97823**

Only the Proposer/s names will be read at the bid opening. It is optional for Proposers to attend Opening. Award decisions will not be made at Opening.

### 8.11 Proposal Constitute Firm Offers

Submittal of a Proposal shall constitute Proposers agreement that the Proposal, including pricing, constitutes a binding offer that shall remain firm for a period of 30 days from date of Closing, unless extended by mutual agreement in writing (e-mail confirmation acceptable).

### 8.12 Release of Information

Proposals will be open to public inspection in accordance with Oregon Statute Chapter ORS 279B.

### 8.13 Public Information

All Proposals are public information after the Notice of Intent to Award has been issued. Copies of public information may be requested by any person. If any part of a Proposal or protest is considered a trade secret, the Proposer must clearly designate that portion as confidential, in writing at the time the Proposal or protest (respectively) is submitted, in order to obtain protection, if any, from disclosure. See ORS 192.501(2) and 646.401 to 646.475. Application of the Oregon Public Records law will determine whether the confidential information claimed to be exempt is in fact exempt from disclosure. Note that entities who request copies of public information are responsible for the cost incurred by the Gilliam County to provide the information.

The Oregon Public Records Law exempts from disclosure only bona fide trade secrets "unless the public interest requires disclosure in the particular instance" (ORS 192.501). Proposals must not identify price or price information as a trade secret; as such information must be open to public inspection.

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## 9 EVALUATION AND AWARD PROCESS AND CRITERIA

### 9.1 Reservation of Rights

Gilliam County reserves all rights including, without limitation, the following;

- To seek clarifications of each Proposal to this RFP and to award the resultant Lease Agreement, if any, without further discussion of the Proposals submitted;
- To reject all Proposals pursuant to OAR 137-047-0650;
- To cancel his RFP without liability pursuant to OAR 137-047-0660
- To reject a particular Proposal pursuant to OAR 137-047-0640;
- To amend this RFP and resultant Lease Agreement;
- To extend the deadline for submitting Proposals to this RFP;
- To waive any minor informality within a Proposal as defined by OAR 137-047-0470.

### 9.2 Disclaimers

Gilliam County will not be liable for any claims or be subject to any defenses asserted by Proposer based upon, or resulting from, or related to, Proposer's failure to comprehend all requirements of the RFP.

Gilliam County will not be liable for any expenses incurred by Proposer in either preparing or submitting its Proposal, or in participating in the Proposal evaluation/selection or Lease Agreement negotiation process, if any.

## 10 EVALUATION AND AWARD

### 10.1 General Overview of the Evaluation Process

Gilliam County will evaluate Proposals in accordance with the evaluation procedures set forth in OAR 137-047-0600. The Evaluation Team will evaluate timely Proposals for compliance with the Proposal requirements and the minimum and mandatory Proposal requirements, which are considered pass/fail as identified in # 8 and # 12.

Responsive Proposals will then be independently reviewed, scored, and ranked by the Evaluation Team according to the Proposal requirements as identified in # 10.2, 10.3, 10.4 and the points for the Evaluation Criteria as set forth and summarized in # 10.3, unless otherwise stated.

The outcome of the Evaluation process may, at Gilliam County's sole discretion, result in:

- (1) Notice to Proposer(s) of selection or rejection for possible award of Lease Agreement;
- (2) Further steps to gather additional information for evaluation, (e.g. checking references, requesting clarification, etc.); or
- (3) Cancellation of the RFP and either re-issuance of the RFP in the same or revised form or no further action by Gilliam County with respect to the RFP.

All Proposals will become part of the public file without obligation to Gilliam County.

Neither the return of a Proposal, nor acknowledgment that the selection process is complete, will operate as a representation by Gilliam County that any Proposal submitted was complete, sufficient, or lawful in any respect.

The Evaluation Team may, in its discretion, elect to require presentations, demonstrations, or conduct interview (collectively called “Events”) with all Proposers. If any Events are to be required or conducted, Gilliam County must inform the Proposers and describe the items to be covered in the Event. Events may be scored. Scores will be based on how well each Proposer covers the items identified for the Event. See # 11.3. If an Event is determined necessary, the maximum points for that Event will be 50 points. The points awarded to each Proposer from the Event will be added to the points already accumulated for that Proposer.

Proposers must remain available during the evaluation period to respond to request for additional clarification. The Gilliam County Evaluation Team Chair may request additional clarification from Proposers of any portion of the Proposal. Proposers must submit written, signed clarification(s) by the date and time specified in the Chair’s request, or the Proposal may be rejected as non-responsive.

### 10.2 Evaluation of Lease Proposal

The lease will be evaluated for this RFP based on # 10.3.

Disclosure Required. Each Proposer must disclose in its Proposal all prior or ongoing allegations of contractual breaches, any civil or criminal litigation or investigations pending which involves the Proposer or in which the Proposer has been judged guilty or liable. Failure to comply with the terms of this provision may disqualify any Proposal.

### 10.3 Point for Evaluation of Criteria

The table below summarizes the Evaluation Categories and the Maximum points to be awarded for each category.

<b>Evaluation Criteria</b>	<b>Maximum Points Awarded</b>
Mandatory Submissions	Pass/ Fail
References	10
SECTION I Company Experience	20
SECTION II Operation and Maintenance	20
SECTION III Company Planning and Marketing	20
SECTION IV Finance	20
<b>Total Score</b>	<b>90</b>
Event	50

### 10.4 Total Scores and Review of the Committee’s Selection

All scores for the Proposal Requirements will be totaled and assigned to the Proposals. Maximum point allocation for the Proposal Requirements is 90 points. If an Event is scheduled and scored, the total available score for a Proposer will be 140 points.

### 10.5 Notice of Intent to Award

The Lease Agreement must be determined by Gilliam County, in its sole and absolute discretion, to be in their best interest. Gilliam County reserves the right to withdraw any or all items from award consideration. Gilliam County intends to enter into a Lease Agreement with the highest rated, responsible and responsive Proposer.

- Intent-to-Award Announcement Gilliam County reserves the right to announce its intent to award prior to a formal Price Agreement award by letter or email ("Intent-to-Award Announcement").
- Intent-to-Award Announcement serves as notice to all Proposers that Gilliam County intends to make an award.
- Review of Proposal Files. Proposals will be opened to public inspection in accordance with ORS 279B.060 (5).

### 10.6 Protest of Intent to Award

Every Proposer who submits a Proposal shall be notified of selection status. Any Proposer who claims to have been adversely affected by the selection of a higher ranked Proposer must submit a written protest of the selection to the Single Point of Contact identified in Section 6.1 specifying the grounds for the protest within 7 calendar days after the issuance of the selection notice. Gilliam County will not consider any late protest. The reason for protest must be that all higher ranked Proposals are nonresponsive; Gilliam County failed to conduct the evaluation of Proposals in accordance with the criteria or processes described in the solicitation materials; Gilliam County abused its discretion in rejecting the protestor's Proposal as nonresponsive; or Gilliam County's evaluation of Proposals and subsequent determination of award is otherwise in violation of ORS 279A or 279B. Gilliam County will respond to all timely submitted protests in accordance with OAR 137-047-0740.

### 10.7 Award

After expiration of the 7 calendar day protest period, and resolution of all protests, Gilliam County will proceed with final award. Gilliam County reserves the right to award a Lease Agreement to the company that has offered the highest rate of lease payments and is the most responsible and responsive Proposer meeting the Proposal requirements. If Gilliam County receives only one Proposal, Gilliam County reserves the right to dispense with the intent-to-award protest period and proceed with a Lease Agreement award.

### 10.8 Business Registry Number/ Registered Agent

The information referenced in this subsection Section 10.8 is available at the following Internet site:

<http://www.filinginoreqon.com/index.htm>

If selected for Lease Agreement award, Proposer must be duly authorized by the State of Oregon to transact business in the State of Oregon before executing the Lease Agreement. The selected Proposer shall submit a current Oregon Secretary of State Business registry number (unless operating as your real and true name). All Corporations and other business entities (domestic and foreign) must have a registered agent in Oregon. See website for requirements and exceptions regarding registered agents.

## 11 TO BE INCLUDED IN PROPOSAL

*(The proposal must include responses to Sections 12, 13, 14, 15, and 16 to be considered complete)*

- Business Name and Address, phone and e-mail address
- Primary contact person for this RFP
- Length of time in Business
- Location of headquarters and any field offices
- Location of office that would service this facility
- What are the different divisions or programs of your company

## 12 SECTION I – Company Experience

### 12.1 Proposed Concrete Batch Plant Capability in Gilliam County:

- Please explain the current market situation and your view of possible changes in the next 3 years and 10 years
- Number of full-time personnel in your Concrete batch plant handling department/program
- Please provide your estimated number of employees that will be employed at the Shutler Station Batch Plant, full time and part time.

### 12.2 Transportation

- Explain your company's method of dispatching concrete trucks; how they relate to your strategic planning for the future

## 13 SECTION II – Operation and Maintenance

- The Batch plant is 10 years old. What, from your observation, needs to be done to and for the plant, now if anything, in 3-10 years, and ongoing.
- Describe how your firm is positioned to provide the service and maintenance the batch plant will require.
- Describe your approach to providing these services and your methods for providing on going service and maintenance to the facility.

- Describe how you will approach major decisions about maintenance or re-configuration of the facility.

#### 14 SECTION III – Company Planning and Marketing

- What is your company’s strategic marketing plan for the next five years? Please give an overview.
- Please explain your approach to concrete marketing both locally and regionally.

#### 15 SECTION IV – Finance

##### 15.1 Financial Proposal Form

- On site staffing (permanent/ seasonal temporary)
- On site routine maintenance budget
- Offsite support staff
- Length of lease (minimum of 3 years, maximum of 10 years)
- Up-front fee
- Annual payment(s)/ range/formula