

PORT OF BEAUMONT

REQUEST FOR QUALIFICATIONS

PROPERTY APPRAISAL SERVICES

Prepared by

Port of Beaumont Navigation District of Jefferson County, Texas

July 23, 2018

RESPONSES DUE:

Thursday September 20, 2018

REQUEST FOR STATEMENTS OF QUALIFICATIONS

The Port of Beaumont Navigation District of Jefferson County, Texas (“Port”) is soliciting statements of qualifications from qualified real estate appraisal service firms to provide Real Estate Appraisal Services for a variety of properties. Appraisals are required for the purpose of determining fair market values associated with land purchases and possible condemnation proceedings. To qualify for selection, respondents must be State Certified General Real Estate Appraisers certified by the Texas Appraiser Licensing and Certification Board.

Qualifications for these services will be accepted until 4:00 p.m. Central Standard Time on September 20, 2018, at the Port of Beaumont Navigation District of Jefferson County, Texas located at 1225 Main Street, Beaumont, Texas 77704. All proposals must be packaged in a sealed envelope or package and be clearly marked on the outside with the proposer’s name and address and the following written information:

REQUEST FOR QUALIFICATIONS

Real Estate Appraisal Services

Port of Beaumont Navigation District of Jefferson County, Texas

The Port reserves the right to reject any or all Statements of Qualifications and to waive informalities, and to negotiate with all firms submitting qualifications per the Texas Professional Services Procurement Act. The RFQ is available on the Port’s web site or may be obtained from the Port at the Main Office.

1. GENERAL INFORMATION

a. Introduction

The Port of Beaumont Navigation District of Jefferson County, Texas (Port) is seeking responses from qualified real estate appraisal service firms with demonstrated professional competence and experience to provide Real Estate Appraisal Services for a variety of properties, for a period of one year with the option to renew for two additional one (1) year periods at the sole discretion of the Port. Appraisals are required for the purpose of determining fair market values associated with land purchases and possible condemnation proceedings. The Port is seeking qualified firms or individuals interested in providing appraisal services on an “as-needed” basis. Qualified individuals interested in providing such services are invited to submit responses to this Request for Qualifications (RFQ).

b. Definitions

The following definitions are used in this RFQ:

- “Consultant” means the firm selected from this RFQ.
- “Contractor” and “Consultant” may be used interchangeably.
- “Proposer” means a firm submitting a proposal in response to this RFQ.
- “Port” means the Port of Beaumont Navigation District of Jefferson County, Texas.

c. Scope of Services

- i. The Port has identified an area for expansion which is adjacent to currently owned Port property. The Port plans to acquire additional property through land purchases. However, if land purchase negotiations fail, the Port is prepared to acquire the property by condemnation. The Port will require an appraisal of the fair market value of the property in order to proceed with condemnation.
- ii. If land negotiations fail and the Port proceeds with condemnation, an appraisal will be required and expert testimony regarding the appraisal will be needed.
- iii. There is no representation as to the number of appraisals to be performed during any given time period. These tasks will be assigned on an “as-needed” basis.
- iv. The firm selected as a result of the RFQ will be asked to provide a price for specific appraisal services at specific location(s) as services are required by the Port. The request for service will specify the work to be done and the scheduled completion date of the work. The response to a request for service shall include:
 - Detailed description of work to be performed

- Estimate of work hours and associated cost to accomplish the specified work
- Not to exceed total cost to accomplish the specified work
- Duration of work from start to completion

The firm will be issued a Purchase Order by the Port. Services shall only be provided upon receipt of a Purchase Order from the Port.

- v. Contractor shall designate a single point of contact within the Contractor's organization to which the Port can look for timely resolutions of any issues which may arise related to Contractor's work in performance of assigned projects.
- vi. Consultants shall generally be on an aggressive schedule to produce documents after project assignment. Time is of the essence for performance, as projects may be funded through various sources with specific timeframes for submission of documents.
- vii. Contractor shall accept no assigned projects in which, either principals and/or employees of the Contractor, as well as family of principals and/or employees, directly or indirectly, have a financial or personal interest in or to any tract, piece or parcel of land included within the limits of a particular parcel or project requiring appraisal services.
- viii. Contractor shall accept assigned project from the Port, regardless of size or value of property concerned and provide expeditious service to meet Port requirements and timelines.
- ix. Contractor shall be able to provide both electronic and hardcopy documents, files and reports of all appraisal activity and forms.
- x. Contractor shall provide bilingual services as may be required by the Port on any assigned project.
- xi. Appraisal services must comply with all provisions of the Uniform Standards of Professional Appraisal Practice (USPAP), the USPAP Competency Rule, as well as all provisions of local, state and federal applicable laws, ordinances and regulations. Respondents must be State Certified General Real Estate Appraisers certified by the Texas Appraiser Licensing and Certification Board.

d. Restrictions on Lobbying Activity

Respondents are prohibited from directly or indirectly communicating with Port Commission members regarding the firm's qualifications or any other matter related to the eventual award of a contract for the services requested under this Request for Qualifications. Respondents are prohibited from contacting Port staff members regarding their qualifications or the award of a contract, unless in response to an inquiry from a Port staff member. Any violation will result in immediate disqualification of the Respondent from the selection process.

Upon issuance of the Request for Qualifications, all communications and requests for clarification or objections shall be directed in writing to the Port Director for response, determination and dissemination to all firms. Any communication by firms or their representatives toward other Port officers or employees regarding this Request for Qualifications or the award of a contract are prohibited and will constitute grounds for disqualification of a Proposer. A lobbyist or a Proposer or any of their agents may not perform any act or refrain from any act for the express purpose and intent of placing any Port official under personal obligation to the lobbyist or Proposer.

e. Clarification of the Specifications and Requirements

If additional information is necessary to assist the Proposer in interpreting these specifications, written questions will be accepted by Chris Fisher, Port Director, 1225 Main Street, Beaumont, TX 77704, email dc@portofbeaumont.com no later than 4:00 p.m. on September 20, 2018. No telephone inquiries will be accepted or answered in relation to this RFQ.

2. PROPOSAL SUBMISSION AND ORGANIZATION

a. Submitting the Proposal

The Proposer must submit one (1) original plus three (3) copies of the proposal. Sealed proposals should be addressed to the Port Director's Office, Port of Beaumont Navigation District of Jefferson County, Texas, 1225 Main Street, Beaumont, TX 77704, and will be received until 4:00 p.m. on September 20, 2018. Proposals will be evaluated at a later date. Proposals must be properly signed with a manual signature of an authorized representative of the firm. All proposals must be packaged in a sealed envelope or package and be clearly marked on the outside with the proposer's name and address and the following written information:

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Port of Beaumont Navigation District of Jefferson County, Texas

Proposers mailing their proposals must allow sufficient time for delivery of their proposal by the time and date specified. Late proposals will not be accepted.

b. Proposal Organization and Format

Proposal should be submitted on 8.5 by 11-inch paper bound securely. Proposals must contain, and be organized, as shown below. Each section should be separated by numbered tabs.

- Cover clearly displaying the title of the RFQ
- Tab 1: Introductory Letter, to include name of firm and contact information for the primary contact for the firm

- Tab 2: Company biography and other information: provide a brief company history including date founded, number of employees, company headquarters location and operating locations, and past projects and accomplishments. Provide evidence of proper licensing and registration, professional and regulatory, including copies of up-to-date licenses issued by the State of Texas. Proposer may also provide any other general information that the proposer believes is appropriate to assist the Port in its evaluation.
- Tab 3: Experience, Past Performance, and Capacity. Proposers must submit under this tab a concise description of its experience, past performance, and capacity to deliver the proposed services:
 - Firm’s experience in conducting real estate appraisals for an agency of this or greater size. Methods and resources utilized to conduct each type of appraisal. Proposer’s demonstrated knowledge of local real estate markets (breadth of work history in commercial, residential, industrial, and mixed use properties).
 - Appraisal experience of staff. Include resumes of all staff members who are proposed for this contract, to include professional and technical experience. Evidence of commitment to excellence in workmanship and professionalism as evidenced by awards and certifications.
 - Familiarity with engineering and architectural plans and drawings
 - Familiarity with appraisal form requirements set by U.S. Corps of Engineers and Texas Department of Transportation (TxDOT).
 - Ability to deal with controversial projects and unfriendly property owners
 - Court/expert testimony experience for condemnation or other litigation
 - Reference Data Sheet (s). The proposer shall submit four or more former governmental and/or commercial clients for whom the proposer has performed similar or like services to those being offered herein.
 - Proposer Data Sheet
- Tab 4: Litigation/Ethics
 - Provide the style and cite of any current/pending litigation and any litigation settled or disposed within the past five (5) years against the proposer, including its parent, sister or subsidiary companies, and proposed sub-contractors.

- Provide detail of any ethics violations or board actions within the past five (5) years against the proposer, including its parent, sister or subsidiary companies, and proposed sub-contractors
- Tab 5: Potential conflict of interest with other clients, if any

3. PUBLIC INFORMATION NOTIFICATION

The Port considers all materials, information, communications and correspondence in any form from the respondents to this RFQ to be nonproprietary and non-confidential and, therefore, subject to public disclosure under the Texas Public Information Act (Texas Government Code 552.001-1 et seq.) after the contract is awarded. Respondents are informed that the Port will abide by all statutes, court rulings and opinions of the Texas Attorney General concerning disclosure of RFQ information. Should any part or section be considered by the Respondents to be “proprietary” or “confidential” in nature, each page or section should be designated as “proprietary” or “confidential”.

Respondents should be prepared to fully justify these exclusions to the State Attorney General’s Office should it be required.

4. SELECTION AND AWARD PROCESS

The purpose of the Statement of Qualifications is to demonstrate the consultant’s qualifications, competence, capability and capacity to meet the Port’s requirements. An evaluation team will review the proposals submitted and rank each based on the evaluation criteria specified below. The Port may require additional information after the review of the initial information received. Discussions may be conducted individually with firms who submit responsive proposals and who are determined reasonably qualified for award of the contract. The Port reserves the right to reject any and all submittals and does not guarantee a contract will be awarded. All costs associated with the preparation of the proposals, site visits, presentations, and any other costs are the responsibility of the submitting firms. Responding to this RFQ constitutes understanding and agreement to methods of evaluation and selection.

a. Evaluation Criteria

Evaluation of the proposals received may consider but shall not be limited to the following review criteria:

- **General Quality and Adequacy of Response**
 - Completeness and thoroughness
 - Understanding of the project
- **Organization, Personnel, and Experience**

- Qualifications and experience of individuals who will perform and supervise the work requested by the Port
- Technical capabilities of the firm
- Experience with similar projects
- Knowledge and familiarity with the Port, City of Beaumont and Jefferson County
- Experience in providing appraisal services for the purpose of selling municipal-owned real property
- Qualification/accreditation as a review appraiser
- Firm's history of ethics violations or board actions
- **Outcomes**
 - Demonstrated timeliness on similar projects
- **Availability**
 - Capability to meet schedules and deadlines
 - Current workload and ability to commence requested projects
 - Ability to work closely with Port Staff
 - Demonstrated commitment to maintaining staff continuity for the project

b. Right to Reject Proposals and Negotiate Contract Terms

The Port reserves the right to reject any one or more submittals solely at its own discretion, as it may deem to be in the best interests of the Port. In addition, the Port reserves the right to request additional information from any and all firms, to waive any informalities, irregularities or omissions in any response and, prior to the response deadline to change any portions or requirements of this RFQ, provided notice of the same shall be given to all persons or entities receiving this RFQ. The Port reserves the right to negotiate the terms of the contract, including the reimbursement rates, with the selected Proposer prior to entering into a contract. If contract negotiations cannot be concluded successfully with the highest scoring Proposer, the Port may negotiate a contract with the next highest scoring Proposer and so on until an agreement is reached.

5. INSURANCE AND INDEMNIFICATION

- a. The Consultant will maintain professional liability insurance during the term of this agreement in an amount of not less than \$1,000,000 per occurrence or annual aggregate and, if the policy is on a claims made basis, for a period of not less than five (5) years after the Project is complete, and provide proof of such continuing coverage.
- b. Consultant will further maintain general commercial liability coverage with minimum combined single limit of \$1,000,000 for property damage and damages resulting from bodily injury or death.

- c. With respect to the above required liability insurances, the Port will:
 - i. Be named as additional insured for general liability insurance.
 - ii. Be provided with a waiver of subrogation, in favor of Port.
 - iii. Be provided with 30 days advance written notice of cancellation, nonrenewal, or reduction in coverage.
 - iv. Prior to execution of the Agreement, be provided with either their original Certificate of Insurance or insurance policy evidencing the required limits and requirements, subject to approval by the Port Attorney's Office.

d. Indemnification

The Respondent will indemnify, hold harmless and defend the Port and its employees, agents, officers and servants from any and all lawsuits, claims, demands and causes of action of any kind arising from the negligent or intentional acts errors or omissions of the Contractor, its officers, employees or agents. This will include, but not be limited to, the amounts of judgements, penalties, interest, court costs, reasonable legal fees, and all other expenses incurred by the Port arising in favor of any party, including the amounts of any damages or awards resulting from claims demands and causes of action for personal injuries, death or damages to property alleged or actual infringement of patents, copyrights, and trademarks and without limitation by enumeration, all other claims, demands, or causes of action of every character occurring, resulting, or arising from any negligent or intentional wrongful act, error or omission of the Contractor or its agents or employees. This obligation by the Contractor will not be limited by reason of the specification of any particular insurance coverage required under this Agreement.

6. OFFER AND CERTIFICATIONS

- a. Submission of the Statement of Qualification constitutes an offer which shall remain open and irrevocable for a period of 90 days from the due date for submitting the Statement of Qualifications, as stated in Section 2.a.
- b. Submission of a Qualification Proposal indicates the acceptance by the firm of the conditions contained in this RFQ unless clearly and specifically noted in the Qualification submitted and confirmed in the contract between Port and the firm selected. The Port reserves the right without prejudice to reject any or all submissions.
- c. By submitting a proposal the Proposer certifies that Proposer is not debarred or excluded from bidding by any Federal agency; has not been convicted within a three-year period or had a civil judgement against them for commission of fraud in obtaining or performing a public contract, has not within a three-year period been terminated on a public contract for cause or default.
- d. By submitting a proposal, each Proposer certifies that it is a duly qualified, capable, and bondable business entity, that it is not in or contemplating bankruptcy or

receivership and that it is not currently delinquent with respect to payment of taxes assessed by any political subdivision.

REFERENCE DATA SHEET

REPRODUCE SHEET AS NECESSARY

Provide the name, organization and phone number of four or more former governmental and/or commercial clients for whom the proposer has performed similar or like services to those being offered herein.

Client: _____

City: _____ State: _____

Contact Person: _____ Title: _____

Phone Number: _____

Project Begin & End Date: _____

Services Provided:

PROPOSER DATA SHEET

Proposing Company Name: _____

City: _____ State: _____

Federal Employer Identification Number: _____

OR Social Security Number (if sole proprietorship): _____

Corporation: YES [] NO []

Proposal Contact Person:

Name: _____

Title: _____

Phone: _____ Fax Phone: _____

Email: _____

Mailing address where reimbursements are to be mailed and person the department should contact concerning billing:

Name: _____

Title: _

Phone: _____ Fax Phone: _____

Email: _____

Is the firm submitting this proposal as an individual?

YES [] NO []

Additional Requirements:

State Required Affidavits/Certifications

(i) Awarded Firm(s): Submission of FORM 1295 (Texas Ethics Commission)

As of January 1, 2016, per House Bill 1295, the Texas Ethics Commission (TEC) requires **all awarded vendors*** to complete a Certificate of Interested Parties (FORM 1295) at time of notification of award. **Awarded Proposers** (for contracts under this RFQ) must visit the TEC website link below, enter the required information on Form 1295, and print a copy of the completed form. The form will include a certification of filing that will contain a unique certification number.

At the time of award, the District will submit a request to the Awarded Proposer (for a contract under this RFQ) to both:

1. Submit FORM 1295 online via the Texas Ethics Commission website link below.
2. Submit a printed copy of FORM 1295, signed by an Authorized Agent of the Awarded Proposer and notarized to the District.

*Form 1295 is not required for the following contracts if entered into or amended on or after January 1, 2018: (1) a sponsored research contract of an institution of higher education; (2) an interagency contract of a state agency or an institution of higher education; (3) a contract related to health and human services if: 1. (a) the value of the contract cannot be determined at the time the contract is executed; and 2. (b) any qualified vendor is eligible for the contract; (4) a contract with a publicly traded business entity, including a wholly owned subsidiary of the business entity; (5) a contract with an electric utility, as that term is defined in Section 31.002, Utilities Code, or (6) a contract with a gas utility, as that term is defined by Section 121.001, Utilities Code.

FORM 1295, Completion Instructions, and Login Instructions are available via the Texas Ethics Commission Website

at: https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

(ii) Senate Bill 252

(ii) House Bill 89

House Bill 89 Verification

I, _____ (Person name), the undersigned representative (hereinafter referred to as “Representative” of _____

_____ (company or business name, hereafter referred to as “Business Entity”), being an adult over the age of eighteen (18) years of age, after being duly sworn by the undersigned notary, do here depose and affirm the following:

1. That Representative is authorized to execute this verification on behalf of Business Entity;
2. That Business Entity does not boycott Israel and will not boycott Israel during the term of any contract that will be entered into between Business Entity and the Port of Beaumont Navigation District of Jefferson County, Texas and
3. That Representative understands that the term “boycott Israel” is defined by Texas Government Code Section 2270.001 to mean refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israel-controlled territory, but does not include an action made for ordinary business purposes.

SIGNATURE OF REPRESENTATIVE

SUBSCRIBED AND SWORN TO BEFOR ME, the undersigned authority on
this _____ day of _____ 20 _____

Notary Public

**SB 252
CHAPTER 2252 CERTIFICATION**

I, _____, the undersigned

Representative of _____
(Company or Business Name)

being an adult over the age of eighteen (18) years of age, pursuant to Texas Government Code, Chapter 2252, Section 2252.152 and Section 252.153, certify that the company named above is not listed on the website of the Comptroller of the State of Texas concerning the listing of companies that are identified under Section 806.051, Section 807.051 or Section 2253.153. I further certify that should the above-named company enter into a contract that is on said listing of companies on the website of the Comptroller of the State of Texas which do business with Iran, Sudan or any Foreign Terrorist Organization, I will immediately notify the Port of Beaumont Navigation District of Jefferson County, Texas.

Name of Company Representative (Print)

Signature of Company Representative

Date