

**REQUEST FOR STATEMENT OF QUALIFICATIONS  
FOR**

**UNITED BAPTIST MINISTRIES CHURCH PROJECT**

**PROFESSIONAL HAZARDOUS MATERIALS CONSULTING SERVICES  
RESIDENTIAL DWELLINGS AND OTHER STRUCTURES**

**ASSOCIATED WITH**

**BIRMINGHAM - SHUTTLESWORTH INTERNATIONAL AIRPORT**

**Issued February 15, 2018**

**I. Introduction**

The Birmingham Airport Authority (the "Authority") is seeking a highly qualified firm or team of firms (each, a "Respondent"), to provide Professional Consulting Services associated with the preparation of the hazardous materials testing and abatement monitoring firm, or team of firms to provide these testing services in conjunction with the established Airport's Noise Property Acquisition program at the Birmingham-Shuttlesworth International Airport, Birmingham, Alabama.

**Purpose of Solicitation**

The Authority is interested in procurement of services to facilitate the abatement of hazardous materials from residential and other dwellings purchased by the Authority through the FAA land noise abatement programs. Firms should be highly experienced and proficient in these hazardous environmental evacuation projects. The project scope of services shall include all work associated with providing a complete and full range of hazardous materials (specifically asbestos) and other materials including but not limited to chlorofluorocarbons (CFC's), mercury, polychlorinated biphenyls (PCB's), including the utilization lead-based paint (LBP) safe practices (on the structure/dwelling) to confirm the presence of hazardous materials by careful examination of each structure.

## **II. Project Description**

Special attention will be given to those lead firms having demonstrated substantial experience in all work associated with providing the following:

### **Hazardous Materials Survey:**

- A. The survey services shall test for the presence of asbestos and LBP and others in each structure within the designated project limits.
- B. X-Ray Fluorescence analyzer (XRF) and Facility Survey - Bulk Sampling via PLM method for Report
- C. Preparation hazardous materials surveys, reports, and technical specifications containing the following:
  - 1. Description and Photograph of the Structure Surveyed with deed and appraisal information
  - 2. Description/List of Sampled Materials
  - 3. Table of Sampling Results and Estimated Quantities
  - 4. Figure Indicating Sample Locations Results Including Photographs
  - 5. Conclusions, Recommendations, and Limitations
  - 6. Site Figure with Sample Locations
  - 7. Asbestos Laboratory Analysis Result
- D. Preparation of a detailed Project Manual and technical report/specifications for the removal of hazardous containing materials discovered in the survey
- E. Preparation of Hazardous Materials Abatement/Demolition in Place and Clearing, Grubbing, and Improvements contract documents
- F. Technical Consultation Services and Bid Administration
- G. Assist in conducting a pre-bid conference with potential bidders in securing bids for abatement contractors and review bids for accuracy and completeness.
- H. This task will end upon issuance of a Notice of Intent to Award to a Contractor.
- I. Contract Administration and Worksite Monitoring.

- J. The consulting engineering firm will assist in the critical portion of this project through the following tasks such as, the Pre-Construction Meeting.
- K. Daily observation, air monitoring/clearance and documentation procedures are provided on site Authorized Representative (OAR), of which shall also be expected to oblige an act as the owner's agent for the entire project. This agent shall also provide services insuring total compliance with local, State, and Federal agencies including assurances of proper disposal of hazardous material waste.
- L. The OAR will be directed and supervised by the Owner's Representative/Project Manager who will make visits to the site as necessary and review all project activities.
- M. The Project OAR shall maintain daily work progress records with special emphasis on items of conformance relative to the project specifications and/or accepted hazardous removal practices. The reports will be submitted to the Authority at pre-determined intervals.

### **III. PRE-SUBMITTAL CONFERENCE**

A pre-submittal conference will be held on **Thursday, March 8, 2018, at 2:00 p.m.** local time in Meeting Room A at the Birmingham-Shuttlesworth International Airport situated on the Terminal Building's lower level near the down escalator to Concourse "C".

The purpose of the meeting is to provide an opportunity for those interested parties to present their questions regarding this Request for Statements (RFQ). If you are unable to attend the conference, and you have questions regarding this RFQ and the project, you must submit them via email to [ltaylor@flybirmingham.com](mailto:ltaylor@flybirmingham.com) by 12:00 noon local time **Thursday, March 15, 2018.** No other questions will be answered after the March 15, 2018 deadline.

Attendance of the conference is highly encouraged; therefore, parties interested in submitting a Statement of Qualifications for this project should be in attendance and/or have a representative present.

### **IV. SUBMITTAL REQUIREMENTS**

Five (5) copies of the Statement of Qualifications (SOQ) are required, containing not more than 10 pages (20 pages both sides), and placed in a sealed container(s) along with at least one flash drive of their SOQ. All hard copies are

to be contained in a spiral ring laminated booklet, consisting of not more than twenty (20) pages total.

Those consulting services for the testing of hazardous materials mainly Asbestos, LBP, and others in accordance NESHAP, EPA, and State regulations prerequisite to the development, monitoring, implementation of cost controls, and those controls associated with the efforts required to bring about the successful completion of the project on time and within budget.

Furthermore, the scope shall not be limited to the stated items included in this document, but shall govern all accomplishments to provide budgeting, cost models, project schedule, budget tracking, coordinating and assisting in meetings, report assembly and update, plan review, monitoring, and generally assisting the Owner in the administering of the project. Said services for this project shall be performed upon the dwellings listed below:

1. 8628 5<sup>th</sup> Avenue North
2. 8615 4<sup>th</sup> Avenue North
3. 8810 4<sup>th</sup> Avenue North
4. United Baptist Ministries Church 650 83<sup>rd</sup> Street North
5. Calvary Christian Resurrection Church, 534 95<sup>th</sup> Street

Then create a punch list of any deficient items and satisfactory correction of any such items within 30-day period. Then retainage amounts will be deducted from the prime contractor's retainage on the next invoice, per the Airport Project Managers.

The Scope of Services for this project for the successful submitters includes the full range of project management services implemented upon the owner's behalf during all the various phases of this project. The work will include but not be limited to the following list of principle features of work:

- Produce a master schedule of events, updated monthly
- Assist owner in the review of contract documents for workability of the Abatement Project
- Assist owner in establishing criteria for assembling potential bidders to ensure maximum use of dollars
- Assist owner in the coordination with the project's Abatement Contracting team to assure project approval by the appropriate governmental agencies
- Assist owner in coordinating to qualify bidders and bid the project
- Coordinate all Hazardous Materials Abatement activities and submittals

- Review and recommend for approval all hazardous materials contract
- Document Hazardous Materials Abatement/Clearance activities
- Review and recommend all payments to the design team and to the contractors.
- Hold meetings when necessary to keep abreast of abatement activities.
- Coordinate project closeout activities
- Survey for all hazardous materials namely asbestos and inclusive of LBP

The firm selected by the Birmingham Airport Authority to perform these Professional Services will enter into a non-exclusive agreement with the Authority, and the Authority shall have the right to contract for all or any portion of the projects with the selected firm or team of firms, contingent upon availability of funds.

The Authority intends to certify from those firms or team of firms submitting a response to this solicitation, a list of those firms, which it considers, qualified. The Authority, pursuant to its procedures and consistent with prevailing legal statute, will then select from the list of qualified firms, or team of firms; a shortlist of firms from which the Birmingham Airport Authority will make a final selection.

Under no circumstances, however, is the Authority obligated to award this project to any of the firms or team of firms responding to this Request for Qualifications; and further, the Birmingham Airport Authority reserves the right to reject all responses to this solicitation.

A progress report and project photo file will be submitted at the project conclusion.

**V. Work Observation**

Upon the eventual acquisition of the Successful Consulting Team, the Abatement Project Manager will supervise the on-site representative to the Authority. A unit cost proposal for each structure affected on a per parcel basis with a total representing a lump sum not to exceed amount.

The cost of services shall be broken down as per the following:

TASK A. – Hazardous Materials (Asbestos) Survey  
 (Minimum Six Bulk Samples and/or Samples on all Asbestos  
 Containing Materials (ACM) suspected materials) Lump Sum  
 (Per House/Parcel)

TASK B - 1. Project Specifications/Technical-----Lump Sum  
 2. Technical Consulting Services

and Bid Administration-----Lump Sum

**TASK C ---Contract Administration and Worksite Monitoring**

1. Pre-Construction Meeting -----Lump Sum
2. Contract Administration /Project Management/Reporting--  
Lump Sum (Per House/Parcel)
3. Work Site Observation /Abatement  
& Air Monitoring/Clearance Sampling -----  
Lump Sum (Per House/Parcel)

**VI. SUBMISSION REQUIREMENTS**

It is the intention of the Authority to execute a contract with one “prime” consultant, hereinafter referred to as “Submitting Firm.” The Submitting Firm will be held solely responsible for the execution of the entire project. It is expected that the Submitting Firm may desire or need the services of sub consultants to undertake various elements of the project and to satisfy DBE requirements. In the events that Sub Consultants are anticipated, the RFQ submittal shall identify the proposed Sub Consultants and the specific work elements each will be responsible for completing.

The Submitting Firm shall be required to provide all professional services as may be necessary to accomplish the work.

The Submitting Firm must not only demonstrate its abilities to provide the above services, it must also include in its response the following information:

**A. Company Primary Contact Information**

Name, address, telephone number, e-mail, and facsimile number of the company that will bear primary responsibility for the entire project (the “Submitting Firm”).

**B. Company Description/Background**

A general description of the Submitting Firm and any sub consultants that will profile the company’s history, specialties, years

of experience, etc. A profile must also be provided for each separate consultant or Sub Consultant.

**C. Understanding of the Project**

Include a statement indicating an understanding of the requirements for Hazardous Materials Testing (Asbestos, CFC's Chlorofluorocarbons (CFC's), Mercury, PCB's Poly chlorinated biphenyls (PCB's), and LBP with Abatement Monitoring.

**D. References**

A list of references for the Submitting Firm and any sub consultants involved in the project for similar work performed at other airports.

**E. Disadvantaged Business Enterprise (DBE) Participation**

The Submitting Firm shall provide evidence of its ability to meet the necessary DBE requirements as outlined in Attachment "A".  
Please complete the attached DBE Letter of Intent (Attachment 1) for each DBE on your team and include in your SOQ.

**VII. EVALUATION CRITERIA**

The evaluation criteria which will be used in the selection of the consultant team are as follows:

**Section A. Prior Experience on Similar Projects (0 to 55 Pts.)**

Cite the successful projects of which the firm and/or team having performed within the past five years or currently performing similar type projects i.e. the full range of hazardous materials including the of testing and abatement for (Asbestos), Clearance Sampling and monitoring, and the utilization of safe practices, required during Demolition projects at an airport of similar size and complexity.

Cite experience of firm and team having performed within the past five years, or currently performing similar type testing/abatement monitoring projects at airports of a larger size and complexity.

Cite experience of the firm and team having performed within five years, or currently performing similar type testing/abatement monitoring projects for municipal, institutional, academic, private, military or federal agencies, companies and/or organizations.

Cite the experience within past five years on projects with demonstrated success in coordinating and involving multiple Stakeholders for the project.

Demonstrated experience within five years on similar projects resulting in the success in meeting, factoring in, and complying with all local, state and federal agencies.

Cite experience within past five years of firm and teams' success in fulfilling the requirement of this RFQ's scope of services in concurrence with all time constraints.

Indicate firm/team's previous experience in the development of a comprehensive budget model for similar projects, and the success of such models when utilized by the client.

Firm/team's history of maintaining a stable and dependable workforce for the duration of the project.

History of firm/team's commitment to keeping contract escalations and modifications to a minimum.

Cite firm and team's history in assembling professional engineering, environmental, and/or a group or team on previous similar type projects.

**Section B.**

**Availability of Key Personnel**

**(0 to 10 pts.)**

Indicate experience of Key personnel in managing similar projects for airport, municipalities, and other institutions and/or organizations for the past five years.

Indicate communications skills and ability to effectively relate and present to a vast complexity of audiences.

Indicate the level of knowledge of Key Personnel related to the involvement of multiple Stakeholders (City, County, Federal, Community, Regulatory, and grass roots) in matters

related to incorporated and enfranchising ideas and recommendations for the project.

Cite the number of similar successful projects Key Personnel have been involved over the past five years.

Cite the commitment of firm and team to maintaining Key Personnel for the duration of the project.

**Section C. Area of Participation of Team (Select One Only)  
(0 to 5 pts)**

If 50% or more of the work will be performed within the City of Birmingham.

If 30% to 49% of the work will be performed within the Metropolitan area of the City of Birmingham.

If 16 to 29% of the work will be performed within the State of Alabama.

If less than 15% of the work will be performed within the Southern Region of the United States

**Section D. DBE Participation (Select Only One) (0 to 20 pts)**

If 70% or more of the funds will be received by DBE firms for work performed.

If 50 to 69% of the funds will be received by DBE firms for work performed.

If 30% to 49% of the funds to be received by DBE firms for work performed.

If 0 to 29% of the funds will be received by DBE firms for work performed.

**Section E. Previous Working Relationship of Firms  
(Select Only One)  
(0 to 6 pts)**

Joint Venture on similar projects

Joint Venture on other non-similar projects

Consultant/Sub Consultant on more than one project

Consultant/Sub Consultant one project

Key members of more than one firm have previously worked with second firm.

**Section F. Computer Capabilities of the Firm/Team (Select Only One)  
(0 to 4 pts)**

For Auto-Cad System with most current Release capability.

For any other CAD System.

The firm selected by the Birmingham Airport Authority to perform these Professional services will enter into a non-exclusive agreement with the Authority, and the Authority shall have the right to contract for all or any portion of the project with the selected firm or team of firms, contingent upon availability of funds.

The Authority intends to certify from those firms or team of firms submitting a response to this solicitation, a list of those firms, which it considers, qualified. The Authority, pursuant to its procedures and consistent with prevailing legal statute, will then select from the list of qualified firms, or team of firms; a shortlist of firms from which the Birmingham Airport Authority will make a final selection.

Under no circumstances, however, is the Authority obligated to award this project to any of the firms or team of firms responding to this Request for Qualifications; and further, the Birmingham Airport Authority reserves the right to reject all responses to this solicitation.

**VIII. PROCEDURES**

**A. Procurement of RFQ Documents**

Starting, March 1, 2018, Request for Qualifications (RFQ) package may be accessed or downloaded from the Birmingham Airport Authority's web site address listed below:

[www.flybirmingham.com/about-bhm/birmingham-airport-authority](http://www.flybirmingham.com/about-bhm/birmingham-airport-authority)

"Doing Business at BHM"

**B. Submission of Qualification Statement**

Submitting Firm must send five (5) hard copies and one (1) electronic copy on a flash drive (no CD's please) of the Statement of Qualifications containing not more than 20 double sided pages or less and bounded with spiral/comb binding.

Statements must be submitted in a sealed container(s) labeled as follows:

**“STATEMENT OF QUALIFICATIONS FOR  
PROFESSIONAL HAZARDOUS MATERIALS TESTING-  
ABATEMENT MONITORING SERVICES PROJECT FOR THE  
UNITED BAPTIST MINISTRIES CHURCH, RESIDENTIAL  
DWELLINGS, AND OTHER STRUCTURES, BIRMINGHAM-  
SHUTTLESWORTH INTERNATIONAL AIRPORT”**,  
to:

Mr. James Ray, Jr., P.E., Director  
Birmingham Airport Authority  
Engineering & Development  
c/o Mr. Lowrenzo Taylor, Project Manager  
5900 Messer Airport Highway  
Birmingham, AL 35212

Responses to this solicitation received after **12:00 noon, March 22, 2018** will be returned unopened. The risk of the delivery shall be the sole and absolute responsibility of the proposing entity.

**C. Proposal**

Price proposals are not to be submitted at this time.

If the Board decides to request oral presentations, and your firm is selected to present, upon completion of presentations, the Board can opt to then select and announce the successful Respondent. During the contract negotiations, the successful Respondent team or group could then be requested to submit a sealed price proposal cost summary. The price proposal cost summary shall be broken down into two categories, i.e. Basic Services and Special Services (other firms assisting in the effort).

**D. Contact and Questions**

The principal contact regarding all aspects of this RFQ is Mr. Lowrenzo Taylor, Project Manager, Engineering & Development, at the email address identified below:

**ltaylor@flybirmingham.com**

Questions, via Email pertaining to this RFQ will be entertained by the Authority until end of business day, **Thursday, March 15<sup>th</sup>, 2018**, local time.

All questions or request for clarification will be considered for response at the sole discretion of the Authority. Questions must be submitted via email to the attention of Mr. Lowrenzo Taylor, Project Manager, at the address listed above.

Oral explanations and/or instructions shall not be considered binding on the Authority.

**E. Pre-Submittal Conference**

A pre-submittal conference will be held on **Thursday, March 8, 2018, 2:00 p.m.**, local time in Meeting Room B located on the lower level of the terminal building near the Birmingham Police Department's Substation at the Birmingham–Shuttlesworth International Airport.

Attendance at this conference is **highly encouraged** to all firms planning to participate in the submittal process for this project.

The purpose of this meeting is to provide an opportunity for those interested parties to present their questions regarding the Request for Qualifications (RFQ).

**F. Selection Process**

The Authority intends to certify from those Submitting Firms responding to this solicitation, a short list of firms based solely on their statement of qualifications. A review committee will review and evaluate the responses and submit a list of responsive firms to the Board for selection consideration, with oral presentations being an optional part of the selection process. The presentations will address only specifics of the proposed project. Evaluations shall be based on criteria outlined in Section VII, Evaluation Criteria, and according to the Submitting Firm's compliance with the submission requirements as outlined in Section VI, Submission Requirements. The Authority retains the right to waive any absolute discretion.

Proposing entities are encouraged to supplement their proposals with any additional and/or miscellaneous information that they

would deem relevant for consideration by the Authority in evaluating the overall quality of their proposal and/or their ability, experience, and background in performing the scope of services as requested herein.

Short listed Submitting Firms may also be requested to participate in an oral interview and/or presentation process on a date to be determined by the Authority. Guidelines for this oral interview/presentation process will be provided later.

Upon being announced by the Board as the **Successful Submitting Firm/Team**, the Board may opt to request a Fee Proposal for contract negotiations. The Fee Proposal will be submitted in a sealed envelope labeled:

**“STATEMENT OF QUALIFICATIONS FOR PROFESSIONAL HAZARDOUS MATERIALS TESTING- ABATEMENT MONITORING SERVICES PROJECT FOR THE UNITED BAPTIST MINISTRIES CHURCH, RESIDENTIAL DWELLINGS, AND OTHER STRUCTURES BIRMINGHAM-SHUTTLESWORTH INTERNATIONAL AIRPORT”**,

with the name of the Submitting Firm or team of firms, to:

Mr. James Ray, Jr., P.E., Director  
Birmingham Airport Authority  
Engineering and Development  
c/o Mr. Lowrenzo Taylor, Project Manager  
5900 Messer Airport Highway  
Birmingham, Alabama 35212

Only Statement of Qualifications submittals of those Short-Listed Firms that meet the qualifications will be retained.

Under no circumstances, however, is the Authority obligated to award the project to any of the firms responding to this Request for Qualifications; and further, the Authority reserves the right to reject any and/or all responses to this solicitation.

**G. Summary Timetable of RFQ and Related Events**

Request for Statements of Qualification

Issued February 15, 2018

Pre-Submittal Conference Thursday, March 8, 2018

Question Submission Deadline Thursday, March 15, 2018

Submittal Deadline Delivery	Noon Thursday, March 22, 2018
Selection of Successful Firm	TBA
Negotiations of Consultant's	
Price	TBA
Award of Contract	TBA

The Authority reserves the right to extend or otherwise modify the above timetable. The Submitting Firms that are participating in the process at the time of a change in the timetable, if it occurs, will be notified in advance of such change, if any.

#### **H. Rights and Privileges of the Authority**

This is a Request for Statements of Qualifications. This is not an offer, contract, or an invitation for bids. The submission of a qualification statement in response to this process constitutes an invitation to negotiate with the Authority and is not a bid. The submission of a qualification statement in response to this process does not impose any legal obligations upon either the Authority or the person submitting the statement, nor does it create any contractual or quasi-contractual relationship between them.

The Authority reserves the right to reject or disregard any or all qualification statements, to negotiate with any or all persons submitting statements and/or to enter a contract or contracts with any person or persons for any or all the services described herein.

The Authority is not obligated to respond to any statement or is it legally bound in any manner whatever by the submission of a statement pursuant to this published process.

All Statements as submitted herein are subject to further negotiation at the option of the Authority.

Further, all agreements arising out of these statements and negotiations shall not be binding or valid against the Authority, its departments, officers, employees, or agents unless authorized and signed by at least a majority of the Board of Directors for the Birmingham Airport Authority in accordance with applicable laws.

The RFQ has been prepared solely for information purposes only and does not commit the Authority to pay for any costs incurred in the preparation of a Statement made in response of this RFQ or for any costs incurred prior to the formal ratification of a final agreement.

This RFQ is subject to errors, omissions, modifications, withdrawal, or cancellation without notice.

**IX. SUMMARY**

All Statements of Qualifications shall become the property of the Authority. Only those firms responding to this solicitation and having tendered their Statement of Qualifications which meet the requirements herein specified will be considered for the service contemplated regardless of prior contract with the Birmingham Airport Authority, or other agencies, departments or personnel.

By: \_\_\_\_\_

James Ray, Jr., P.E., Director  
Engineering & Development  
Birmingham Airport Authority

Date: 2/28/18

## Disadvantaged Business Enterprise (DBE) Program

- A. **Policy:** It is the policy of the Birmingham Airport Authority (Authority) that DBEs as defined in 49 CFR Part 26 will have maximum opportunity to participate in the performance of all Authority projects and the Proposer will take all necessary and reasonable steps to ensure that DBEs have the maximum opportunity to compete for and perform subcontracts. Proposers will demonstrate that they will subcontract with certified DBEs, or clearly demonstrate in a manner acceptable to the Authority its good faith efforts to obtain DBE subcontractors. The successful Proposer's DBE commitment as stated on their Letter(s) of Intent will be incorporated into the contract and will be enforceable under the terms of the contract.

Proposers are encouraged to refer to the Authority's DBE Program and Policy which is posted on the Authority's website: [www.flybirmingham.com](http://www.flybirmingham.com). Proposers should refer to the directory of DBE companies certified by the Authority at [www.flybirmingham.com](http://www.flybirmingham.com). Additional assistance may be obtained by calling the Authority's DBE Liaison Officer at 205-599-0543.

- B. **DBE Obligation:** Each contract the Authority executes with the Proposer and each subcontract the Proposer executes with a subcontractor, must include the following clause:

"The Proposer or subcontractor will not discriminate based on race, creed, color, national origin, or sex in the performance of this contract or subsequent subcontracts. Failure of the Proposer or subcontractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the Authority deems appropriate."

- C. **Certification of Eligible DBEs:** To ensure the eligibility of DBEs proposed to participate on the contract, all DBEs must be certified by the Authority regardless of their certification with another agency. Certification applications may be found on the Authority's website at [www.flybirmingham.com](http://www.flybirmingham.com), under the DBE information section or at the Authority's office. *DBEs must be certified with the Authority at the time Proposals are received.*

Any firm having questions regarding its eligibility as a DBE should contact the DBE Liaison Officer regarding certification requirements at 205-599-0543.

**D. DBE Goals:** DBE Goals are established for each specific prime contract with subcontracting opportunities.

The Proposer will subcontract with DBEs certified by the Authority at least 17% of the dollar value of the Prime Contract. Only DBEs certified with the Authority will count toward the Contract Goal. In accordance with the Authority's policy, "A recipient may count expenditures of materials and supplies obtained from a DBE Manufacturer at 100% of the cost of the materials or supplies toward DBE Goal." In accordance with the Authority's policy, "A recipient or Contractor may count toward its DBE Goal 60% of its expenditures for materials and supplies required under a Contract and obtained from a DBE regular dealer."

If the Proposer for this solicitation qualifies as an eligible DBE, the Contract Goal will be deemed to have been met, if the Proposer performs at least the prescribed DBE Contract Goal percentage of the Work with its own forces. The Proposer will be required to submit information concerning those DBEs that will participate in this Contract at the time its Proposal is submitted to the Authority.

The information will include the names and addresses of each DBE, description of the Work to be performed by each named DBE firm, the dollar amount of said Work and percent of the Contract, written documentation of the Proposer's commitment to use a DBE subcontractor whose participation it submits to meet a contract Goal, and written confirmation from the DBE subcontractor that it will be participating in the Contract provided in the Prime Proposer's Proposal. Failure of the Proposer to submit the required DBE information in its Proposal may render the Proposal non-responsive. If the Proposer fails to achieve the Goal stated herein, the Proposer will be required to provide documentation demonstrating that the Proposer made "Good Faith Efforts" in attempting to do so.

**E. Proposer Efforts to Meet DBE Subcontract Goals:**

1. In all contracts, the successful Proposer will satisfy the Authority that it has made "Good Faith Efforts" to utilize DBEs in meeting the established DBE Goal. "Good Faith Efforts" are those efforts that could reasonably be expected to result in DBE Goal attainment by a Proposer who aggressively and actively seeks to obtain DBE participation. Efforts that are merely "Pro Forma" are not "Good Faith Efforts" to meet DBE Goals. Efforts to attain DBE participation are not "Good Faith Efforts" to meet the Goals even if they are sincerely motivated, if, given all reasonable circumstances, the efforts could not reasonably be expected to produce a level of DBE participation sufficient to meet such Goals. In determining whether the

apparent successful Proposer has made such “Good Faith Efforts” to meet the Goal, some of the factors the Authority will consider are the following:

- a. Whether the Proposer attended any Pre-Solicitation or Pre-Proposal Meetings that were scheduled by the Authority to inform DBEs of contracting and subcontracting opportunities;
- b. Whether the Proposer advertised in general circulation, trade association, and minority-focus media concerning the subcontracting opportunities at least ten calendar days prior to Proposal submission;
- c. Whether the Proposer provided written notice by certified mail to a reasonable number of specific DBEs that their interest in the Contract was being solicited at least ten calendar days prior to Proposal submission;
- d. Whether the Proposer followed up initial solicitations of interest by contacting DBEs to determine with certainty whether the DBEs were interested;
- e. Whether the Proposer selected portions of the Work to be performed by DBEs to increase the likelihood of meeting the DBE Goals “Good Faith Efforts” and, in the case of federally-funded projects, the DBE Goals (including, where appropriate, breaking down contracts into economically feasible units to facilitate DBE participation);
- f. Whether the Proposer provided interested DBEs with adequate information about the Drawings, Specifications or requirements of the Contract;
- g. Whether the Proposer negotiated in good faith with interested DBEs, not rejecting DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities;
- h. Whether the Proposer made efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance required by the Authority or Contractor;
- I. Whether the Proposer effectively used the services of available minority community organizations; minority contractors' groups; local, state and federal minority business assistance offices; and other organizations that aid in the recruitment and placement of DBEs;

- j. Whether the Scope of Work submitted by the Proposer to any DBE contractor, DBE subcontractor, DBE sub-subcontractor, DBE supplier, DBE sub-supplier or DBE sub-sub-supplier, and so on, either directly or in-directly, was intended to achieve, in whole or in part, the specified DBE participation;
  - k. Whether the replies or quotes from DBEs in response to Scopes of Work submitted to them by contractors, either directly or indirectly, were fair and responsive;
  - l. Whether the Proposer represented DBE quotations in the formulation of the Proposer's Proposal as shown on the Proposal tabulation or other work documents supporting the Proposer's Proposal; and
  - m. Whether the Proposer contacted the Authority's DBE Liaison Officer for assistance in meeting the Authority's DBE Goals.
2. Proposers who do not meet DBE contract Goals may alternately satisfy the good faith efforts requirement by documenting their efforts to do so, and on a finding by the Authority that the Proposer did not meet the good faith effort, are entitled, at their option, to the administrative reconsideration process as outlined in the Authority's DBE policy.
  3. Any Proposer who meets the DBE Goals will be deemed to have made the necessary "Good Faith Efforts" without the need for further proof. Failure to meet the Goal may be grounds for refusing to award the Contract, if, upon investigation by the Authority, such investigation shows that the Proposer refused to make a "Good Faith Effort" to meet the Goal, or that the failure was due to discrimination. In that event, the Authority may refuse to award the Contract to that Proposer.
  4. The Authority will require Proposers to submit documents that show that they obtained enough participation from certified DBEs to meet the DBE Goals. Failure to provide such information may render the Proposal non-responsive. However, the Authority reserves the right to require such additional and supplemental information solely for clarifying the DBE information submitted by the Proposer. The initial good faith determinations for the Authority will be the DBE Liaison Officer.
- F. **Proposer's DBE Assurance:** Each Proposer will submit written assurance of its ability to meet the prescribed Goal in its Proposal. Proposers may be considered non-responsive and may be ineligible for award of Contract if their Proposal does not contain this Assurance. The Proposer agrees to

indemnify the Authority from the loss of any funds or other damages that may result from Proposer's failure to achieve the DBE Goal set forth herein or to establish a good faith effort to do so, including attorney's fees and costs associated with said failure by Proposer or good faith investigation by Authority. Failure of Proposer to achieve the DBE Goal as Proposal without showing a "Good Faith Effort" to do so will be considered a material breach of the Contract. The determination of whether Proposer's efforts were made in "Good Faith" will be made by Authority.

# ATTACHMENT 1

## DBE LETTER OF INTENT

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Professional Hazardous Materials Consulting Services  
For  
Residential Dwellings and Other Structures  
Associated with  
The Birmingham-Shuttlesworth International Airport  
Request for Qualifications

Failure to complete this statement may be grounds for rejection of request for proposal submittal.

Name of prime Proposer firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
Telephone: \_\_\_\_\_ FAX \_\_\_\_\_ E-mail \_\_\_\_\_

Percentage of contract performed by prime Proposer \_\_\_\_\_%

Name of DBE firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
Telephone: \_\_\_\_\_ FAX \_\_\_\_\_ E-mail \_\_\_\_\_

Identity of DBE (e.g. Hispanic, American Indian, Black, Female, etc.) Select One

Description of work to be performed by DBE firm: \_\_\_\_\_

DBE firm percent of Design-Builder's design fee \_\_\_\_\_%

### Commitment

The Prime Proposer is committed to utilizing the above-named DBE firm for the work described above.

By: Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Name of Prime Proposer)

### Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract as stated above.

By: \_\_\_\_\_  
(Signature) (Title) (Name of DBE firm)

**If the Prime Proposer does not receive award of the contract, all representations in this letter of intent and affirmation shall be null and void.**

