

# REQUEST FOR STATEMENT OF QUALIFICATIONS

For

## THE ENVIRONMENTAL ASSESSMENT TAXIWAY ALPHA (A) RELOCATION PROJECT

### BIRMINGHAM-SHUTTLESWORTH INTERNATIONAL AIRPORT

#### I. Introduction

The Birmingham Airport Authority (the "Authority") is seeking a highly qualified firm or team of firms (each, a "Respondent"), to provide Professional Engineering Consulting Services to conduct an Environmental Assessment (EA) Relocation of Taxiway Alpha ("A") at the Birmingham International Airport, Birmingham, Alabama.

#### **Purpose of Solicitation**

The purpose of this solicitation is to select a highly qualified firm or team of professional services for the implementation of a necessary comprehensive assessment of the environment and the resulting impact on the environment should work be accomplished for the relocating of Taxiway "A", and all affected facilities adjacent to and near the taxiway.

#### II. Project Description

The Authority is interested in procurement of said services from Engineering Consulting Firms of which should be highly experience and proficient in similar EA projects. The project scope of services shall include all work associated with providing the full range of engineering services an expertise of which shall be require efforts thereof.

The Authority must, in accordance with FAA design criteria, set forth and under Advisory Circular of the Federal Aviation Administration, cause for the relocation of the entire length of the taxiway to the approved separation from the centerline of Runway 6-24. The separation will enhance the safe operations of all aircraft having the need to use the facility without operational adjustments in landing and departing sequences.

The existing facility is the primary taxiway parallel to the east/west Runway 6-24. There are several intersecting taxiways allowing access to the Runway 6-24 from Taxiway "A". The nearest drainage facility for runoff from

this area is Village Creek situated approximately perpendicular to this taxiway. There is a sanitary sewer line situated along the creeks bank.

The proposed reconfiguration of this taxiway will require possible modifications to the nearby affected sections of Village Creek thereby requiring drainage studies of the adjacent areas.

There is an existing major drainage (an open ditch) facility know as Village Creek situated parallel of the centerline of the taxiway. Located along the banks of the Village Creek facility is a major sanitary sewer trunk line with portions of the line exposed.

Village Creek is a major storm water drainage channel facility extending throughout the metropolitan area of the northeast portion of Jefferson County. The Infield Service Roadway accommodates infield traffic maneuvering around the perimeter of the airfield. There are aircraft aprons and support facilities located on either side and along the proposed affected project.

### **Project Intent**

Provide a comprehensive EA on the airport and adjacent impacted areas resulting from the proposed relocation of Taxiway "A". All services are to be accomplished in accordance with FAA Environmental Standards. The scope should include a review of the proposed action, alternatives, as well as a "No Action Alternative". The EA as a minimum must include listing of the prepares and responders to the assessment, any and all environmental impacts, as well as the listing below;

1. General Land Use
2. Floodplains
3. Wetlands
4. Cultural Resources, Historical and Archaeological
5. Biological Resources Critical Habitat or Endangered/Threatened Species Act
6. Water Supply & Quality & Groundwater
7. Storm Water
8. Waste Water
9. Solid Waste Impact
10. Surface Water
11. Noise Impacts
12. Social Impacts
13. Induced Socio-economics Impacts
14. Air Quality
15. Department of Transportation Act, Section 4 (f)
16. Floodplains
17. Compactible Land Noise Use

- 18. Construction Impacts
- 19. Hazardous Materials
- 20. Light Emissions

**Project Scope:**

The scope of services for this project is a completed EA with any affiliated task essential for the environmental assessment of Taxiway "A". The project is contingent upon FAA funding and could be undertaken in phases. The scope of services outlined in this RFQ is preliminary. The final scope of services will be negotiated with the selected Respondent and modified as needed, depending on the site conditions.

The Birmingham Airport Authority reserves the right to:

1. Select one (1) Prime firm/Group/Consultant to perform services from among the respondents to this RFQ and to award work among selected firms as the Authority sees fit;
2. Competitively procure services for any portion of the project. Neither this RFQ 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 Consultant shall use an alternate individual, sub consultant, subcontractor or supplier reasonably acceptable to the Authority.

In order to be considered, firms must be able to demonstrate significant knowledge and experience in providing the type of consulting services requested and shall have considerable experience with the design and construction standards for airport taxiways.

Interested firms are invited to indicate their interest in providing the requested services by submitting five (5) spiral bound, sectioned tabbed hard copy sets and one(1) electronic copy (Flash Drive), "No CD's", of their Statement of Qualifications (SOQ), containing no more than **twenty (20) double sided pages, or less**, due on or before 12:00 p.m. local time, Thursday, April 4, 2019. Delivery is to be addressed to:

Mr. James Ray, P.E., Director  
c/o Mr. Lowrenzo Taylor, Project Manager  
Birmingham Airport Authority

Department of Engineering and Development  
5900 Messer-Airport Highway  
Birmingham, Alabama 35212

### The Successful

Submitting Firm/Consultant shall provide Basic Services which includes and may require Special Services. During the preliminary phase of the project, the consultant shall perform the following:

1. Meet with local, State, and Federal Agencies as required
2. Provide a preliminary evaluation of the elements of the project and the budget requirements.
3. Review with the Authority any alternate approaches to the environmental mitigation for the project, environmental engineering, assessment and remediation services, environmental permitting, regulatory compliance, and audit reviews.
4. Prepare schematic documents consisting of drawings and other documents illustrating the scale and relationship of the components of the project.
5. Submit statement of probable environmental mitigation cost for the project.
6. Based upon the approved environmental document and any adjustments authorized by the Authority, prepare final design environmental documents to mitigate environmental impact.
7. Submit revised statement probable cost.

Offers in response to the Request for Qualifications, hereinafter referred to as "RFQ" are subject to the requirements in Section IV; Submission Requirements are as follows:

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

A Pre-Submittal Conference will be held on Thursday, **March 21, 2019**, starting at 1:00 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.

Beginning, Monday, March 11, 2019, Request for Qualifications can be acquired via the Birmingham Airport Authority's web-site. All Statement of Qualifications will be due no later than local time noon, Thursday, April 4, 2019, deliver to:

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

#### **IV. SUBMISSION REQUIRMENTS**

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, percentage of contract and dollar amounts.

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. Contacts**

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**

A statement indicating an understanding of the requirements necessary for the Environmental Assessment, Phase I & II, resulting from the proposed Taxiway A Relocation.

**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 (complete and attach the enclosed DBE Letter of Intent labeled Attachment "1" herein) 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. **Required sectioned tabs, front and back covers, as well as the DBE Letter of Intent (Attachment 1), does not count into the twenty (20) double sided page limit.**

## 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 60 Pts.)**
- A1. (0 to 15 Pts.)** Cite experience of the Submitting Firm and team having performed similar work within the past five (5) years, or currently performing similar type "EA" projects, for airports of **larger** size and complexity.
- A2. (0 to 9 Pts.)** Cite experience of the Submitting Firm and team having performed similar work within the past five (5) years, or currently performing similar type work, "EA" at airports of **similar** size and complexity.
- A3. (0 to 8 Pts.)** Cite experience of the Submitting Firm and team having performed similar work within five (5) years, or currently performing **similar type work for municipal, institutional, academic, private, military or federal agencies, companies and/or organizations.**
- A4. (0 to 7 Pts.)** Cite the experience within past five (5) years on similar projects with demonstrated success in coordinating and involving multiple Stakeholders for the project.
- A5. (0 to 6 Pts.)** Demonstrated experience within five (5) years on similar projects resulting in the success in meeting, factoring in, and complying with all local, state and federal agencies.
- A6. (0 to 5 Pts.)** Cite experience within past five (5) years of firm and teams success in fulfilling the requirement of this type of RFQ's scope of services in concurrence with all time constraints.
- A7. (0 to 4 Pts.)** Indicate firm /team's previous experience in the developments of a comprehensive budget model for the project, and the success of such models when utilized by the client.
- A8. (0 to 3 Pts.)** Cite the Submitting Firm/team's history of maintaining a stable and dependable a Workforce for the duration of the project.
- A9. (0 to 2 Pts.)** History of firm/team's commitment to keeping contract escalations and modifications to a minimum.
- A10. (0 to 1 Pts.)** Cite the Submitting 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.)**

- B1. (0 to 3 Pts.)** Indicate experience of Key personnel of the Submitting Firm in managing similar projects for airport, municipalities, and other institutions and/or organizations for the past five (5) years.
- B2. (0 to 2 Pts.)** Indicate communications skills and ability to effectively relate and present to a vast complexity of audience.
- B3. (0 to 2 Pts.)** Indicate the level of knowledge of Key Personnel of the Submitting Firm/Team as it relates to their 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.
- B4. (0 to 2 Pts.)** Cite the number of successful projects Key Personnel of the Submitting Firm/Team have been involved in over the past five (5) years.
- B5. (0 to 1 Pts.)** Cite the Commitment of the Submitting Firm/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)**

- C1. (5 Pts)** If 51% or more of the work will be performed **within** the City of Birmingham.
- C2. (4 Pts)** If 30% to 50% of the work will be performed within the Metropolitan area of the City of Birmingham.
- C3. (3 Pts)** If 16 to 29% of the work will be performed within the State of Alabama.
- C4. (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)**

- D1. (16 to 20 Pts.)** If 71% to 100% or more of the funds will be received by DBE firms for work performed.
- D2. (11 to 15 Pts.)** If 51 to 70% of the funds will be received by DBE firms for work performed.
- D3. (6 to 10 Pts.)** If 31% to 50% of the funds to be received by DBE firms for work performed.
- D4. (0 to 5 Pts)** If 0 to 30% 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)**

- E1. (5 Points)** Joint Ventures of the Submitting Firm/Team on similar projects
- E2. (4 Points)** Joint Venture on other non-similar projects
- E3. (3 Points)** Consultant/Sub Consultant on more than one project
- E4. (2 Points)** Consultant/Sub Consultant one project
- E5. (1 Point)** Key members of more than one firm have previously worked with a second firm.

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. The Authority, pursuant to its procedures and consistent with prevailing legal statute, will then select from the list of firms, or team of firms. The Authority can exercise the option to develop 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.

## VI. PROCEDURES

### Procurement of RFQ Documents

Starting Monday, March 11, 2019 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"

#### A. **Submission of Qualification Statement**

Submitting Firms must send five (5) hard copies and one (1) electronic copy (Flash Drive), "No CD's, of the Statement of Qualifications containing not more than **20 double sided pages**, bounded and sectioned tabbed with spiral/combs binding. Statements must be submitted in a sealed container(s) labeled "Statement of Qualifications for the Environmental Assessment of Taxiway Alpha (A) Relocation Project."

To:

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

Responses to this solicitation received after **12:00 noon, April 4, 2019** will be returned unopened. The risk of the delivery shall be the sole and absolute responsibility of the proposing entity.

#### B. **Proposal**

At the Authority's discretion, an oral presentation may be required. **Price proposals are not to be submitted at this time with SOQ's.**

#### C. **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 28, 2019**, 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 **Thursday, March 21, 2019, 1:00 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).

#### **E. Selection Process**

The Authority intends to certify from those Submitting Firms/Team of Firms responding to this solicitation, a 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 Submitting Firms/Teams of Firms to the Authority's Board of Directors for selection or possible oral presentations (may be optional). The Oral Presentations will address only specifics of the proposed project. Evaluations shall be based on criteria outlined in Section V, Evaluation Criteria, and according to the Submitting Firms/Team of Firms 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. At the Authority's own discretion, the Board can request that the Authority's evaluators develop a Short Listing of the Submitting/Team of Firms, of which they may also be requested to participate in an oral interview and/or presentation process on an anticipated date identified to be determined by the Authority. Guidelines for this oral interview/presentation process will be provided later.

Upon selection of the Successful Submitting Firm/Team, a Fee Proposal will be submitted during contract negotiations in **a sealed envelope** labeled "Statement of Qualifications for the Environmental Assessment Taxiway Alpha (A) Relocation

Project”, Birmingham–Shuttlesworth International Airport, with the name of the Submitting Firm or Team of firms to:

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

Proposals of those opted 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. Invitation for contract negotiations does not constitute award or execution of a contract in any way.**

**Upon failure of negotiations with the selected Successful Submitting Firm/Team of Firms, the Authority reserves the right to then enter into negotiations with the second ranked firm/team, and/or any of the remaining Submitting Firms/Team. Contract negotiations successful or otherwise does not constitute award the contract.**

**The contract agreement is binding only upon completed contract execution with signatures of the Owner, i.e. the BAA, as well as the designated representative of the Successful Submitting Firm/Team.**

**Neither BAA Board member, nor its respective staff or advisors shall be liable for any claims or damages arising out of or in connection with the solicitation or preparation of the Statement of Qualifications submittals.**

**Submittal of a Statement of Qualifications by any and all Respondents is a Declaration of the following:**

- 1. The Submitting Firms/Team of Firms by virtues of their submission of the required SOQ, certifies that they have read and fully understands all the requirements, guidelines, and stipulations of this RFQ.**
- 2. The Submitting Firm/Team of Firm accepts the RFQ terms with any alterations (addendums) identified.**
- 3. Requested alterations should reflect only those changes that the Submitting Firm/Team of Firm or proponent considers to be vital.**
- 4. The Submitting Firm/Team of Firm understands that the acceptance of the suggested alterations is at the complete and sole discretion of the Owner/BAA or procuring entity.**

## F. Summary Timetable of RFQ and Related Events

### Request for Statements of Qualification

Issued	Thursday, February 28, 2018
Pre-Submittal Conference	Thursday, March 21, 2019
Question Submission Deadline	Thursday, March 28, 2019
Submittal Deadline Delivery	Thursday, April 4, 2019
Oral Interviews/Presentations	TBD
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.

## G. 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, for the Successful Submitter, does constitute 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 whatsoever 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 most 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 and formal agreement.

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

## **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, P.E., Director  
Engineering & Development  
Birmingham Airport Authority

Date: 3 - 4 - 2019

## 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 can 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 and located at [www.flybirmingham.com](http://www.flybirmingham.com). Additional assistance may be obtained by calling the Authority's Properties and Senior DBE Manager, Diane Gillian, 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 on the basis of 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 Consultant and/or Contractor from future submittals or 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](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 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 **16%** 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, Consultant, 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."

In the event that 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 (16%) 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 percentage 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 the purpose of 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 Statement of Qualifications.

Name of Prime Consultant's Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Prime Consultant's Firm anticipated Contract Percentage or dollar Amount:

\$ \_\_\_\_\_

Percentage anticipated of Contract Amount performed by Prime Consultant Firm: \_\_\_\_\_%

Name of anticipated 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 Subcontract: \$ \_\_\_\_\_

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

