

**REQUEST FOR
QUALIFICATIONS**



PROJECT: ENV 22-09

**WATERWAY AND WATERSHED ENGINEERING
SERVICES**

CITY OF FORT WORTH
CODE COMPLIANCE DEPARTMENT
ENVIRONMENTAL QUALITY DIVISION
200 TEXAS
FORT WORTH, TEXAS 76102

(Company Name)

(Address)

(City, State, Zip)

BY: _____
(print or type name of signatory)

(Signature)

Title (print or type)

Due: October 6, 2022

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1.0 REQUEST FOR QUALIFICATIONS

1.1 PROJECT DESCRIPTION:

Qualifications are being accepted by the City of Fort Worth from capable and experienced firms as to their professional qualifications and their ability to provide environmental engineering services for water quality and watershed management design services to include, but not limited to the following; a.) hydrology modeling (HEC-RAS), b.) pollutant load modeling and analysis, c.) structural controls with design and design/build roles, d.) local, state, and federal permitting, e.) providing staff education related to watersheds, f.) watershed analysis, and g.) evaluating, designing, providing installation oversight for systems to control sediment, litter, bacteria, and other surface water pollutants, throughout the various City of Fort Worth waterways.

The project name is:

“ENV 22 – 09: WATERWAY AND WATERSHED ENGINEERING SERVICES”

1.2 GENERAL REQUIREMENTS:

Qualifications will be received at the Purchasing Office, City of Fort Worth, 200 Texas Street, Fort Worth, 76102, until 1:30 p.m., **Thursday, October 6, 2022** and will be opened and publicly read aloud approximately thirty minutes later in the Council Chambers.

After evaluating the Qualifications submitted, the City will select the Provider that proposes the Best Value to the City and enter into negotiations with that Provider. The City may discuss with the selected Provider options for a scope or time modification and any price change associated with such modification.

Qualifications documents may be obtained from the City of Fort Worth - Purchasing web site at www.fortworthtexas.gov/purchasing in portable document format (PDF).

All Providers must comply with:

- Chapter 17, “Human Relations,” Article III, “Discrimination,” Division 3, “Employment Practices,” of the Code of the City of Fort Worth, prohibiting discrimination in employment practices.
- City of Fort Worth’s Business Equity Ordinance, Ordinance No. 25165-10-2021.

1.2.1 **Pre-Proposal MicroSoft Teams Meeting**

A Pre-Qualification Conference will be held from **10 a.m. to 11:00 a.m., Wednesday, September 14, 2022 via Microsoft Teams.**

Attendance at the pre-proposal conference is not mandatory but is recommended. All

interested parties are encouraged to email their respective email contact information to Dominique.eades@fortworthtexas.gov in order to access the Microsoft Teams Pre-proposal conference.

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 Quality Division, by fax, regular mail, or email (preferred). 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 Documents as a formal addendum. Each Provider that intends to submit a Qualifications Package, must e-mail Dominique Eades, 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:

Dominique Eades
Code Compliance Department–Environmental Quality Division
City of Fort Worth
200 Texas Street
Fort Worth, TX, 76102-6311
Phone: 817-392-6309
Email dominique.eades@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® format (PDF) on a “Thumbdrive”**) of their Qualifications Package to the City. No hardcopies will be accepted. 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, 200 Texas, Fort Worth, Texas 76102. The Qualifications Packages must be received by the Purchasing Division no later than 1:30 p.m. on October 3, 2022.

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, October 6, 2022”** 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.

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

NO FAXED or EMAILED QUALIFICATIONS WILL BE ACCEPTED

1.6 OPENING OF QUALIFICATIONS:

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(s) responding to the request, based upon demonstrated competence and qualifications. Qualifications will be evaluated by qualitative measures and will be weighted as follows:

| FACTOR | WEIGHT |
|--|------------------------------|
| 1. Provider's Company Experience | 25 points |
| 2. Provider's Personnel Experience | 25 points |
| 3. Provider's Legal History | 10 points |
| 4. Provider's Work History With City * | 5 points |
| 5. Subcontractor's Experience | 10 points |
| <u>6. Business Equity Provisions – M/WBE Participation</u> | Responsive or Non-Responsive |
| TOTAL | 100 points |

* 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(s), the City will then attempt to negotiate with such Provider(s) a contract at a fair and reasonable price. At this time the City will request from Provider(s) 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(s), the City shall formally end negotiations with that Provider(s), select the next most highly qualified Provider(s), and attempt to negotiate contract(s) with that Provider(s) 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. The City will negotiate with the successful Provider(s) 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(s). The successful Provider(s) will be required to submit one (1) electronic copy on a "Thumbdrive". After the negotiations, the City will prepare and issue the contract documents with the notice of award to the successful Provider(s).

1.9 CONTRACT TIME:

The successful Provider(s) will be awarded a one-year contract with the opportunity for an additional four (4) annual renewals.

1.10 AWARD OF THE CONTRACT:

The City will send a notice of award letter to the successful Provider(s). The successful Provider(s) will receive an electronic contract document to execute by the designated Provider's authorized signatory, and once completed by all parties, the City will notify the Provider(s) 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 EQUITY PROVISIONS (M/WBE Participation) | _____ |
| 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.

PROVIDER:

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

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 EQUITY PROVISIONS (M/WBE Participation)

All proposers shall note that the Business Equity Ordinance No. 25165-10-2021 (codified in Chapter 20, Article X of the Fort Worth Code of Ordinances, as amended), and any relevant policy or guidance documents, was adopted to ensure the full and equitable participation of certified Minority – and Women-owned business enterprises (M/WBEs), (collectively, “Business Equity Firms”) in City contracts for the procurement of goods and services where a contract’s total dollar value is greater than \$100,000, as detailed below.

The Business Equity Goal is 6%.

If a Proposer is certified as a Business Equity Firm, such Proposer can count its self-performance services towards meeting the Business Equity Goal for the assigned NAICS commodity codes on their MBE or WBE certification. If such Proposer will not self-perform all of the work, it will be required to provide subcontracting opportunities with certified Business Equity Firms to meet the stated Business Equity Goal.

Proposers **must** obtain a listing of certified Business Equity Firms from the City of Fort Worth’s Department of Diversity and Inclusion (DVIN). The request for listings form can be found on the City’s website at <https://www.fortworthtexas.gov/departments/diversity-inclusion/business-equity>, or email DVIN_BEOffice@fortworthtexas.gov. The selected offeror acknowledges it will present Business Equity Firms currently certified by the North Central Texas Regional Certification Agency (NCTRCA) or Dallas/Fort Worth Minority Supplier Development Council (D/FW MSDC) and the Women’s Business Council Southwest (WBCS) and accepted by the City of Fort Worth in order for the participation to be counted towards the established Business Equity Goal.

The firms must be located in the Marketplace, or meet the requirements of the City’s Significant Business Presence which means a Person (1) which has its principal place of business located inside the Marketplace; (2) which has its principal place of business located outside the Marketplace but has been verified to be in existence for a minimum of 24 months and from which at least 20% of the business's workforce is based in the Marketplace; or (3) which has cumulative business receipts greater than \$1,000,000 for work done in the Marketplace since January 1, 2013. The City’s Marketplace defined as the City of Fort Worth includes Dallas, Denton, Johnson, Parker, Tarrant, and Wise counties.

Proposers shall submit with their proposals a preliminary Business Equity Utilization Plan (“Plan”) to address how it will comply with the Business Equity Goal. At a minimum, the preliminary Plan must certify that the Proposer will comply with the requirements and present evidence of the Proposer’s past business diversity procurement practices.

Failure to submit a preliminary Plan may render a Proposer non-responsive and the Proposal may be rejected.

Business Equity Firms must be certified at the time the proposal is submitted, in order for the participation to be counted towards the established Business Equity Goal.

Short-listed firms are required to submit the final Utilization Plan detailing efforts to comply with

the Business Equity Goal.

For additional information contact the DVIN via telephone at (817) 392-2674 or email to DVIN_BEOffice@fortworthtexas.gov.

The undersigned acknowledges the City's Business Equity provisions 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) |

2.3 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)

(FAX)



QUALIFICATIONS OF THE PROVIDER

Provider shall identify its company name, address, telephone number(s), and email addresses for the local office as well as the headquarters. Provider shall include the individual's name and email address with the firm who will be signing the contract with the City.

Company Official Name: _____

Company Local Address: _____

Company Headquarters Address: _____

Company Main Telephone Number: _____

Company Email Address: _____

Company Number of Years in Operation: _____

Number of Professional Employees to be Assigned to this Contract: _____

Name of Signatory Authority: _____

Email Address of Signatory Authority: _____



1. **Provider shall include a narrative on how they will act as an extension of the Environmental Quality Division staff. While Task/Purchase Orders will outline services to be provided and the price list will set the unit rates, the Provider will be expected to be a good steward of the City's funds.**

**ATTACH NARRATIVE INFORMATION
FOLLOWING THIS PAGE WITHIN THE QUALIFICATIONS PACKAGE**



2. 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.

**ATTACH COST EFFICIENCY AND RESPONSIVE INFORMATION
FOLLOWING THIS PAGE WITHIN THE QUALIFICATIONS PACKAGE**



3. 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.

**ATTACH BILLING INFORMATION
FOLLOWING THIS PAGE WITHIN THE QUALIFICATIONS PACKAGE**



4. Provider shall attach a copy of its current statement of qualifications (**10-page maximum, 10 pt. type minimum**).

**ATTACH PROVIDER QUALIFICATIONS INFORMATION
FOLLOWING THIS PAGE WITHIN THE QUALIFICATIONS PACKAGE**



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

**ATTACH SUBCONTRACTOR INFORMATION
FOLLOWING THIS PAGE WITHIN THE QUALIFICATIONS PACKAGE**



6. Document the Provider's company and personnel experience with environmental and engineering consulting services as discussed in the **Scope of Services located on Page 2-13**. 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.
7. Each Provider must submit their qualifications for each Primary Service identified under the **Scope of Services** or the entire submittal may be rejected.
8. 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.

**ATTACH ORGANIZATION INFORMATION
FOLLOWING THIS PAGE WITHIN THE QUALIFICATIONS PACKAGE**



List of Provider's Professional Employees Assigned to Contract **

| Professional's Name | Professional's Education Level | Professional's Educational Institution | Professional's Years of Experience | Professional's Title | Percentage Time Dedicated |
|---------------------|--------------------------------|--|------------------------------------|----------------------|---------------------------|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
| 9. | | | | | |
| 10. | | | | | |

SCOPE OF SERVICES

Qualifications are being accepted by the City of Fort Worth from capable and experienced firms as to their professional qualifications and their ability to provide environmental engineering services for water quality and watershed management design services to include, but not limited to the following;

- a.) hydrology modeling (HEC-RAS),
- b.) pollutant load modeling and analysis,
- c.) structural controls with design and design/build roles,
- d.) local, state, and federal permitting,
- e.) providing staff education related to watersheds,
- f.) watershed analysis, and;
- g.) evaluating, designing, providing installation oversight for systems to control sediment, litter, bacteria, and other surface water pollutants, throughout the various City of Fort Worth waterways.

Individual projects will be released on a Task Order/Purchase Order basis when the City elects to proceed with each effort. Providers are being asked to present the Company's qualifications and experience for this work as well as their Personnel's qualifications and experience for this work.

Provider shall ensure that the Qualifications Package and any resumes included not only document relevant work experience but also summarize how the Provider has been a good steward of the Client's funds. Additionally, details should be included how the Provider has brought creative solutions to the table in an effort to control costs, reduce remediation time, increase effectiveness, etc.

THERE IS NO GUARANTEE OF ANY WORK UNDER THIS CONTRACT, however the types of work for which the successful Provider should be qualified to perform include the following:



WATER QUALITY AND WATERSHED MANAGEMENT AND DESIGN ENGINEERING SERVICES

- 1. Design and construction management of structures, systems, and components intended to collect and/or prevent pollutants from entering the municipal separate storm sewer system (MS4).**

Please list a minimum of **five (5)** design and construction management of MS4 pollutant prevention projects conducted with a brief narrative describing the details of the project and the type of remedial strategy implemented.

Please include applicable reference information for each of the individual site MS4 projects.

**ATTACH MS4 DESIGN AND MANAGEMENT OF POLLUTANTS INFORMATION
FOLLOWING THIS PAGE WITHIN THE QUALIFICATIONS PACKAGE**

2. **Stormwater pollutant concentration modeling and watershed evaluation. This may include hydrological and hydraulic modeling (i.e. HEC-RAS) and various pollutant load modeling involving:**
- **Sediment**
 - **Litter**
 - **Bacteria**
 - **Other stormwater and surface water pollutants**

Please list a minimum of **five (5)** Stormwater Pollutant Modeling projects conducted with a brief narrative describing the details of the project and the type of remedial strategy implemented. This should include applicable timelines, design-build costs for evaluating, designing, and installing each system to control sediment, litter, bacteria, or other pollutants.

Please include applicable reference information for each of the individual site Stormwater Pollutant Modeling projects.

**ATTACH STORMWATER POLLUTANT MODELING INFORMATION
FOLLOWING THIS PAGE WITHIN THE QUALIFICATIONS PACKAGE**

3. Watershed evaluations for stormwater quality improvements and enhancements.

Please list a minimum of **five (5)** Watershed Evaluation projects conducted with a brief narrative describing the details of the project and the type of remedial strategy implemented. This should include applicable timelines, design-build costs for evaluating, designing, and installing each system to control sediment, litter, bacteria, or other pollutants.

Please include applicable reference information for each of the individual site Watershed Evaluation projects.

**ATTACH WATERSHED EVALUATION INFORMATION
FOLLOWING THIS PAGE WITHIN THE QUALIFICATIONS PACKAGE**

4. **Waterbody evaluation for aquatic floatable litter “trash interceptors” (litter traps). Evaluate the various proposed water bodies to determine the most effective installation location for floatable trash interceptors (litter traps) on each. Effectiveness will be determined by considering both functional and economic efficiency. Awardee will evaluate site-specific water dynamics, litter sources, necessary site preparation, and worker/vehicle access to the locations. Locations proposed will impose no flow restrictions or cause any flooding should devices be installed.**

Please list a minimum of **five (5)** waterbody litter control design projects conducted with a brief narrative describing the details of the project and the type of remedial strategy implemented. This should include applicable timelines, design-build costs for evaluating, designing, and installing each system to control sediment, litter, bacteria, or other pollutants.

Please include applicable reference information for each of the individual site projects.

**ATTACH WATERBODY EVALUATION INFORMATION
FOLLOWING THIS PAGE WITHIN THE QUALIFICATIONS PACKAGE**

- 5. Evaluate floatable trash interceptor (litter trap) designs which are available on the market. Evaluate reliability and effectiveness based on observations from existing installations and interviews with current operators. Consider site-specific conditions including water dynamics and access to recommend an effective trash interceptor for each of the locations selected by the City. Proposed designs can be either floating or fixed in place. Recommended designs must be removable for access purposes in an emergency.**

Please list a minimum of **five (5)** waterbody litter control design evaluation projects conducted with a brief narrative describing the details of the project and the type of remedial strategy implemented. This should include applicable timelines, design-build costs for evaluating, designing, and installing each system to control sediment, litter, bacteria, or other pollutants.

Please include applicable reference information for each of the individual site projects.

**ATTACH INFORMATION FOLLOWING THIS PAGE WITHIN
THE QUALIFICATIONS PACKAGE**



6. Local, State, and Federal Permitting Activities

Please list a minimum of **five (5)** projects that involved applicable permitting through the local, state, and federal authorities conducted with a brief narrative describing the details of the project and the type permitting required.

Please include applicable reference information for each of the individual site projects.

**ATTACH INFORMATION FOLLOWING THIS PAGE WITHIN
THE QUALIFICATIONS PACKAGE**

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



| | | | |
|---------------------------------------|--|-----------------|--|
| Company Name: | | | |
| Address: | | | |
| Phone Number: | | Website: | |
| Proposed Tasks on the Project: | | | |
| | | | |

| | | | |
|---------------------------------------|--|-----------------|--|
| Company Name: | | | |
| Address: | | | |
| Phone Number: | | Website: | |
| Proposed Tasks on the Project: | | | |
| | | | |

| | | | |
|---------------------------------------|--|-----------------|--|
| Company Name: | | | |
| Address: | | | |
| Phone Number: | | Website: | |
| Proposed Tasks on the Project: | | | |
| | | | |
| Company Name: | | | |
| Address: | | | |
| Phone Number: | | Website: | |
| Proposed Tasks on the Project: | | | |
| | | | |

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(s) will be required by the contract to have insurance coverage as detailed below. Prior to commencing work, the Provider(s) shall deliver to Fort Worth certificates documenting this coverage. The City may elect to have the Provider(s) 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
 - \$5,000,000 each occurrence
 - \$5,000,000 aggregate
2. Automobile Liability
 - \$1,000,000 each accident, or
 - \$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
 - Coverage A: statutory limits
 - Coverage B: \$1,000,000 each accident
\$1,000,000 disease - policy limit
\$500,000 disease - each employee
4. Professional Liability
 - \$2,000,000 each claim
 - \$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 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(s) has obtained all required insurance shall be delivered to the City prior to Provider(s) proceeding with the contract.
1. Applicable policies shall be endorsed to name the City an 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 Cody Whittenburg, Program Manager, Code Compliance Department - Environmental Quality Division, City of Fort Worth, 200 Texas, 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(s) 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 Corrective Action Specialist (CAS);
- TCEQ Correction Action Project Manager (CAPM);
- Professional Engineer (PE);
- Professional Geologist (PG);
- Professional Land Surveyor; and
- 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 Code of the City of Fort Worth, 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, storm water, 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**



City of Fort Worth Business Equity Division

INSTRUCTIONS TO BIDDERS ABOUT THE BUSINESS EQUITY GOAL

Bid number: _____ Business Equity Goal: _____%

It is the policy of the City of Fort Worth to ensure the full and equitable utilization of Business Equity Firms when appropriate, in the procurement of all goods and services. When a Business Equity Goal is established for a bid, it means that the City of Fort Worth believes that there are Business Equity Firms available that can provide goods or services requested by the bid.

The Business Equity Goal for Bid number _____ is ____%. This means that the City believes that there are available Business Equity Firms that can provide goods or services required by this bid and therefore, ____% of the Bidder's awarded amount must be spent with a Business Equity Firm. All requirements and regulations stated in the City's current [Business Equity Ordinance #25165-10-2021](#) apply to this bid. Definitions are at the end of this document.

Because a Business Equity Goal has been established for this bid, in order for your bid to be considered, a Bidder **must satisfy one (1) of the conditions below**.

A. Commit to Meet or Exceed the Business Equity Goal

Hire Business Equity Firm(s) to provide goods or services and spend at least the goal amount with the Business Equity Firm(s).

Step 1: Obtain a listing of Business Equity Firms by completing the "Request for Listing of Certified Firms Form" located at the City of Fort Worth's [Business Equity Division](#) website.

Step 2: Request bids from Business Equity Firms to provide goods or services at least 10 calendar days before bid opening.

Step 3: Submit the following two (2) forms:
a. Utilization Plan
b. Letter(s) of Intent

B. Prove a Good Faith Effort

Show attempt to hire Business Equity Firms to meet or exceed the goal, but was unsuccessful.

This can occur in two (2) ways:

1) Bidder proposes a smaller Goal

Step 1: Obtain a listing of Business Equity Firms by completing the "Request for Listing of Certified Firms Form" located at the City of Fort Worth's [Business Equity Division](#) website.

Step 2: Request bids from Business Equity Firms to provide goods or services at least 10 calendar days before bid opening.

Step 3: Submit the following three (3) forms:
a. Utilization Plan
b. Letter(s) of Intent
c. Good Faith Effort

2) Bidder proposes a 0% Goal

Step 1: Obtain a listing of Business Equity Firms by completing the "Request for Listing of Certified Firms Form" located at the City of Fort Worth's [Business Equity Division](#) website.

Step 2: Request bids from Business Equity Firms to provide goods or services at least 10 calendar days before bid opening.

Step 3: If unsuccessful, submit Good Faith Effort Form. Please see [Ordinance §20-370 \(g\)](#) page for requirements of an acceptable Good Faith Effort.

C. Prove that the Bidder Can Perform the Service and Provide all Materials on the Project as the Prime Contractor

Bidder must show that the Bidder is providing all of the goods and services through their own company and that there are no goods or services provided by a third party or an affiliate. Bidder will not purchase any supplies or inventory from a third party.

Step 1: Must submit Prime Contract Waiver Form

D. Create a Joint Venture with a Business Equity Firm

At least one or both of the firms must be a Business Equity Firm

Step 1: Must submit Joint Venture Form

DEADLINE TO SUBMIT REQUIRED DOCUMENTS AND FORMS

Bidders must submit sealed bids to be opened at the date, time, and place stated in the solicitation for the public opening of bids. **Faxed copies will not be accepted.**

FREQUENTLY ASKED QUESTIONS

1. If I am Business Equity Firm, can I count my performance of the bid?

Answer: A Business Equity Prime Contractor can count its self-performance towards meeting the Business Equity Goal for the assigned North American Industry Classification System (NAICS) commodity codes on its Minority Business Enterprise (MBE) or Women Business Enterprise (WBE) certification.

2. What if I am a Business Equity Firm, but I am unable to self perform all work or provide all of the goods under the bid, can I count my performance under the Bid?

Answer: If the Business Equity Prime cannot self-perform all of the work, it will be accountable for subcontracting with certified firms to meet the overall goal. Business Equity Firms that qualify under the "Significant Business Presence" definition may count in the Program upon approval of DVIN-BE.

3. This bid does not have a set amount that the City will purchase from the Awarded Bidder, how do I complete the form?

Answers:

- a. For a low bid procurement, the lowest bidder shall submit a Utilization Plan no later than 2:00 PM on the third business day after bids are opened detailing all Subcontractors the Contractor intends to utilize in its performance of a Contract. Contractors that are Business Equity Firms may count their self-performed services towards meeting a Business Equity Goal.
- b. For a Best Value procurement, all bidders who wish to be considered for evaluation scoring shall submit a Utilization Plan by 2:00 PM on the third business day after the bids are opened detailing all Subcontractors the Contractor intends to utilize in its performance of a Contract. Contractors that are Business Equity Firms may count their self-performed services towards meeting a Business Equity Goal.
- c. Non-compliance. If the lowest bidder for a low bid procurement or any bidder for a Best Value procurement does not timely submit its Utilization Plan with the required documents, that bidder will be deemed Non-Responsive. For a low bid procurement, the City will notify the next lowest bidder who shall then submit a Utilization Plan with required documents no later than 2:00 PM on the third business day after the bidder receives notification. This process will be followed until a bidder submitting the required documents is selected.

DEFINITIONS

Business Equity Firm means an Independent Firm that is a Certified minority- and/or women-owned business enterprise (M/WBE) with a Significant Business Presence in the City's Marketplace.

Business Equity Goal means a calculation prepared by the DVIN-BE that includes all the following factors: the detailed cost estimate of the work to be performed, or goods purchased; the 6-county Marketplace; the availability of Business Equity Firms and non-Business Equity Firms in the Marketplace determined on a Contract-by-Contract basis; and the subcontracting/supplier opportunities of each project.

Certified means those firms identified by the North American Industry Classification System (NAICS) that have been determined to be a bona fide MBE or WBE by the North Central Texas Regional Certification Agency (NCTRCA), the Dallas/Fort Worth Minority Supplier Development Council (DFW/MSDC), Women's Business Council-SW (WBCS), Texas Department of Transportation (TxDOT) or another certifying agency that the DVIN-BE may deem appropriate and accepted by the City of Fort Worth.

DVIN-BE means the City's Department of Diversity and Inclusion – Business Equity Division

Good Faith Efforts means the actions undertaken by a Contractor and approved by DVIN-BE as described in the Business Equity Ordinance §20-370 (g).

Joint Venture means a business entity formed by two or more independent Persons for the purpose of pursuing a common objective, such as a prime contract. The resulting business entity has additional resources and capacity, enhancing its ability to compete for larger awards. A joint venture is generally characterized by shared ownership, shared returns and risks, and shared governance. In a joint venture, the prime managing partner holds 51 % or more interest in the business. Partner(s) hold less than 51 % interest but in most cases, not less than 20%.

Marketplace means the geographic area as defined by the City's most current Disparity Study (i.e., Tarrant, Dallas, Denton, Johnson, Parker and Wise counties).

Responsive means that a Person is compliant with the requirements of the Business Equity Ordinance.

Significant Business Presence means a Person (1) which has its principal place of business located inside the Marketplace; (2) which has its principal place of business located outside the Marketplace but has been verified to be in existence for a minimum of 24 months and from which at least 20% of the business's workforce is based in the Marketplace; or (3) which has cumulative business receipts greater than \$1,000,000 for work done in the Marketplace since January 1, 2013.

Utilization Plan means the list of Business Equity Firms that a Contractor commits will be utilized to meet the Business Equity Goal for a specific project, the scopes of the work and the dollar values or the percentages of the work to be performed.

VIOLATIONS AND SANCTIONS

1. Failure to comply with the City's Business Equity Ordinance will result in the bid being considered "Non-Responsive."
2. Failure to submit the required Business Equity forms and documentation will result in the bid being considered non-responsive and a "written warning" letter that may impact the Offeror's evaluation scoring on future City bid opportunities for up to 12 months, refer to [Ordinance §20-373 on VIOLATIONS AND SANCTIONS](#) for continued offenses or failures to comply.

If you have any questions, contact Department of Diversity & Inclusion, Business Equity Division

Email: DVIN_BE@fortworthtexas.gov | Phone: 817-392-2674



City of Fort Worth Business Equity (M/WBE) Specifications Prime Contractor Waiver Form

| | | | |
|--|---|---|-----------|
| OFFEROR COMPANY NAME: | | Check applicable block to describe Prime | |
| PROJECT NAME: | | M/WBE | NON-M/WBE |
| | | BID DATE | |
| City's MBE Project Goal: % | Offeror's MBE Project Commitment: % | PROJECT NUMBER | |

If both answers to this form are **YES**, do not complete ATTACHMENT 1C (Good Faith Effort Form). All questions on this form must be completed and a detailed explanation provided, if applicable. If the answer to either question is **NO**, then you must complete ATTACHMENT 1C. This form is only applicable if **both** answers are yes.

Failure to complete this form in its entirety and be received by the Purchasing Division no later than 2:00 p.m., on the second City business day after bid opening, exclusive of the bid opening date, will result in the bid being considered non-responsive to bid specifications.

| | |
|---|------------|
| Will you perform this entire contract without subcontractors? | YES |
| If yes, please provide a detailed explanation that proves based on the size and scope of this project, this is your normal business practice and provide an operational profile of your business. | NO |
| Will you perform this entire contract without suppliers? | YES |
| If yes, please provide a detailed explanation that proves based on the size and scope of this project, this is your normal business practice and provide an inventory profile of your business. | NO |

The Offeror further agrees to provide, directly to the City upon request, complete and accurate information regarding actual work performed by all subcontractors, including certified M/WBE(s) on this contract, the payment thereof and any proposed changes to the original M/WBE(s) arrangements submitted with this bid. The Offeror also agrees to allow an audit and/or examination of any books, records and files held by their company that will substantiate the actual work performed by the M/WBEs on this contract, by an authorized officer or employee of the City. Any intentional and/or knowing misrepresentation of facts will be grounds for terminating the contract 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. Any failure to comply with this ordinance creates a material breach of contract and may result in a determination of an irresponsible Offeror and barred from participating in City work for a period of time not less than one (1) year.

Authorized Signature

Printed Signature

Title

Contact Name (if different)

Company Name

Phone Number Fax Number

Address

Email Address

City/State/Zip

Date



CITY OF FORT WORTH
M/WBE Joint Venture Eligibility Form

All questions must be answered; use "N/A" if not applicable.

Name of City project: _____

A joint venture form must be completed on each project

RFP/Bid/Purchasing Number: _____

1. Joint venture information:

| | | | |
|--|------------|-----------------------------|--|
| Joint Venture Name: | | | |
| Joint Venture Address: <i>(If applicable)</i> | | | |
| Telephone: | Facsimile: | E-mail address: | |
| Cellular: | | | |
| Identify the firms that comprise the joint venture: <i>Please attach extra sheets if additional space is required to provide detailed explanations of work to be performed by each firm comprising the joint venture</i> | | | |
| M/WBE firm name: | | Non-M/WBE firm name: | |
| Business Address: | | Business Address: | |
| City, State, Zip: | | City, State, Zip: | |
| Telephone | Facsimile | E-mail | |
| Cellular | | Cellular | |
| Certification Status: | | E-mail address | |
| Name of Certifying Agency: | | | |

2. Scope of work performed by the Joint Venture:

| | |
|---|---|
| Describe the scope of work of the M/WBE: | Describe the scope of work of the non-M/WBE: |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

3. What is the percentage of M/WBE participation on this joint venture that you wish to be counted toward meeting the project goal? _____

4. Attach a copy of the joint venture agreement.

5. List components of ownership of joint venture: *(Do not complete if this information is described in joint venture agreement)*

| | |
|---|--|
| Profit and loss sharing: | |
| | |
| | |
| Capital contributions, including equipment: | |
| | |
| | |
| Other applicable ownership interests: | |
| | |
| | |

6. Identify by name, race, sex and firm those individuals (with titles) who are responsible for the day-to-day management and decision making of the joint venture:

| | |
|---|--|
| Financial decisions (to include Account Payable and Receivable): | |
| | |
| Management decisions: a. Estimating | |
| | |
| b. Marketing and Sales | |
| | |
| c. Hiring and Firing of management personnel | |
| | |
| d. Purchasing of major equipment and/or supplies | |
| | |
| Supervision of field operations | |
| | |

The City's Business Equity Division will review your joint venture submission and will have final approval of the M/WBE percentage applied toward the goal for the project listed on this form.

NOTE:

From and after the date of project award, if any of the participants, the individually defined scopes of work or the dollar amounts/percentages change from the originally approved information, then the participants must inform the City's Business Equity Division immediately for approval. Any unjustified change or deletion shall be a material breach of contract and may result in debarment in accord with the procedures outlined in the City's Business Equity Ordinance [25165-10-2021](#) .

AFFIDAVIT

The undersigned affirms that the foregoing statements are true and correct and include all material information necessary to identify and explain the terms and operation of the joint venture. Furthermore, the undersigned shall agree to provide to the joint venture the stated scope of work, decision-making responsibilities and payments herein.

The City also reserves the right to request any additional information deemed necessary to determine if the joint venture is eligible. Failure to cooperate and/or provide requested information within the time specified is grounds for termination of the eligibility process.

The undersigned agree to permit audits, interviews with owners and examination of the books, records and files of the joint venture by any authorized representatives of the City of Fort Worth. Failure to comply with this provision shall result in the termination of any contract, which may be awarded under the provisions of this joint venture's eligibility and may initiate action under Federal, State and/or Local laws/ordinances concerning false statements or willful misrepresentation of facts.

| | |
|-----------------------|-----------------------|
| Name of MBE firm | Name of non-MBE firm |
| Printed Name of Owner | Printed Name of Owner |
| Signature of Owner | Signature of Owner |
| Printed Name of Owner | Printed Name of Owner |
| Signature of Owner | Signature of Owner |
| Title | Title |
| Date | Date |

Notarization

State of _____ County of _____

On this _____ day of _____, 20 ____, before me appeared

_____ and _____

to me personally known and who, being duly sworn, did execute the foregoing affidavit and did state that they were properly authorized to execute this affidavit and did so as their free act and deed.

Notary Public _____
Print Name

Notary Public _____
Signature

Commission Expires _____

(seal)



PROJECT # _____ BID # _____
 (If Applicable Please Check One)
 Amendment Change Order

Business Equity Division LETTER OF INTENT

A. Business Equity Sub-Contractor/Consultant Information:

A certified Business Equity firm is owned by a Minority or Woman Business Enterprise (M/WBE)

[Pursuant to the City of Fort Worth's Business Equity Ordinance, certified Business Equity firms participating under the Ordinance must be certified prior to recommendation of award in order to be counted towards the Business Equity contract goal. Certifying agencies acceptable by the City: North Central Texas Regional Certification Agency (NCTRCA), Dallas/Fort Worth Minority Supplier Development Council, Inc. (DFW MSDC), Women's Business Council - Southwest (WBCS), or the Texas Department of Transportation (TXDOT). **Note:** For Federally-Funded projects the firm must be certified as a Disadvantaged Business Enterprise (DBE) by the NCTRCA and/or TXDOT only.] **All Fields are Required - Do not leave blank.**

1. Name of Project: _____
2. Name of Offeror/Prime Contractor: _____
3. Name of Business Equity Firm: _____
 Address: _____ Firm Contact Name/Phone: _____
4. The undersigned is prepared to perform the following described work and/or supply the material listed in connection with the above project (where applicable specify "supply" or "install" or both):

| | |
|---|---|
| <u>NAICS Code:</u> _____ | In the amount of \$ _____ |
| _____ | _____ |
| (Owner/ Authorized Agent) Type or Print Name | (Name of Certified Business Equity Firm) |
| _____ | _____ |
| (Signature of Owner /Authorized Agent of Certified Business Equity Firm) | (Date) |
| _____ | _____ |
| (Email Address) | (Phone Number) |

B. Affidavit of Offeror/Prime

I HEREBY DECLARE AND AFFIRM that _____ am the duly authorized representative of
 (Owner/Authorized Agent)

_____ and that I have personally reviewed the material and facts
 (Name of Offeror/Prime)

set forth in this Letter of Intent. To the best of my knowledge, information and belief, the facts in this form are true, and no material facts have been omitted.

Pursuant to the City of Fort Worth's Business Equity Ordinance, any person/entity that makes a false or fraudulent statement in connection with participation of a certified firm in any City of Fort Worth contract may be referred for debarment procedures under the City of Fort Worth's Business Equity Ordinance.

I do solemnly swear or affirm that the signatures contained herein and the information provided by the Offeror/Prime are true and correct, and that I am authorized on behalf of the Offeror/Prime to make the affidavit.

| | |
|--|-------------------------|
| _____ | _____ |
| (Owner/ Authorized Agent) Type or Print Name | (Name of Offeror/Prime) |
| _____ | _____ |
| (Signature of Owner/Authorized Agent) | (Date) |
| _____ | _____ |
| (Email Address) | (Phone Number) |



City of Fort Worth Business Equity Utilization Form

Disadvantaged Business Enterprise Utilization Form (Applicable if Federally-Funded)

| | | | | | | | | | |
|--|------------------|---|-----------|-------|-----------------|---|-----------|--------|------------|
| PRIME/OFFEROR/OWNER COMPANY NAME: | | | | | | | | | |
| PROJECT NAME: | | | | | | | | | |
| PROJECT NUMBER: | BID DATE: | City's Business Equity Goal: (Check if addressing DBE Goal) % | | | | Offeror's Business Equity (or DBE) Commitment: % | | | |
| Check all applicable boxes to describe Prime/Offeror/Owner's Classification: | | | | | | | | | |
| | Not Certified | MBE | WBE | DBE | HUB | VOSB | Section 3 | | |
| Certifying Agency: | NCTRCA | D/FW MSDC | TX DOT | WBCS | Other: | | | | |
| Ethnicity: | African American | Hispanic | Caucasian | Asian | Native American | Gender: | Male | Female | Non-Binary |
| Definitions: Business Equity Firm: Certified MBE Minority Business Enterprise or WBE Women Business Enterprise DBE: Disadvantaged Business Enterprise | | | | | | | | | |
| HUB: Historically Under Utilized Business VOSB: Veteran Owned Small Business Section 3: Certified Housing Urban Development Vendors | | | | | | | | | |

ALL BUSINESS EQUITY FIRMS MUST BE CERTIFIED BEFORE CONTRACT AWARD

Failure to complete this form, in its entirety, and received by the Purchasing Division no later than 2:00 p.m. on the **third** City business day after bid opening, exclusive of bid opening date, will result in the bid being considered non-responsive to bid specifications. Exception: CFA, ICA, and CDBG projects, documents will be submitted to the City Project Manager if publicly bid or to the Developer if privately bid.

The undersigned Prime/Offeror agrees to enter into a formal agreement with the Business Equity firm(s) listed in this utilization schedule, conditioned upon execution of a contract with the City of Fort Worth (Exception: Developer projects). The intentional and/or knowing misrepresentation of facts is grounds for consideration of disqualification and will result in the bid being considered non-responsive to bid specifications.

Business Equity firms listed toward meeting the project goal must be located in the City's marketplace at the time of bid or the business has a Significant Business Presence in the Marketplace. The marketplace is the City of Fort Worth including portions of Denton, Parker, Wise, and all of Tarrant, Dallas, and Johnson counties.

Certified means those Business Equity Firms, located within the Marketplace, that have been determined to be a bona-fide minority or women business enterprise by the North Central Texas Regional Certification Agency (NCTRCA), Dallas/Fort Worth Minority Supplier Development Council (D/FW MSDC) and Women's Business Council-Southwest (WBCS).

If hauling services are utilized, the Prime/Offeror will be given credit as long as the Business Equity firm listed owns and operates at least one fully licensed and operational truck to be used on the contract. The Business Equity firms may lease trucks from another Business Equity firm, including Business Equity owner-operated, and receive full Business Equity credit. The Business Equity firm may lease trucks from non-Business Equity firms, including owner-operated, but will only receive credit for the fees and commissions earned by the Business Equity as outlined in the lease agreement.

Federally-funded Projects (ONLY), Counting DBE Participation: If materials or supplies are obtained from a DBE manufacturer, count 100 percent of the cost of the materials or supplies towards the goal. If the **materials or supplies are purchased** from a **DBE regular dealer**, count **60 percent** of the cost of the materials and supplies toward the DBE goal. When materials or supplies are purchased from a **DBE neither a manufacturer nor a regular dealer**, count the **entire amount of fees or commissions** charged for assistance in the procurement of the materials and supplies or fees or transportation charges for the delivery of the materials or supplies delivered to the job site. In all cases, the Prime/Offeror is responsible to identify the amounts to be used toward the committed DBE goal. **Note: For DBE Goals, 60% of the services count towards the goal.**



Business Equity Utilization Form

Please note that only certified Business Equity firms will be counted to meet the Business Equity goal. Prime/Offerors are required to identify **ALL** subcontractors/suppliers, regardless of status; i.e., Business Equity firms and non-Business Equity firms. Prime/Offerors must identify by tier level all subcontractors/suppliers. Tier: means the level of subcontracting below the Prime/Offeror i.e. a direct payment from the Prime/Offeror to a subcontractor is considered 1st tier, a payment by a subcontractor to its supplier is considered 2nd tier. Business Equity firms are to be listed before non-Business Equity firms. The Prime/Offeror is responsible to provide proof of payment of all tiered sub-contractors/suppliers identified as a Business Equity firm and counting those dollars towards meeting the contract committed goal.

Certified Business Equity Prime/Offeror Contractors counting their self-performance towards meeting the contract goal, must be certified within those NAICS commodity codes with a certifying agency acceptable by the City of Fort Worth. Certified Business Equity Prime/Offeror counting self-performing services towards the goal, the service(s) to be performed should be listed first on the Utilization form.

Check this box **if certified Prime Contractor services will be counting towards the Business Equity contracting goal. Please list services first below.**

Please list certified Business Equity firm names as listed on their certification, including DBA names.

| NAMES AND ADDRESSES OF CONTRACTORS/SUPPLIERS | TYPE OF SERVICES/SUPPLIES PROVIDED (NAICS Required) | Specify Tier Name 1st Tier | Certification Agency | Gender and Ethnicity: |
|--|---|----------------------------|--|---|
| Business Name: Address: Phone: Email: Contact Person: | Type of Service/Supplies: NAICS Code: \$ AMOUNT: | | Certified By: D/FW MSDC NCTRCA TXDOT WBCS Other: | Male Female Non-Binary African American Hispanic Asian Caucasian Native American |
| Business Name: Address: Phone: Email: Contact Person: | Type of Service/Supplies: NAICS Code: \$ AMOUNT: | | Certified By: DFW MSDC NCTRCA TXDOT WBCS Other: | Male Female Non-Binary African American Hispanic Asian Caucasian Native American |
| Business Name: Address: Phone: Email: Contact Person: | Type of Service/Supplies: NAICS Code: \$ AMOUNT: | | Certified By: DFW MSDC NCTRCA TXDOT WBCS Other: | Male Female Non-Binary African American Hispanic Asian Caucasian Native American |

Business Equity Utilization Form

Please include multiple copies of this page if needed to list all contractors and suppliers.

| NAMES AND ADDRESSES OF CONTRACTORS/SUPPLIERS | TYPE OF SERVICES/SUPPLIES PROVIDED (NAICS Required) | Specify Tier Name 1st Tier | Certification Agency | Gender and Ethnicity: |
|--|---|----------------------------|--|---|
| Business Name: Address: Phone: Email: Contact Person: | Type of Service/Supplies: NAICS Code: \$ AMOUNT: | | Certified By: D/FW MSDC NCTRCA TXDOT WBCS Other: | Male Female Non-Binary African American Hispanic Asian Caucasian Native American |
| Business Name: Address: Phone: Email: Contact Person: | Type of Service/Supplies: NAICS Code: \$ AMOUNT: | | Certified By: DFW MSDC NCTRCA TXDOT WBCS Other: | Male Female Non-Binary African American Hispanic Asian Caucasian Native American |
| Business Name: Address: Phone: Email: Contact Person: | Type of Service/Supplies: NAICS Code: \$ AMOUNT: | | Certified By: DFW MSDC NCTRCA TXDOT WBCS Other: | Male Female Non-Binary African American Hispanic Asian Caucasian Native American |
| Business Name: Address: Phone: Email: Contact Person: | Type of Service/Supplies: NAICS Code: \$ AMOUNT: | | Certified By: DFW MSDC NCTRCA TXDOT WBCS Other: | Male Female Non-Binary African American Hispanic Asian Caucasian Native American |



Business Equity Utilization Form

| | |
|---|-----------|
| Total Dollar Amount of Certified Prime/Offeror Services towards contract goal | \$ |
| Total Dollar Amount of Business Equity (or DBE if applicable) Subcontractors/Suppliers | \$ |
| Total Dollar Amount of Non-Business Equity Subcontractors/Suppliers | \$ |
| TOTAL DOLLAR AMOUNT OF CERTIFIED PRIME/ALL SUBCONTRACTORS/SUPPLIERS | \$ |

The Prime/Offeror will not make additions, deletions, or substitutions to this certified list without the prior approval of the Business Equity Division through the submittal of a ***Request for Approval of Change/Addition online***. Any unjustified change or deletion shall be a material breach of contract and may result in debarment in accord with the procedures outlined in the ordinance. The Prime/Offeror shall submit a detailed explanation of how the requested change/addition or deletion will affect the committed Business Equity goal. If the detail explanation is not submitted, it will affect the final compliance determination.

By affixing a signature to this form, the Prime/Offeror further agrees to provide, directly to the City upon request, complete and accurate information regarding actual work performed by all subcontractors, including non-Business Equity firms. The Prime/Offeror also agrees to allow an audit and/or examination of any books, records and files held by their company. The Prime/Offeror agrees to allow the transmission of interviews with owners, principals, officers, employees and applicable subcontractors/suppliers participating on the contract that will substantiate the actual work performed by the Business Equity firms on this contract, by an authorized officer or employee of the City. A Prime/Offeror who intentionally and/or knowingly misrepresents material facts shall be Debarred for a period of time of not less than three (3) years.

Authorized Signature

Title

Company Name

Address

City/State/Zip Code

Printed Signature

Contact Name and Title (if different)

Phone Number

Email Address

Date



**City of Fort Worth
Business Equity Division
Good Faith Effort Form**

| | | | |
|---|--|---|---|
| PRIME/OFFEROR COMPANY NAME: | | Check applicable box to describe Prime/Offeror's Certification | |
| PROJECT NAME: | | <input type="checkbox"/> Business Equity Firm | <input type="checkbox"/> Non-Business Equity Firm |
| Business Equity Goal: % | | BID DATE | |
| Offeror's Business Equity Goal Commitment: % | | PROJECT NUMBER | |

If the Offeror did not meet or exceed the Business Equity Goal for this project, the Prime/Offeror must complete this form.

If the Prime/Offeror's method of compliance with the Business Equity Goal is based upon demonstration of a "Good Faith Effort", the Prime/Offeror will have the burden of correctly and accurately preparing and submitting the documentation required by the City. Compliance with each item, 1 thru 10 below, shall satisfy the Good Faith Effort requirement absent proof of fraud, intentional and/or knowing misrepresentation of the facts or intentional discrimination by the Prime/Offeror.

Failure to complete this form, in its entirety with supporting documentation, and received by the Purchasing Division no later than 2:00 p.m. on the third City business day after bid opening, exclusive of bid opening date, will result in the bid being considered non-responsive to bid specifications. Exception: CFA, ICA, and CDBG projects, documents will be submitted to the City Project Manager if publicly bid or to the Developer if privately bid.

- 1.) Please list each and every subcontracting and/or supplier opportunity for the completion of this project, regardless of whether it is to be provided by a Business Equity firm or non-Business Equity firm. **(DO NOT LIST NAMES OF FIRMS).** On all projects, the Prime/Offeror must list each subcontracting and or supplier opportunity regardless of tier.

(Use additional sheets, if necessary)

| List of Subcontracting Opportunities | List of Supplier Opportunities |
|--------------------------------------|--------------------------------|
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2.) Obtain a current (not more than two (2) months old from the bid open date) list of Business Equity subcontractors and/or suppliers from the City's Business Equity Division.

Yes

Date of Listing _____

No

3.) Did you solicit bids from Business Equity firms, within the subcontracting and/or supplier areas previously listed, at least ten calendar days prior to bid opening by telephone, exclusive of the day the bids are opened?

Yes (If yes, attach list to include name of Business Equity firm, person contacted, phone number and date and time of contact.)

No

4.) Did you solicit bids from Business Equity firms, within the subcontracting and/or supplier areas previously listed, at least ten calendar days prior to bid opening by fax, exclusive of the day the bids are opened?

Yes (If yes, attach list to include name of Business Equity firm, fax number and date and time of contact. In addition, if the fax is returned as undeliverable, then that "undeliverable confirmation" received must be printed directly from the facsimile for proper documentation. Failure to submit confirmation and/or "undeliverable confirmation" documentation may render the GFE non-responsive.)

No

5.) Did you solicit bids from Business Equity firms, within the subcontracting and/or supplier areas previously listed, at least ten calendar days prior to bid opening by email, exclusive of the day the bids are opened?

Yes (If yes, attach email confirmation to include name of Business Equity firm, date and time. In addition, if an email is returned as undeliverable, then that "undeliverable message" receipt must be printed directly from the email system for proper documentation. Failure to submit confirmation and/or "undeliverable message" documentation may render the GFE non-responsive.)

No

NOTE: The three methods identified above are acceptable for soliciting bids, and each selected method must be applied to the applicable contract. The Prime/Offeror must document that either at least two attempts were made using two of the three methods or that at least one successful contact was made using one of the three methods in order to be deemed responsive to the Good Faith Effort requirement.

NOTE: The Prime/Offeror must contact the entire Business Equity list specific to each subcontracting and supplier opportunity to be in compliance with questions 3 thru 5.

6.) Did you provide plans and specifications to potential Business Equity firms?

Yes

No

7.) Did you provide the information regarding the location of plans and specifications in order to assist the Business Equity firms?

Yes

No

8.) Did you prepare a quotation for the Business Equity firms to bid on goods/services specific to their skill set?

Yes (If yes, attach all copies of quotations.)

No

9.) Was the contact information on any of the listings not valid?

Yes (If yes, attach the information that was not valid in order for the Business Equity Division to address the corrections needed.)

No

10.) Submit documentation if Business Equity firms quotes were rejected. The documentation submitted should be in the firms forms of an affidavit, include a detailed explanation of why the Business Equity firms was rejected and any supporting documentation the Prime/Offeror wishes to be considered by the City. In the event of a bona fide dispute concerning quotes, the Prime/Offeror will provide for confidential in-camera access to an inspection of any relevant documentation by City personnel.

(Please use additional sheets, if necessary, and attach.)

| Company Name | Telephone | Contact Person | Scope of Work | Reason for Rejection |
|--------------|-----------|----------------|---------------|----------------------|
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ADDITIONAL INFORMATION:

Please provide additional information you feel will further explain your good and honest efforts to obtain Business Equity firm participation on this project.

The Prime/Offeror further agrees to provide, directly to the City upon request, complete and accurate information regarding actual work performed on this contract, the payment thereof and any proposed changes to the original arrangements submitted with this bid. The Prime/Offeror also agrees to allow an audit and/or examination of any books, records and files held by their company that will substantiate the actual work performed on this contract, by an authorized officer or employee of the City.

A Prime/Offeror who intentionally and/or knowingly misrepresents material facts shall be Debarred for a period of time of not less than three (3) years.

The undersigned certifies that the information provided and the Business Equity firms listed was/were contacted in good faith. It is understood that any Business Equity firms listed in Attachment 1C will be contacted and the reasons for not using them will be verified by the City's Business Equity Division.

Authorized Signature

Printed Signature

Title

Contact Name and Title (if different)

Company Name

Phone Number

Address

Email Address

City/State/Zip

Date

Business Equity Division
Email: DVIN_BEOffice@fortworthtexas.gov
Phone: (817) 392-2674