

# REQUEST FOR QUALIFICATIONS

CITY OF FORT WORTH  
CODE COMPLIANCE DEPARTMENT  
ENVIRONMENTAL MANAGEMENT DIVISION  
1000 THROCKMORTON STREET  
FORT WORTH, TEXAS 76102



PROJECT: ENV 16-04: CIP - PST

PETROLUEM STORAGE TANK UPGRADE  
CAPITAL IMPROVEMENT PROGRAM

March 9, 2016

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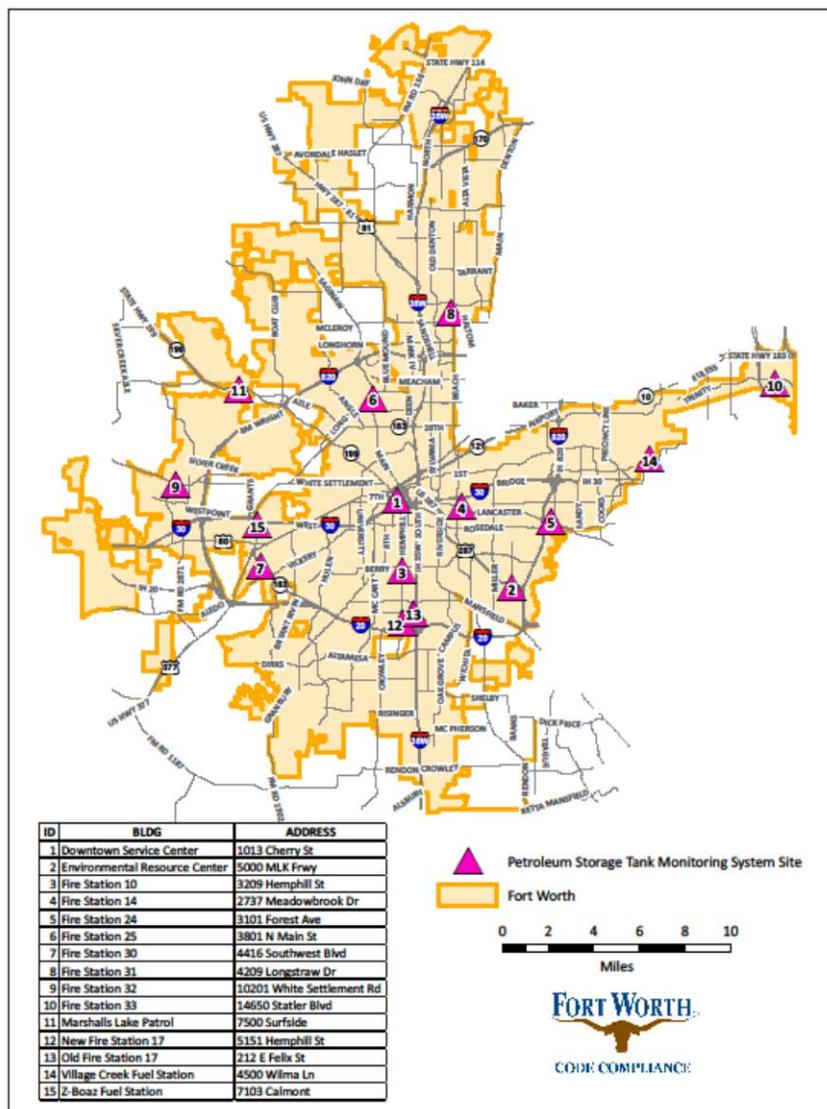
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# 1.0 REQUEST FOR QUALIFICATIONS

## 1.1 PROJECT DESCRIPTION:

Qualifications are being accepted by the City of Fort Worth for the provision of professional services for environmental and engineering consulting for the upgrade of numerous underground storage tanks (USTs) located throughout the City. Individual projects under the contract will be released on a Task Order basis when the City elects to proceed with each project. Providers are being asked to present the qualifications and experience of their company as well as their personnel for these services. The proposed actions for the sites include removing the existing USTs and replacing them with aboveground storage tanks (ASTs).



## 1.2 GENERAL REQUIREMENTS:

Qualifications documents may be obtained from the City of Fort Worth - Purchasing web site at [www.fortworthtexas.gov/purchasing](http://www.fortworthtexas.gov/purchasing).

The Qualifications Documents submitted in accordance with this Request for Qualifications shall remain valid for sixty (60) days after the due date.

### *Pre-Bid Meeting:*

A non-mandatory pre-bid meeting will be scheduled for Tuesday, March 22, 2016 at 11:00 AM at the 908 Monroe St., Seventh Floor Conference Room, Fort Worth, Texas.

All Providers must comply with:

- Chapter 17, "Human Relations," Article III, "Discrimination," Division 3, "Employment Practices," of the City of Fort Worth, Texas Code of Ordinances, prohibiting discrimination in employment practices.
- City of Fort Worth's Business Diversity Enterprise (BDE) Ordinance, Ordinance No. 21606-01-2015;
- The most recent revisions of applicable federal, state, and local laws, and the regulations established by the U.S. Environmental Protection Agency (EPA), the Texas Department of State Health Services (TDSHS), the Occupational Health and Safety Administration (OSHA), the Texas Commission on Environmental Quality (TCEQ), the U.S. Department of Transportation (DOT), the Texas Department of Transportation (TXDOT), the City of Fort Worth and any other entity that may have jurisdiction over work being performed, and.
- House Bill 1295 (codified in Section 2252.908 of the Texas Government Code) is a new law that applies to many City contracts.

## 1.3 INTERPRETATION OF THE REQUEST FOR QUALIFICATIONS:

All requests for an interpretation of the Request for Qualifications must be made in writing and submitted to the Code Compliance Department – Environmental Management Division, by fax, regular mail, or email, at any time up to seven (7) calendar days prior to the deadline date for submitting Qualifications Packages. The person submitting the request will be responsible for its prompt delivery. No oral requests for interpretation will be answered.

The City will issue any interpretation of the Qualifications Document as a formal addendum. Each provider that intends to submit a Qualifications Package must e-mail Mr. Kevin Pas with a notification of intent to submit. The City will also post addenda on the web site. The City will not be responsible for any other explanations or interpretations. It is the Provider's obligation to determine if addenda have been issued prior to the deadline for submitting the Qualifications Package. Requests for interpretations must be submitted to:

Mr. Kevin Pas  
Code Compliance Department–Environmental Management Division  
City of Fort Worth  
1000 Throckmorton Street  
Fort Worth, TX, 76102-6311  
Fax 817-392-8504  
Email [Kevin.pas@fortworthtexas.gov](mailto:Kevin.pas@fortworthtexas.gov)

1.4 CONFLICTS:

Should there be conflicts between the Qualifications documents and the final executed contract documents, the final contract documents shall take precedence.

1.5 HOW TO SUBMIT A QUALIFICATIONS PACKAGE:

Each Provider must submit **one (1) electronic copy in Adobe Acrobat® PDF format and one (1) bound printed copy** of their Qualifications Package to the City. All items to complete the submittal must be included within the Qualifications Package or the entire Qualifications Package may be considered non-responsive and rejected. In case of ambiguity or lack of clarity, the City reserves the right to adopt the construction most advantageous to the City or to reject the Qualifications Package.

Qualifications Packages must be submitted in a sealed envelope, addressed to the City of Fort Worth Purchasing Division, 1000 Throckmorton Street, Fort Worth, Texas 76102. The Qualifications Packages must be received by the Purchasing Division no later than 1:30 PM on April 14, 2016.

The project number must be clearly marked on the envelope and the statement **“QUALIFICATIONS DOCUMENTS ENCLOSED, DELIVER TO PURCHASING DIVISION ONLY BEFORE 1:30 on Thursday, April 14, 2016”** placed in the lower left-hand corner of the envelope in which the documents are delivered. If the documents are placed in an envelope that is contained inside another envelope, the statement shall be placed on the outermost envelope.

Qualifications /Bid documents may be obtained from the City of Fort Worth, website;

The URL address is: <http://www.fortworthgov.org/purchasing>

Any Qualifications Documents not properly marked or not received in the proper place by the proper time will be considered non-responsive.

**NO FAXED PROPOSALS WILL BE ACCEPTED**

1.6 OPENING OF QUALIFICATIONS:

The Document entitled "Qualifications Summary" in each Qualifications Package submitted will be opened and read aloud at 2:00 PM on Thursday, April 14, 2016, in the Fort Worth City Council Chambers. The Qualifications Packages shall be handled so as to avoid the disclosure of the remainder of their contents to competing offerors and so as to keep such contents secret during negotiations. All Qualifications Packages will be open for public inspection after the contract is awarded. However, information in the Qualifications Packages subject to the trade secrets exception of the Public Information Act under §552.110 of the Texas Government Code or the confidential information exception under §552.101 of the Texas Government Code will not be open to public inspection. It is the responsibility of the Provider to clearly mark as such any information they deem trade secret or confidential.

1.7 QUALIFICATIONS EVALUATION CRITERIA:

The City will select the most highly qualified Provider responding to the request, based upon demonstrated competence and qualifications. Qualifications will be evaluated by qualitative measures and will be weighted as follows:

<b>FACTOR</b>	<b>WEIGHT</b>
1. Provider's Company Experience	45 points
2. Provider's Personnel Experience	35 points
3. Provider's Legal History	20 points
4. Provider's Work History With City*	5 points
5. Subcontractor's Experience	20 Points
<u>6. BDE Ordinance – SBE Participation</u>	25 points
<b>TOTAL</b>	<b>150 points</b>

**\*No work history with the City will receive a score of 0 points.**

*NOTE: Any of the above factors may be weighted as low as -10 points.*

The City may conduct such investigations as deemed necessary to assist in the evaluation of any Qualifications and to establish the responsibility, qualifications, and financial ability of the Provider, subcontractors, and other persons who are proposed to work on the project.

1.8 NEGOTIATION OF THE CONTRACT:

After selecting the most highly qualified Provider, the City will then attempt to negotiate with such Provider a contract at a fair and reasonable price. At this time the City will request from Provider a Fee Statement for primary charges for the proposed scope of services. If a satisfactory contract cannot be negotiated with the most highly qualified Provider, the City shall formally end negotiations with that Provider, select the next most highly qualified Provider, and attempt to negotiate a contract with that Provider at a fair and reasonable price. This process shall continue until a contract is entered into, or until the City rejects all submittals and issues a new Request for Qualifications based on a new scope of work.

The professional fees under the contract must be consistent with and not higher than the recommended practices and fees published by the applicable professional association for such services, and may not exceed any maximum provided by law. During negotiations, the Provider will also respond to the City's Business Diversity Enterprise Utilization Requirements as set forth in Section 2.3 of this Request for Qualifications. The City will negotiate with the successful Provider any final changes to the contract and any exceptions identified in the Qualifications Documents. The City is not obligated to accept any exceptions made by Provider. The successful Provider will be required to submit three (3) hard copies of the entire RFQ printed double sided to the City. After the negotiations, the City will prepare and issue the contract documents with the notice of award to the successful Provider.

1.9 CONTRACT TIME:

The successful Contractor will be required by the Contract to start work within ten (10) days of the Notice to Proceed. Contract length will be determined by the Capital Improvement Plan implementation schedule.

1.10 AWARD OF THE CONTRACT:

The City will send a notice of award letter to the successful Provider with three (3) sets of contract documents. The successful Provider must execute the contract in each set and return all three sets to the City. Upon receipt of the three sets, the City will execute each set and issue one set to the Provider with a letter entitled Notice to Proceed. This letter authorizes work to begin and invoices to be paid.

1.11 RESERVATIONS:

The City reserves the right to reject any or all Qualifications Packages and waive any or all formalities.



# 2.0 QUALIFICATIONS DOCUMENTS

## 2.1 QUALIFICATIONS DOCUMENT CHECKLIST

All Qualifications Documents, including this Checklist, must be completed in full and submitted in a sealed envelope, in the requested order, or the Qualifications Package may be considered as a non-responsive submittal.

<u>Qualifications Documents</u>	<u>Initial if included</u>
1. QUALIFICATIONS DOCUMENT CHECKLIST	_____
2. ACKNOWLEDGEMENT OF RECEIPT OF ADDENDA	_____
3. BUSINESS DIVERSITY ENTERPRISE ORDINANCE REQUIREMENTS	_____
4. QUALIFICATIONS SUMMARY	_____
5. QUALIFICATIONS OF PROVIDER	_____
6. LIST OF SUBCONTRACTORS	_____
7. INSURANCE CERTIFICATES	_____
8. PROVIDER'S LICENSES & CERTIFICATES	_____
9. NONDISCRIMINATION	_____
10. PROVIDER'S LEGAL & COMPLIANCE HISTORY	_____
11. PROVIDER'S FINANCIAL STATEMENT	_____
12. HEALTH & SAFETY PROGRAM MANUALS	_____

I understand that failure to submit all of these items may cause my submittal to be considered non-responsive.

Name \_\_\_\_\_

Title \_\_\_\_\_

Company \_\_\_\_\_

2.2 ACKNOWLEDGEMENT OF RECEIPT OF ADDENDA

2.2.1 Check if applicable \_\_\_\_\_

The undersigned acknowledges the receipt of the following addendum (a) to the Request for Qualifications, and has attached all addenda following this page. (Add lines if necessary).

\_\_\_ Addendum Number 1 \_\_\_\_\_  
(Date received)

\_\_\_ Addendum Number 2 \_\_\_\_\_  
(Date received)

\_\_\_ Addendum Number 3 \_\_\_\_\_  
(Date received)

\_\_\_ Addendum Number 4 \_\_\_\_\_  
(Date received)

2.2.2 Check if applicable \_\_\_\_\_

The undersigned acknowledges the receipt of no addenda to the Request for Qualifications.

PROVIDER:

\_\_\_\_\_  
Company Name

BY: \_\_\_\_\_  
(print or type name of signatory)

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Title (print or type)

## 2.3 BUSINESS DIVERSITY ENTERPRISE (BDE) UTILIZATION REQUIREMENTS

### Small Business Enterprise Provisions

All Offerors shall note that it is the policy of the City of Fort Worth to ensure the full and equitable participation of Small Business Enterprises (SBE) in the procurement of goods and services. If the total dollar value of the contract is greater than \$50,000, then a SBE subcontracting goal may be applicable.

***The SBE goal on this project is 18%.***

Interested Offerors must obtain a SBE listing from the Minority/Women Business Enterprise (M/WBE) Office at 817-212-2674 to ensure that SBE listings reflect only those currently certified by the North Central Texas Regional Certification Agency (NCTRCA) located in the six (6) county geographic marketplace that has been accepted by the City ("Marketplace"). The Marketplace is made up of the counties of: Tarrant, Dallas, Denton, Johnson, Parker, and Wise. Offerors are strongly encouraged to confirm that each SBE that it intends to use is located in the geographic marketplace to ensure that the SBE will be counted towards the established goal.

The information shall be submitted with the proposal and shall include: (1) the name, address, and telephone number of each SBE; (2) the description of the work to be performed by each SBE; and (3) the approximate dollar amount/percentage of the participation.

A **Small Business Enterprise (SBE)** is defined as a business concern located in the marketplace that meets the United States Small Business Administration definition of a small business as outlined in the code of Federal Regulation 13 CFR 121. Firms certified as a Disadvantaged Business Enterprise (DBE) also meet small business enterprise requirements.

Additionally, the City will accept firms certified as SBEs by Federal agencies or other certifying agencies that the City may deem appropriate and accepted by the City of Fort Worth. The City, at its discretion, may elect to not accept a SBE certification and/or its assertion that it meets all certification requirements, if it is determined to be in the best interest of the City.

Further, the City reserves the right to request SBEs seeking to do business with the City to allow an audit and/or examination of any books, records, and files held by the SBE that will substantiate its SBE certification.

Any intentional and/or knowing misrepresentation of facts will be grounds for terminating any active contracts and/or debarment from City work for a period of not less than three (3) years and for initiating action under Federal, State or local laws concerning false statements.

The business must be certified prior to recommendation of award in order for the participation to be counted towards the established goal.

If an Offeror is certified as a DBE, MBE, SBE, or WBE firm, please be aware that the City's Ordinance does not allow a certified company to count itself towards the established goal; the goal represents subcontracting opportunities.

If an Offeror (regardless of certification status or if a non-D/M/W/SBE), however, forms a joint venture with one or more SBEs, the SBE joint venture percentage participation will be counted towards the established goal. The appropriate City of Fort Worth Joint Venture form must be submitted for review and approval in order for it to be counted. The City of Fort Worth strongly encourages joint ventures.

If the Offeror fails to meet the stated SBE goal, in part or in whole, then a detailed explanation must be submitted to explain the Good and Honest Efforts the firm made to secure SBE participation.

Failure to submit the SBE participation information or the detailed explanation of the proposer's Good and Honest Efforts to meet or exceed the stated SBE goal, may render the proposal non-responsive. The SBE plan will be part of the final weighted selection criteria.

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The undersigned acknowledges the City's BDE Ordinance requirements as stated above, and if selected as the most highly qualified provider, will comply with the requirement to submit a utilization plan during contract negotiations.

PROVIDER:

_____	BY: _____
Company Name	(print or type name of signatory)
_____	_____
Address	(Signature)
_____	_____
City, State, Zip	Title (print or type)



2.4 QUALIFICATIONS SUMMARY

**TO THE CITY OF FORT WORTH:**

The undersigned hereby proposes to furnish the equipment, labor, materials, superintendence, and any other items or services necessary to perform the required environmental and engineering consulting services as instructed by the City. The Scope of Services is outlined on the following pages of the Qualifications Documents.

All Qualifications Documents have been submitted in one sealed package.

\_\_\_\_\_ Addenda to the Request for Qualifications have been received as acknowledged in Section 2.2.

This Qualifications Summary and the accompanying Qualifications Documents are intended to be complete and will remain valid for sixty (60) days from the date of submittal.

**PROVIDER:**

\_\_\_\_\_  
(Company Name)

BY: \_\_\_\_\_  
(print or type name of signatory)

\_\_\_\_\_  
(Address)

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

\_\_\_\_\_  
(City, State, Zip)

\_\_\_\_\_  
Title (print or type)

\_\_\_\_\_  
Phone)

\_\_\_\_\_  
(Email)



## QUALIFICATIONS OF THE PROVIDER

Provider shall identify its company name, address, telephone and fax number(s), and relevant email addresses for the local office as well as the headquarters.

**Provider shall include a narrative on how they will act as an extension of the Environmental Management staff while performing any necessary work related to the implementation of the Capital Improvements Program Project No. EMD.CIP.2016-15.**

**Explain how the Provider will manage their operations in a manner that will provide cost effective, efficient, responsive, and creative support to the City of Fort Worth. Discussion should also focus on the Provider's billing practices to ensure accurate and timely billing in a manner that is easily reviewed and understood by the City.**

Provider shall attach a copy of its current statement of qualifications (**10-page maximum, 10 point type minimum**). If subcontractors are to be utilized, a current statement of qualifications for each subcontractor must also be included (**5-page maximum per subcontractor, 10 point type minimum**).

Document the Provider's company and personnel experience with environmental and engineering consulting services as discussed in the **Scope of Services**. This section should discuss past and current relevant jobs with special focus on Fort Worth/Dallas Metropolitan Area work. Specific projects shall be included that summarize work performed, costs incurred with details in regard to being under, on, or over original budget, and references. Each Provider must submit their qualifications for each Primary Service identified under the Scope of Services or the entire submittal may be rejected.

Submit an organization chart depicting contact arrangement from the City to the Provider and from the Provider's representative to other areas within the Provider. Identify key persons by name and title and describe the primary work assigned as well as the percentage of time each person will devote to this contract. This chart must include the individual(s) assigned to ensure the BDE plan is followed.

Submit a brief résumé (one page maximum, 10 point type minimum) for each professional person who will be assigned to PERFORM WORK under this contract. Résumés should detail specific projects and accomplishments that are directly related to the Scope of Services contained in this RFQ. Descriptions should be very specific on actual work performed by the individual.

## SCOPE OF SERVICES

Qualifications are being accepted by the City of Fort Worth for the provision of professional services for environmental and engineering consulting for the upgrade of numerous USTs located throughout the City. Providers are being asked to present the qualifications and experience of their company as well as their personnel for these services. The proposed actions for the sites include removing the existing USTs and replacing them with ASTs.

### **Petroleum Storage Tank (PST) Upgrade Services**

The work required under this Request for Qualifications includes, but is not limited to, the following tasks and/or Project Sites:

- Prepare individual site specific Engineering, Design, and Construction Project Management of PST upgrades;
- Prepare all regulatory applications, permits and paperwork associated with PST upgrades;
- Prepare removal specifications of existing USTs associated with City facilities;
- Prepare engineering installation specifications regarding the replacement ASTs and associated foundation designs, safety features, and petroleum piping and dispensing equipment;
- Conduct applicable tankhold confirmation sampling, TCEQ report preparation and submittal; and
- Prepare backfill design specifications with applicable density testing.
- Act as oversight and liaison with subcontractors to ensure proper and timely execution of required services;
- Provide detailed invoices no more often than once per month that include an itemized breakdown of the tasks completed that month.

**City of Fort Worth  
Petroleum Storage Tank Upgrade  
Capital Improvement Program EMD.CIP.2016-15**

<b>Project Site</b>	<b>Site Address</b>	<b>UST Information</b>	<b>AST Replacement Information</b>
Fire Station 10	3209 Hemphill Street	1 - 550 gallon diesel 1 - 550 gallon gasoline	1 – 1,000 gallon ConVault
Fire Station 14	2737 Meadowbrook	1 - 550 gallon diesel 1 - 550 gallon gasoline	1 – 2,000 gallon Split ConVault
Fire Station 24	3101 Forest Ave.	1 – 1,000 gallon diesel 1 – 1,000 gallon gasoline	1 – 1,000 gallon ConVault
Fire Station 25	3801 N. Main	1 - 550 gallon diesel 1 - 550 gallon gasoline	1 – 1,000 gallon ConVault
Fire Station 30	4416 Southwest Blvd.	1 - 550 gallon diesel 1 - 550 gallon gasoline	1 – 1,000 gallon ConVault
Fire Station 31	4209 Longstraw	1 - 550 gallon diesel 1 - 550 gallon gasoline	1 – 1,000 gallon ConVault
Fire Station 32	10201 White Settlement.	1 - 550 gallon diesel 1 - 550 gallon gasoline	1 – 1,000 gallon ConVault
Fire Station 33	14650 Statler Blvd.	1 – 1,000 gallon diesel 1 – 1,000 gallon gasoline	1 – 1,000 gallon ConVault
Fire Station 17	212 East Felix	Relocate AST	1 – 500 gallon ConVault
Village Creek Water Reclamation Facility	4500 Wilma Lane	1 – 2,000 gallon diesel 2 – 2,000 gallon gasoline	Retrofit Existing ASTs @ Site 2 – 10,000 gallon
Meacham International Airport	4201 North Main	1 – 1,000 gallon diesel 1 - 500 gallon gasoline	1 – 2,000 gallon Split ConVault
West Park & Recreation Service Center (Z-Boaz)	7103 Calmont	1 – 1,000 gallon diesel 1 - 500 gallon gasoline	1 – 2,000 gallon Split ConVault
Lake Patrol	7500 Surfside	Relocate AST	1 – 500 gallon ConVault

2.6 LIST OF SUBCONTRACTORS

Providers shall complete the following information and submit it with the Qualifications Documents to permit the City of Fort Worth to more fully evaluate the submittal's quality prior to awarding the contract. **Attach additional pages as necessary.**

<b>Company Name:</b>			
<b>Address:</b>			
<b>Phone Number:</b>		<b>Website:</b>	
<b>Proposed Tasks on the Project:</b>			
<b>Company Name:</b>			
<b>Address:</b>			
<b>Phone Number:</b>		<b>Website:</b>	
<b>Proposed Tasks on the Project:</b>			

<b>Company Name:</b>			
<b>Address:</b>			
<b>Phone Number:</b>		<b>Website:</b>	
<b>Proposed Tasks on the Project:</b>			
<b>Company Name:</b>			
<b>Address:</b>			
<b>Phone Number:</b>		<b>Website:</b>	
<b>Proposed Tasks on the Project:</b>			

## 2.7 INSURANCE CERTIFICATES

2.7.1 **FOR PURPOSES OF THIS REQUEST FOR QUALIFICATIONS, PLEASE ATTACH A COPY OF YOUR CURRENT INSURANCE CERTIFICATE(S) FOLLOWING THIS PAGE AND BOUND WITHIN THE QUALIFICATIONS PACKAGE.**

2.7.2 The successful Provider will be required by the contract to have insurance coverage as detailed below. Prior to commencing work, the Provider shall deliver to Fort Worth certificates documenting this coverage. The City may elect to have the Provider submit its entire policy for inspection.

(a) Insurance coverage and limits:

Provider shall provide to the City certificate(s) of insurance documenting policies of the following coverage at minimum limits that are to be in effect prior to commencement of work on the contract:

1. Commercial General Liability
  - o \$5,000,000 each occurrence
  - o \$5,000,000 aggregate
2. Automobile Liability
  - o \$1,000,000 each accident, or
  - o \$250,000 property damage / \$500,000 bodily injury per person per accident

A commercial business auto policy shall provide coverage on "any auto," defined as autos owned, hired, and non-owned during the course of this project.

3. Worker's Compensation
  - o Coverage A: statutory limits
  - o Coverage B: \$1,000,000 each accident  
\$1,000,000 disease - policy limit  
\$500,000 disease - each employee
4. Professional Liability
  - o \$2,000,000 each claim
  - o \$5,000,000 aggregate

Professional Liability Insurance shall be written on a project specific basis. The retroactive date shall be coincident with or prior to the date of this contract and the certificate of insurance shall state that the coverage is claims-made and the retroactive date. The insurance coverage shall be maintained for the duration of this contract and for five (5) years following completion of the contract (Tail Coverage). An annual certificate of insurance shall be submitted to the City for each year following completion of this contract.

5. Environmental Impairment Liability (EIL) and/or Pollution Liability

- o \$2,000,000 per occurrence.

EIL coverage(s) must be included in policies listed in items 1 and 4 above; or, such insurance shall be provided under a separate policy or policies. Liability for damage occurring while loading, unloading and transporting materials collected under the contract project shall be included under the Automobile Liability insurance or other policy(s).

(b) Certificates of insurance evidencing that the Provider has obtained all required insurance shall be delivered to the City prior to Provider proceeding with the contract.

1. Applicable policies shall be endorsed to name the City as Additional Insured thereon, as its interests may appear. The term City shall include its employees, officers, officials, agents, and volunteers as respects the contracted services.
2. Certificate(s) of insurance shall document that insurance coverage specified according to items in section (a) above are provided under applicable policies documented thereon.
3. Any failure on part of the City to request required insurance documentation shall not constitute a waiver of the insurance requirements.
4. A minimum of thirty (30) days notice of cancellation or material change in coverage shall be provided to the City. A ten (10) days notice shall be acceptable in the event of non-payment of premium. Such terms shall be endorsed onto Provider's insurance policies. Notice shall be sent to Elmer DePaula, Acting Assistant Director, Code Compliance Department - Environmental Management Division, City of Fort Worth, 1000 Throckmorton Street, and Fort Worth, Texas 76102.
5. Insurers for all policies must be authorized to do business in the state of Texas or be otherwise approved by the City; and, such insurers shall be acceptable to the City in terms of their financial strength and solvency.
6. Deductible limits, or self-insured retentions, affecting insurance required herein shall be acceptable to the City in its sole discretion; and, in lieu of traditional insurance, any alternative coverage maintained through insurance pools or risk retention groups must be also approved. Dedicated financial resources or letters of credit may also be acceptable to the City.
7. Applicable policies shall each be endorsed with a waiver of subrogation in favor of the City as respects the contract.
8. The City shall be entitled, upon its request and without incurring expense, to review the Provider's insurance policies including endorsements thereto and, at the City's discretion, the Provider may be required to provide proof of insurance premium payments.
9. The Commercial General Liability insurance policy shall have no exclusions by endorsements unless the City approves such exclusions.

10. The City shall not be responsible for the direct payment of any insurance premiums required by the contract. It is understood that insurance cost is an allowable component of Provider's overhead.
11. All insurance required in section (a) above, except for the Professional Liability insurance policy, shall be written on an occurrence basis in order to be approved by the City.
12. Subcontractors to the Provider shall be required by the Provider to maintain the same or reasonably equivalent insurance coverage as required for the Provider. When subcontractors maintain insurance coverage, Provider shall provide City with documentation thereof on a certificate of insurance. Notwithstanding anything to the contrary contained herein, in the event a subcontractor's insurance coverage is canceled or terminated, such cancellation or termination shall not constitute a breach by Provider of the contract.

## 2.8 PROVIDER'S LICENSES & CERTIFICATES

Provider shall procure all permits and licenses, pay all charges, costs, and fees, and give all notices necessary and incident to the due and lawful prosecution of the work.

Provider should provide a copy of the appropriate certifications, registrations, and licenses and related certificates (including Subcontractors) with their submittal including but not limited to:

- TCEQ Registered Corrective Action Specialist (RCAS) License
- TCEQ UST Contractor License
- TCEQ LPST Project Manager License
- TCEQ Class A&B UST Licensed On-site Supervisor License
- Professional Engineer (PE)
- Professional Geologist (PG)
- Hazardous Waste Operations and Emergency Response (HAZWOPER) Training – only for key field personnel.

**ATTACH COPIES OF CURRENT APPLICABLE LICENSES AND CERTIFICATES  
FOLLOWING THIS PAGE AND BOUND WITHIN THE QUALIFICATIONS PACKAGE**

2.9 NONDISCRIMINATION

All City contractors are required to comply with Chapter 17, "Human Relations," Article III, "Discrimination," Division 3, "Employment Practices," of the City of Fort Worth, Texas Code of Ordinances, prohibiting discrimination in employment practices. Provider agrees that Provider, its employees, officers, agents, contractors or subcontractors, have fully complied with all provisions of such Ordinance, and that no employee, participant, applicant, contractor, or subcontractor has been discriminated against according to the terms of such Ordinance by Provider, its employees, officers, agents, contractor, or subcontractors herein.

CONTRACTOR:

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

BY:\_\_\_\_\_  
(print or type name of signatory)

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

\_\_\_\_\_  
Title (print or type)

## 2.10 PROVIDER'S LEGAL AND COMPLIANCE HISTORY

Provider's legal and compliance history is a critical component of this Request for Qualifications. Read this section with care and respond accordingly. Failure of the Provider to provide all the information requested and to certify the report, will result in the Provider's submittal being declared non-responsive.

Provider shall attach a written report of legal action brought against Provider, Provider's officers, Provider's employees, AND Provider's proposed subcontractors, relating to the protection of the environment. The terms "legal action" and "relating to the protection of the environment" are defined below.

The report shall include all legal action brought within **five (5) years of the closing date of this Request for Qualifications**. The report shall detail the substance, status, and outcome of such legal action. This includes without limitation the names of the agency and/or persons bringing the action, all relevant dates, and all fines, judgments, and/or settlements. Include the following information for each case at a minimum:

- Style of Case ( X vs. Y )
- Cause Number
- Court
- Date of Disposition
- Settlement Information (as appropriate)
- Names / Addresses of all parties named
- Counsel List and phone numbers
- Judgment and Order of Judgment

"LEGAL ACTION" means: ANY enforcement action by the United States Environmental Protection Agency, the Occupational Safety and Health Administration, any other federal agency, the Texas Commission on Environmental Quality (including its predecessor agency the Texas Natural Resource Conservation Commission), the Texas Department of State Health Services (including its predecessor agency the Texas Department of Health), and any other state agency, commission or department, whether in Texas or elsewhere, when such enforcement action is a result of violations, real or alleged, of any laws, licenses, permits, judicial orders, or administrative orders, relating to the protection of the environment. In this context, enforcement action shall include without limitation, written warnings, notices of violation, consent orders or agreements, compliance orders, administrative hearings, civil litigation, and criminal prosecution. Legal action also means any civil litigation brought by any person relating to the protection of the environment.

"RELATING TO THE PROTECTION OF THE ENVIRONMENT" means: requirements pertaining to the manufacture, processing, distribution, use, handling, storage, transportation, reporting, records keeping, permitting, licensing, treatment, disposal, emission, discharge, spill, release, or threatened release of hazardous materials, hazardous substances, hazardous wastes, toxic substances, petroleum, industrial waste, solid waste, pollutants or contaminants into or onto the air, surface water, drinking water, groundwater, stormwater, publicly owned treatment works, or land.

THE REPORT SHALL BE SIGNED AND CERTIFIED by an authorized representative of the Provider, using the form on the following page. The top portion of the form is to be completed if a report of legal action is attached. The bottom portion of the form is to be completed if Provider has no legal action to report. **Make certain that the appropriate portion of the form is filled out and signed.**

AN AUTHORIZED REPRESENTATIVE OF THE PROVIDER shall mean:

- (1) if the Provider is a corporation: the president, secretary, or treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;
- (2) if the Provider is a partnership, a general partner; and
- (3) if the Provider is a sole proprietorship, the sole proprietor.

**INCLUDE A COPY OF THE REPORT OF LEGAL ACTION FOLLOWING THE CERTIFICATION PAGE AND BOUND WITHIN THE QUALIFICATIONS PACKAGE**

# Certification of Provider's Legal and Compliance History

Complete ONE of the Following Certifications:

## ***Certification of Legal Action Report***

I certify under penalty of law that the attached Legal Action Report detailing Provider's, Provider's officers, Provider's employees, and Provider's proposed subcontractors legal and compliance history relating to the protection of the environment was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

PROVIDER:

\_\_\_\_\_  
Company Name

BY: \_\_\_\_\_  
(print or type name of signatory)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
Title (print or type)

\_\_\_\_\_  
Date

## ***Certification of NO Legal Action***

I certify under penalty of law that the legal and compliance history of Provider, Provider's officers, Provider's employees, and Provider's proposed subcontractors was researched under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I hereby certify that no legal action relating to the protection of the environment was brought against Provider, Provider's officers, Provider's employees, or Provider's proposed subcontractors within the preceding five years. To the best of my knowledge and belief, this statement is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

PROVIDER:

\_\_\_\_\_  
Company Name

BY: \_\_\_\_\_  
(print or type name of signatory)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
Title (print or type)

\_\_\_\_\_  
Date

2.11 FINANCIAL STATEMENT

Providers must provide a current certified or compilation financial statement within this section of the proposal. The financial statement shall be no more than six months old.

**INCLUDE A COPY OF THE STATEMENT FOLLOWING THIS PAGE  
BOUND WITHIN THE PROPOSAL PACKAGE**

2.12 HEALTH & SAFETY PROGRAM MANUALS

Each Provider shall submit an **ELECTRONIC** copy of its Corporate Health & Safety Program Manual.

**INCLUDE AN ELECTRONIC COPY OF THE HEALTH & SAFETY PROGRAM MANUAL  
BOUND SEPARATELY FOLLOWING THIS PAGE**