



INVITATION FOR BIDS (IFB) No. 024-012

DELIVERY OF DIESEL FUEL FOR VRE LOCOMOTIVES

QUESTIONS AND ANSWERS

Below are questions VRE received as of March 18, 2024 at 2:00 P.M. Eastern Time in response to the subject solicitation with VRE's subsequent responses. Whenever possible, questions are presented as originally asked. Otherwise, the questions or inquiries are presented to capture the main thrust or idea.

1. In regard to Part III of the IFB, Section 30 - General Pricing Information, Paragraph D., per industry standard, can the differentials be moved out to 4 decimal places?

Yes. See Addendum No. 1. Additionally, this Addendum removes the requirement for Bidders to provide NYMEX differentials with their Bid.

2. How many locomotives are at each site?

Most nights, there are eleven (11) locomotives at Crossroads and eight (8) locomotives at Broad Run. There is one (1) additional locomotive primarily stored at another location that could be at either Crossroads or Broad Run on any given night.

3. How many locomotives will need to be filled daily?

Fifteen (15) locomotives are used in service daily that will require fuel to top off their tanks.

4. How many gallons under the current contract were purchased under locked in fixed price?

For the current contract year, which ends June 30, 2024, VRE will have purchased a total of 1,008,000 gallons (12 months X 42,000 gallons per month X 2 VRE Maintenance and Storage Facilities) at a locked or fixed price.

5. What was the fixed price for the last lock in request?

The fixed price per gallon for the first 42,000 gallons delivered each month between July 1, 2023 and June 30, 2024, inclusive of the NYMEX differential, was \$2.6932 for the Crossroads Maintenance and Storage Facility (MSF) and \$2.9536 for the Broad Run MSF.

6. Does VRE guarantee to purchase all gallons locked under the fixed price method?

Yes. However, see Addendum No. 1.

7. What was the date of the last fixed price lock in?

April / May 2023 for both Crossroads and Broad Run, with the fixed prices in place beginning July 2023 through June 2024 for the first 42,000 gallons delivered to each MSF per month.

8. How many gallons were locked under the last fixed price lock in?

See the response to Question No. 4.

9. If VRE does not purchase all gallons locked in under fixed price, will VRE pay the vendor for unused gallons?

See the response to Question No. 6.

10. In regard to Part III of the RFP, Section 31 – Pricing Requirements, given the requirement “Fixing the price of future fuel deliveries may be done at any time prior to the month in which the delivery is to occur and all gallons under such fixed price agreements shall be received by VRE in the specified month.” We seek clarification in the outgoing contract regarding the advanced notice period given by VRE for price locking, and whether there are intentions to extend or shorten this timeline?

See Addendum No. 1. Additionally, for example, for VRE to enter into a fixed price contract for the first 42,000 gallons to be delivered in August 2024, a Fixed Price Supply Agreement would need to be executed by VRE and the Contractor by the end of July 2024.

11. How often will the VRE require prices to be locked in during the term of the contract?

See Addendum No. 1, which removes the requirement for Bidders to provide NYMEX differentials with their Bid. However, VRE reserves the right to reach out to the Contractor on a regular basis in an effort to negotiate a Fixed Price Supply Agreement for future months.

12. Is there an MBE goal for this contract?

Since the resultant contract(s) will not be funded with Federal or State monies, there is no specific DBE or MBE goal related to this solicitation. However, as with all solicitations, regardless of the funding source, VRE strongly encourages the use of minority businesses when practical.

13. As a minority firm, do we have to subcontract part of this contract to other minority firms?

No. See the response to Question No. 12.

14. Who is the incumbent contractor, and can you provide the previous bid tabulation for the outgoing contract?

The incumbent contractors are Griffith Energy Services, Inc. for the Broad Run MSF and James River Solutions for the Crossroads MSF. The bid tabulation from 2019 is available at <https://www.vre.org/about/board/board-agenda-minutes/2019/May/9a-execute-contracts-diesel-fuel-pdf/>, refer to the chart on the second page.



15. How many trains will be involved in the weekend work- the whole fleet or only a portion of the fleet?

Only a portion of VRE's fleet will be involved in Saturday service. It is anticipated that six (6) trains will be used, three (3) trains from each MSF. However, plans for the operation of Saturday service are not yet final and thus subject to change. VRE will coordinate closely with the selected contractor(s) as the service plan for Saturdays is finalized.

16. Will these trains be available all weekend or only after 8 P.M. on Saturday or Sunday? Or only after service has concluded on Saturday?

The trains will be available on Sundays and only after service has concluded on Saturdays.

17. Could we deliver on either Saturday P.M. or Sunday P.M.?

Yes, with the understanding that fuel must be delivered after all trains have returned to the MSF on Saturday.

18. Will the new weekend delivery volume be additional to the current delivery volume?

Yes.

19. What demurrage may be charged if a train is not available by 12:00 and VRE asks the driver to wait?

None.

20. Can you provide a copy of an invoice and BOL?

VRE can provide a sample invoice to the selected contractor(s) at the time the contracts are executed.

21. Please provide bill of ladings for all fuel grades on this solicitation.

The only grade of fuel required by this solicitation is No. 2 Diesel Fuel (American Society for Testing and Materials (ASTM) 2-D, Ultra Low Sulfur. See the response to Question No. 20.

22. Please provide a current invoice for all fuel grades on this solicitation.

See the responses to Question No. 20 and Question No. 21.

23. Please provide tax exemptions / certificates.

See Exhibit A attached hereto the Questions and Answers.

24. Please provide the tabulations for the current contract.

See the response to Question No. 14.

25. Who is the current vendor?

See the response to Question No. 14.



26. Is this contract for a basis of 5 years or does 5 years term including any renewals?

The resultant contracts shall be for a maximum of five (5) years including the renewals / option years. VRE will award contracts for a Base Period of one (1) year with the option to extend for four (4) additional one-year periods. It is expected the Base Period will commence on July 1, 2024 through June 30, 2025. The exercise of a contract option will be at the sole discretion of VRE.

27. Please provide all bid submission and contract documents from the last awarded bidder.

Please send a Freedom of Information Act (FOIA) request to VRE's FOIA Officer at foia@vre.org.

28. Will bids be considered responsive if electronic signatures are used? (i.e. DocuSign)

Electronic signatures are acceptable. Please refer to Part IV, Section 01. – Signatures of the IFB.

29. Are wet signatures required for bids to be considered responsive?

Wet signatures are not required. Please see the response to Question No. 28.

30. Are there any reporting requirements? If yes, please describe them.

Yes, please refer to Attachment A – Scope of Work of the IFB, specifically Section 3 – Diesel Fuel Analysis.

31. We prefer to receive payment via ACH/bank draft. Will the VRE payment only be via ACH/bank draft or by purchasing card or check only?

VRE is able to provide payment either by ACH or check and will coordinate with the selected contractor(s) to obtain their banking information if ACH payments are preferred.

32. Please confirm if the bid solicitation will serve as a binding contract, or if we should be expecting a contract after award.

VRE will provide a contract containing the provisions included in IFB No. 024-012 for execution by the contractor(s) selected following the solicitation process.

33. Do you prefer vendor fees to be included in the differential? Yes or No.

Yes, differentials must be inclusive of all fees.

34. Is it acceptable to itemize vendor fees on each invoice? Yes or No.

No, see the response to Question No. 33.

35. Will the awarded vendor be required to use a company provided portal for invoicing or any other purpose?

Not at this time. VRE does not require contractors to upload their invoices to a VRE-managed portal.



36. Are deliveries currently shipped on a tank wagon or transport truck?

A tank wagon.

37. Can you please confirm there are no bonds (Bid, Performance or Payment) requirements for this solicitation?

No bonds are required by this solicitation.

38. If there are bond requirements, what percentage of the contract are the bonds to be valued at?

See the response to Question No. 37.

39. Are there any DBE (MBE, WBE, HUB etc...) goals for this solicitation?

No. See the response to Question No. 12.

40. If there is a goal, what is the goal percentage?

See the response to Question Nos. 12 and 39.

41. Is the DBE goal a requirement or an aspirational goal?

See the response to Question Nos. 12 and 39.

42. Please provide who the current vendor is using as their DBE to fulfil the goal requirement.

See the response to Question Nos. 12 and 39.

43. Is Good Faith Effort documentation required to be submitted with the bid?

No good faith effort documentation is required. See the response to Question Nos. 12 and 39.

44. Does VRE consider a common carrier a subcontractor?

No.

45. Does VRE require dyed diesel or clear?

The fuel delivered to VRE must be dyed red. The red dye in the diesel fuel is the indicator that the fuel is for off-road use only and has not been taxed.

46. Will there be a public bid opening? If so, can you please provide a call in number or link to attend?

Yes, a public bid opening will be held immediately following the due date for bids, which is currently April 16, 2024 by 2 p.m. Eastern Time. Please refer to Part III, Section 16 – Bid Opening of the IFB. The results of the bid opening will also be posted on VRE's website following the actual bid opening procedure.



47. On your garment requirements is it approved for drivers to wear short sleeve shirts or does VRE require long sleeve shirts?

Shirts must be 1/4 arm length or longer. No tank tops are permitted.

48. On your garment requirements as it relates to the safety vests – is it approve for drivers to have reflective vests of any color, or does VRE require them to be reflective and lime green?

Vests must be lime green.

49. Do you prefer for the site plan to be completed pre or post bid submittal?

The plan is required post bid submission. Prior to the start of work, the Contractor shall prepare a Site Specific Safety Plan and submit it to VRE for review and approval. The plan must be furnished within ten (10) calendar days of receipt of the “Notice of Intent to Award” and before any work under the resultant Contract will be allowed to commence.

50. On your roadway worker protection – can you please clarify if our drivers will ever be on other grounds for CSX, Amtrac, etc.? I do not know the answer to this question, as I assumed we would be on VRE grounds only since this is where the bid is being submitted. I wasn't sure if you ever had your units parked on other yards that we may have to fuel.

Roadway Work Protection training is not required. All fuel deliveries will be made within the confines of VRE's Maintenance and Storage Facilities, not on Host Railroad property.



EXHIBIT A

NVTC/VRE VA ID TAX#: 690530581
NVTC/VRE FED ID#: 54-0784475-082500
NVTC/DC ID TAX#: 739801676000-001

Form ST-12

**COMMONWEALTH OF VIRGINIA
SALES AND USE TAX CERTIFICATE OF EXEMPTION**

*For use by the Commonwealth of Virginia, a political subdivision
of the Commonwealth of Virginia, or the United States*

To: _____ Date: _____
Name of Dealer

Number and Street or Rural Route City, Town, or Post Office State ZIP Code

The Virginia Retail Sales and Use Tax Act provides that the Virginia sales and use tax shall not apply to tangible personal property for use or consumption by this State, any political subdivision of this State, or the United States. This exemption does not apply to sales or leases to privately owned financial and other privately owned corporations chartered by the United States.

The undersigned, for and on behalf of the governmental agency named below, hereby certifies that all tangible personal property purchased or leased from the above dealer on and after this date will be for use or consumption by a governmental agency, that each such purchase or lease will be supported by the required official purchase order, and that such tangible personal property will be paid for out of public funds. Check the appropriate box below.

- 1. Tangible personal property for use or consumption by the Commonwealth of Virginia, including prepared meals, catering, and other services related to the provision of food.
- 2. Tangible personal property for use or consumption by a political subdivision of the Commonwealth of Virginia, including prepared meals, catering, and other services related to the provision of food.
- 3. Tangible personal property and taxable services for use or consumption by the United States.

Northern Virginia Transportation Commission for Virginia Railway Express

Name of Governmental Agency			
2300 Wilson Boulevard, Suite 620	Arlington	VA	22201
Number and Street or Rural Route	City, Town, or Post Office	State	ZIP Code

I certify I am authorized to sign this Certificate of Exemption and that, to the best of my knowledge and belief, it is true and correct, made in good faith, pursuant to the Virginia Retail Sales and Use Tax Act.

By:  Chief Financial Officer
Signature Title

Information for dealer: A dealer is required to have on file only one Certificate of Exemption, properly executed by the governmental agency buying or leasing tax exempt tangible personal property under this Certificate.