



AmeriStarRail LLC

Transportation Innovation

Mr. Mark Vierling
Vice President of Logistics
National Railroad Passenger Corporation
1 Massachusetts Avenue, NW,
Washington, DC 20001

September 15, 2021

Dear Mr. Vierling,

As you know, AmeriStarRail (ASR) submitted a proposal in response to Amtrak's Request for Proposal: Amtrak Intercity Trainset Acquisition & Technical Support, Spares and Supply Agreement (RFP Number DOC 750069) to replace Amtrak's Amfleet cars on the Northeast Corridor and other routes. ASR's proposal was developed, reviewed and approved with our Senior Advisor, Paul H. Reistrup, former Amtrak President.

We were disappointed to learn that Amtrak decided that our proposal was unresponsive as discussed in Amtrak's bid debriefing on August 19, 2021. For a number of reasons, detailed in the attached documents, AmeriStarRail is filing this formal bid protest challenging the procurement decision per Amtrak's procurement guidelines for bid protests.

Key reasons for our bid protest include:

1. Our innovative Option 1 proposes a tri-powered (catenary, diesel and third rail), 600 passenger, "stretch" version of the 160 MPH Acela Avelia Liberty trainsets, currently being built by Alstom, to be ordered and financed by ASR. (Alstom is not a party to this protest). This offers greater value for passengers with more capacity, speed and performance than the requirements of the RFP. This is the fastest way to replace the 45+ year-old Amfleet cars and operate all Amtrak Northeast Corridor trains with synchronized high speeds and the efficiency of a standardized high speed trainset fleet.
2. Providing triple-class seating for coach, business and first class passengers on every Alstom Avelia Liberty 160 MPH trainset will provide Transportation Equity for seniors, families, students and low-income passengers with affordable access to high speed rail in America for the first time in our history.
3. Amtrak did not consider the financial advantages for taxpayers of our proposal to provide 76 trainsets, for the price of One Dollar (\$1), and maintenance in the first Northeast Corridor Trainset Maintenance Center (TMC), also for the price of One Dollar (\$1), by using private financing instead of public tax dollars.
4. AmeriStarRail was the only bidder to submit the initial proposal before the RFP deadline of 2:00pm Eastern Daylight Time on May 10, 2019.

AmeriStarRail recognizes that Amtrak has signed a \$7.3 billion contract for 83 Siemens Venture trainsets with an option for 130 additional Venture trainsets. As stated in the RFP, Amtrak can select multiple bidders. A split contract award would allow Siemens to produce publicly financed trainsets for non-Northeast Corridor routes and for AmeriStarRail to privately finance 160 MPH high speed trainsets, built by Alstom, for trains that primarily operate on the Northeast Corridor, saving taxpayers billions of dollars.

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As is the case for most bid protests involving procurements which use federal tax dollars, AmeriStarRail would have preferred to file a protest with the Government Accountability Office (GAO) since the GAO has provided an objective, independent and impartial forum for more than 90 years concerning the award of federally funded contracts. However, since the GAO has no jurisdiction to evaluate procurement disputes regarding Amtrak contracts, AmeriStarRail seeks a fair and transparent evaluation and consideration of our bid protest by Amtrak under your procurement policies for bid disputes.

Attached for Amtrak's review and evaluation of our bid protest are the following documents:

1. Summary of ASR Option 1 to preserve jobs and keep the current Alstom Acela Hornell, New York production line employees and suppliers working to build 76 additional ASR financed 600 passenger "stretch" Avelia Liberty trainsets after the original 28 Acela Avelia Liberty trainsets are completed in 2022. As mentioned in our proposal, Amtrak has the technical specifications for these trains since the Federal Railroad Administration (FRA) and Amtrak have already reviewed and approved this trainset design for production. The Alstom trainsets already comply with or exceed the technical requirements of Amtrak's RFP.
2. AmeriStarRail's Transportation Equity plan of providing affordable access to high speed rail for all passengers with triple-class Coach, Business and First Class seating on 160 MPH high speed trainsets to replace the 125 MPH Amfleet cars
3. The privately financed terms for AmeriStarRail's \$1 bid for the 76 new trainsets and \$1 bid for maintenance in a new NEC Trainset Maintenance Center
4. Proof of ASR's proposal submission prior to the 2pm EDT May 10, 2019 deadline

We appreciate Amtrak's fair and transparent consideration of AmeriStarRail's Trainset Bid Protest.

Sincerely,



Scott R. Spencer
Chief Operating Officer

cc: Kevin Parkhurst - Contracting Agent
William Flynn - Chief Executive Officer
Stephen Gardner - President