

REQUEST FOR PROPOSALS
FOR
PROFESSIONAL LAND ACQUISITION SERVICES

ASSOCIATED WITH
BIRMINGHAM-SHUTTLESWORTH INTERNATIONAL AIRPORT

Issued June 13, 2018

I. Introduction

The Birmingham Airport Authority (the "Authority") is seeking a highly qualified licensed firm or team of firms (each, a "Respondent"), to provide technical, professional, and administrative staff to execute the Vacant Land Acquisition Services at the Birmingham-Shuttlesworth International Airport, Birmingham, Alabama.

The FAA recommends that the Authority pursue full ownership of the remaining vacant properties situated amongst the airport's recent properties purchased under Noise Abatement programs. In compliance of such recommendation, the Authority is soliciting Request for Proposals (RFP) submittals from qualified firms and/or teams to provide said services for the Birmingham-Shuttlesworth International Airport, Birmingham, Alabama.

Purpose of Solicitation

The purpose of this RFP is to solicit sealed proposals to establish a contract through competitive negotiation for interested qualified licensed Alabama Real Estate Agencies/Agents to identify, provide best practices procedures, and facilitate the acquisition of subjected vacant properties. This includes the recommended use and disposal assistance of real property by the Airport Authority from the legal, financial, and regulatory standpoints, for the Birmingham-Shuttlesworth International Airport, Birmingham, Alabama.

II. Project Description

The Authority is interested in procurement of services for the acquisition of a designated estimated quantities of two hundred eighty-two (282) vacant properties. The Respondent understands and agrees that the Owner may require goods/services in an amount greater or less than the estimate, shall not give rise to any claim of compensation other than the total of the unit prices in the contract for quantity that is required by the Authority. It is the BAA's intent that this RFP is to allow competition in request for Real Estate Services. It shall be the Respondent's responsibility to advise the Authority in writing if any language, requirement, specification, etc. or any combination thereof, inadvertently restricts or limits the requirements stated in the RFP to a single source. The Authority

must receive such notification not later than seven (7) days prior to the date set for acceptance of proposals. The Respondent should be highly experienced and proficient in similar acquisition projects. The project scope of services shall include all work associated with providing a complete and full range of expertise of which shall require efforts thereof.

Services shall be conducted and performed in accordance with Title 49, Code of Federal Regulations Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs. This shall include work on the title closing services, condemnation support (pre-hearing support, hearing support, post hearing support) and expert witnesses services as requested.

The scope of services shall be broken down but not limited to the task shown below:

- a. Obtaining right of entry and /or access from land owners.
- b. Establishing Intent to Acquire and authorization to Acquire.
- c. Hire of surveyors, appraisers and review appraisers from State approved list.
- d. Prepare all correspondence and send via Certified Mail-Return Receipt Request (CMRRR) according to all required rules, to landowner's legal representative, including introduction letters, Landowner's Bill of Rights and the Land Acquisition for Public Airport brochure.
- e. Secure all title work (preliminary title commitments, update title commitments as needed, title policies) and curative services necessary to provide clear title.
- f. Analyze appraisals and appraisal review reports and confirm the sponsor's (airport's) approval value prior to making offer for each parcel.
- g. Review Appraiser review the originating Appraiser's market information analysis in accordance to 49CFR 24.103 and all applicable standards/requirements included in the Uniform Standards of Professional Appraisal Practice (USPAP) for Federal Land Acquisition and the AL Certification Statement.
- h. Prepare a separate negotiator contract report for each parcel, per contract, on applicable forms.
- i. Perform closing services in conjunction with the title company and attend closings.
- j. Review title work prior to the closing by mail and prior to recording of the instrument.
- k. Knowledge and manner of acquisition notices.
- l. Provide all condemnation support using appropriate forms needed and shall appear and provide expert witness testimony as required.

Project Intent

Consultants responding to this Request for Proposals (RFP) understand and agree that any resulting contractual relationship is non-exclusive, and the Authority reserves the right to contract with more than one Consultant or seek similar or identical services elsewhere if deemed in the best interest of the Authority.

The issuance of this RFP constitutes only an invitation to present a Technical Proposal. The Authority reserves the right to determine, in its sole discretion, whether any aspect of the response satisfactorily meets the criteria established in the RFP, the right to seek additional information and/or clarification from any firm submitting a response, the right to negotiate with any firms or individuals submitting a response, and the right to reject any or all responses with or without cause. In the event the RFP is withdrawn by the Authority for any reason, including but not limited to, the failure of any of those things or events set forth herein to occur, the Authority shall have no liability for any cost or expenses incurred in connections with this RFP or otherwise.

Project Scope

The scope of work for this project is the acquisition services for the vacant land still situated in the former land noise acquisitions areas.

The project is being funded with Airport Authority Funds.

The Birmingham Airport Authority reserves the right to:

1. Select more than one (1) firm to perform services from among the respondents to this RFP and to award work among selected firms as the Authority sees fit;
2. Competitively procure services for any portion of the project. Neither this RFP nor any subsequent agreements shall be construed to guarantee any work for the selected firm or firms;
3. Accept or reject any response or proposal. The Authority may, for any reason, deem it in the best interest of the Authority to withdraw from performing any work, to competitively procure these services in another manner consistent with law, or to perform any work in house or with other resources after a response is received from any firm;
4. Make a reasonable objection to the use of any individual, subconsultant, subcontractor or supplier, in which event, the Respondent shall use an alternate individual, sub consultant, subcontractor or supplier reasonably acceptable to the Authority.

To be considered, firms and/or teams must be able to demonstrate significant knowledge and experience in providing the type of consulting services requested and shall have considerable experience with the Land Acquisitions of Property. Respondents must demonstrate competency in all facets of acquisition projects. For the purposes of executing a contract and doing work with the BAA, the Respondents must demonstrate project management competency. The proposing firm must also demonstrate familiarity with most current versions of Federal Aviation Administration Order No. 5100.37B and Advisory Circular 150/5100-17, and any updates thereof.

Interested firms and/or teams are invited to indicate their interest in providing the request services by submitting five (5) hard copies and one (1) electronic copy on a flash drive of their Technical Proposal, containing not more than twenty (20) one sided

pages, but not more than twenty (20) double sides ones for a total of forty (40), on or before 12:00 p.m. local time, **Friday, July 20, 2018**.

III. PRE-SUBMITTAL CONFERENCE

A Pre-Submittal Conference will be held on **Friday, June 22, 2018, starting at 2:00** p.m. local time at the Birmingham-Shuttlesworth International Airport's Meeting Room B, located at 5900 Airport Highway, Birmingham, Alabama 35212.

Meeting Room B is situated near the Concourse C entrance, near the escalator, adjacent to the Birmingham Police Substation on the Terminal Building's lower level. All interested participants are strongly urged to attend this conference.

All submitted responses shall be delivered before noon, **Friday, July 20, 2018**, 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, Alabama 35212

Offers in response to the Request for Proposals, hereafter referred to as "RFP" are subject to the requirements in Section IV, Submission Requirements are as follows:

IV. SUBMISSION REQUIRMENTS

It is the intention of the Authority to execute a contract with one "prime" consultant/Respondent, 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 RFP submittal shall identify the proposed Sub Consultants and the specific work elements each will be responsible for completing.

Responders are required to submit their proposal in the following format:

A. Cost Proposal

1. The cost proposal must be submitted in a separate, sealed envelope with the Proposer's name and "Cost Proposal for Request for Proposals" for the Vacant Land Acquisition Services" on the outside of the envelope.
2. The sealed envelope containing the cost proposal is requested to be included in the sealed package containing the technical proposal.
3. **Do not include fees or costs in any area outside of this cost proposal. Including fees in any area outside of the Cost Proposal or**

its, sealed envelope, will result in Proposer's proposal being deemed non-responsive.

4. Responders are required to submit their costs on Attachment B, "Cost Proposal form". Responders **shall not alter** the Cost Proposal Form in any manner.
5. The cost proposal form requires that numerical rates be entered each column of the designated sections.

B. Technical Proposal:

Do not include any cost of any kind in the Technical Proposal.

1. Technical Proposals (Qualifications) must be submitted in a sealed envelope(s) or box(es) with the Proposer's name and "Request for Proposals for Vacant Land Acquisition Services" on the outside of each envelope or box. All copies of the Technical Proposal must be identical.
2. The Technical Proposals shall contain all information dealing with the Respondent's qualifications including responses relative to the Evaluation Criteria.
3. The Technical and Project Management Approach responses must be completed as part of the overall submittal;

Proposers shall describe their approach to both managing all activities required by this RFP and to achieving the program goals and objectives as included within this RFP and the attached document.

This section should include, but is not limited to, the following information:

- a. Submit a plan for accomplishing the Airport's priority objectives
- b. Delineation of roles assigned to team members and all sub-Proposers.
- c. Organizational chart for the proposer team members and sub-Proposers.
- d. Organization chart for key staff, including at least down to the task manager level and other key staff as the Proposer may deem important.
- e. Summary of the resources necessary to accomplish the program.
- f. The approach for coordination and communication with the Airport Authority.
- g. Provide a Staffing plan organized by the tasks required to implement the program as described in this RFP. Provide the type of staff required by job title and experience. No cost shall be provided.

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 the Vacant Land Acquisition Project.

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.

V. 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 50 Pts.)

0 to 10 pts Cite experience of firm and team having performed within the past five years or currently performing similar type land acquisition work for properties near airports of **similar size** and complexity.

- 0 to 8 pts Cite experience of firm and team having performed within the past five years, or currently performing similar type work for land acquisition of vacant properties near airports of a **larger size** and complexity.
- 0 to 6 pts Cite experience of firm and team having performed similar work within the last five years, or currently performing similar land acquisition work of vacant properties for municipal, institutional, academic, private, military or federal agencies, companies and/or organizations.
- 0 to 5 pts Cite the experience within past five (5) years on projects with demonstrated success in coordinating and involving multiple Stakeholders for the project.
- 0 to 5 pts Demonstrated experience within the last five years on similar projects relating to land acquisition resulting in the success in meeting and complying with all local, state and federal agencies.
- 0 to 4 pts Cite and demonstrate the approach for Land Acquisition program for said properties affiliated with this project.
- 0 to 3 pts Cite any experience within past five years of firm and teams' success in fulfilling the requirement of this RFP's scope of services in concurrence with all time constraints.
- 0 to 3 pts 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.
- 0 to 2 pts Firm/team's history of maintaining a stable and dependable workforce for the duration of the project.
- 0 to 2 pts History of firm/team's commitment to keeping contract escalations and modifications to a minimum.
- 0 to 2 pts Cite firm and team's understanding of and prior experience with applicable laws, rules, regulations, polices and other requirements associated with federally funded projects.

Section B. Availability of Key Personnel (0 to 5 pts.)

0 to 1 pts Indicate experience of Key personnel in managing similar projects related to Land Acquisition at or near an airport, municipalities, and other institutions and/or organizations for the past five years.

0 to 1 pts Indicate communications skills and ability to effectively relate and present to a vast complexity of audiences.

0 to 1 pts 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.

0 to 1 pts Cite the number of similar successful projects Key Personnel have been involved in over the past five (5) years.

0 to 1 pts Indicate professional qualifications, licenses, and designations pertaining to land acquisition projects.

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

0 to 5 pts If 50% or more of the work will be performed within the City of Birmingham.

0 to 4 pts If 30% to 49% of the work will be performed within the Metropolitan area of the City of Birmingham.

0 to 3 pts If 16 to 29% of the work will be performed within the State of Alabama.

0 to 2 pts 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)

- 16 to 20 pts If 70% or more of the funds will be received by DBE firms for work performed.
- 11 to 15 pts If 50 to 69% of the funds will be received by DBE firms for work performed.
- 6 to 10 pts If 30% to 49% of the funds to be received by DBE firms for work performed.
- 0 to 5 pts 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 5 pts)

- 0 to 5 pts Joint Venture on similar projects
- 0 to 4 pts Joint Venture on other non-similar projects
- 0 to 3 pts Consultant/Sub Consultant on more than one project
- 0 to 2 pts Consultant/Sub Consultant one project
- 0 to 1 pts Key members of more than one firm have previously worked with second firm.

Section F. Cost Proposal (Select Only One) (0 to 15 Pts.)

- 11 to 15 pts Respondent's submittals (Cost Proposal) included information with DBE & Non-DBE all personnel with classification, hourly rate, Overhead & Profit, and grand total cost.
- 0 to 10 pts Respondent's submittal (Cost Proposal) included information with all personnel with classification, hourly rate, overhead & profit, and grand total cost.

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 Proposals; and further, the Birmingham Airport Authority reserves the right to reject all responses to this solicitation.

VI. PROCEDURES

A. Procurement of RFP Documents

Starting, Wednesday, June 13, 2018 RFP 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

"Doing Business at BHM"

Starting, Wednesday June 13, 2018, RFP packages will alternately be made available by contacting Mr. Lowrenzo Taylor, via email at the address listed below:

ltaylor@flybirmingham.com

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 Proposals for the Vacant Land Acquisition Services" 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, July 13, 2018** will be returned unopened. The risk of the delivery shall be the sole and absolute responsibility of the proposing entity.

C. Contact and Questions

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

ltaylor@flybirmingham.com

Questions, via E-mail pertaining to this RFP will be entertained by the Authority until end of business day, **Thursday, July 13, 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.

D. Pre-Submittal Conference

A pre-submittal conference will be held on **Friday, June 22, 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 any 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 Proposals (RFP).

E. Selection Process

The Authority intends to certify from those Submitting Firms responding to this solicitation, a short list of firms based a combination of their professional qualifications and submitted overall price proposal. A review committee will review and evaluate the responses and submit a list of responsive firms to the Authority's Board of Directors for selection consideration, with oral presentations being an **optional** part of the selection process. The presentations will address only specifics of the proposed project. Awards made in response to this RFP will be made to the highest qualified Respondent whose proposal is determined, in

writing, to be most advantageous to the Authority taking into consideration the evaluation factors set forth in the RFP. The Authority reserves the right to award a contract by individual items, in the aggregate, or in combination thereof, or to reject any or all submitted proposals and waive any informality in the Proposal received whenever such rejection or waiver is in the best interest of the Authority.

Evaluations shall be based on criteria outlined in Section V, Evaluation Criteria, and according to the Submitting Firm's compliance with the submission requirements as outlined in Section IV, 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 via the Authority. Guidelines for this oral interview/presentation process will be provided later. At the end of oral interviews, the BAA Board can opt later or at that present time to announce their selection of the Successful Submitting Firm.

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

G. Summary Timetable of RFP and Related Events

Request for Statements of Qualification

Issued	Wednesday, June 13, 2018
Pre-Submittal Conference	Friday, June 22, 2018
Question Submission Deadline	Friday, July 13, 2018
Submittal Deadline Delivery	Noon Friday, July 20, 2018
Oral Interviews/Presentations	TBA

Consultant Price	
Negotiations the Week of	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 Proposals. This is not an offer, contract, or an invitation for bids. The submission of a Proposal 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 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.

Any 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 RFP 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 RFP or for any costs incurred prior to the formal ratification of a final agreement.

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

I. SUMMARY

All Statements of Proposals shall become the property of the Authority. Only those firms responding to this solicitation and having tendered their Statement of Proposals 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: _____

6-13-18

ATTACHMENT "A"

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 an opportunity to participate in the performance of all Authority projects and the Proposer will take all necessary and reasonable steps to ensure that DBEs could 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. Proposers should refer to the directory of DBE companies certified and located at www.flybirmingham.com. Additional assistance may be obtained by calling the Authority's Properties and Senior DBE Manager at 205-599-0522.

- 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 contractor, sub recipient or subcontractor shall not discriminate based on race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award. Failure by the contractor 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 *Birmingham Airport Authority* deems appropriate, which may include, but is not limited to: (1) Withholding monthly progress payments; (2) Assessing sanctions; (3) Liquidated damages; and/or (4) Disqualifying the contractor from future bidding as non-responsible".

- 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 or another agency within the Alabama Unified Certification Program at the time of the bid opening date. Certification applications may be found on the Authority's website at 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 Properties and Senior DBE Manager regarding certification requirements at 205-599-0522.

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

The Proposer will subcontract with DBE's certified by the Authority at least **35%** 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 **(35%)** 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, Sub Contract 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.
2. 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 Properties and Senior DBE Manager.

- 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 *******

Failure to complete this statement may be grounds for rejection of their Proposal

Name of Prime Consultant's Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Prime Consultant's Firm Anticipated Contract Percentage or dollar Amount:
\$ _____

Percentage of Contract Amount performed by Prime Consultant Firm: _____ %

Name of DBE Sub-Consultant Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

DBE Sub Consultant 's Anticipated Contract Percentage or Amount:
\$ _____

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

Check the appropriate box if the DBE is a material supplier:

Materials and supplies obtained from a DBE Manufacturer (counts as 100% towards goal)

Materials and supplies obtained from a DBE Regular Dealer (counts as 60% towards goal)

Description of work to be performed by DBE firm:

Anticipated Percentage or Amount of Subcontracts: \$ _____

COMMITMENT

The Prime Consultant is committed to utilizing the above-named DBE firm for the work described above:

By: Print Name: _____ Date: _____

(Signature of Authorized Representative) (Title) (Name of DBE Firm)

AFFIRMATION

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

By: Print Name: _____ Date: _____

(Signature of Authorized DBE Representative) (Title) (Name of DBE Firm)

If the Prime Respondent does not receive award of the prime contract, any and all representations in this Letter of Intent will be null and void.

ATTACHMENT B

COST PROPOSAL FORM
VACANT LAND ACQUISITION SERVICES

Responder: Please complete the attached pages of the Cost Proposal Form and return them with this cover page. **The Cost Proposal must be submitted in a separate, sealed envelope with the Responder's name and "Request for Proposals for the Vacant Land Acquisition Services", Birmingham Shuttlesworth International Airport**

By signing this page, Responder acknowledges that he has carefully examined and fully understands the Contract, Scope of Work, and other attached documents, and hereby agrees that if his proposal is accepted, he will contract with Birmingham Airport Authority according to the Request for Proposal documents.

Please provide the following information:

Name of Firm: _____

Address: _____

Authorized Person Submitting Proposal: _____

Title of Authorized Person: _____

Telephone Number: _____

Fax Number: _____

Cell Number: _____

E-Mail Address: _____

Printed Name of Contact Person

Title of Contract Person

Signature and Date of Authorizing Person

Telephone Number: _____

E-mail Address: _____

