

**REQUEST FOR QUALIFICATIONS
FOR ENGINEERING SERVICES**

**Port of Beaumont Navigation District
of Jefferson County, Texas**

September 20, 2018

In accordance with Texas Government Code §2254, the Port of Beaumont Navigation District of Jefferson County, Texas will receive Qualification Submittals for engineering services from multi-disciplined engineering firms to provide supplemental engineering services on the Port of Beaumont's Island Park Terminal (operated by Allegiant Industrial Island Park, LLC). Engineering services requested under this Request for Qualifications are supplemental to the services provided to the Port of Beaumont by the Port of Beaumont Consulting Engineers and are services to be performed for the Island Park Terminal ("Island Park Terminal Supplemental Engineering Services"). A multi-disciplined engineering firm will be selected on the basis of the qualifications and experience of the engineering firm, the level of comprehension of the services required and demonstrated competence and qualifications in providing required services for the Port of Beaumont.

QUALIFICATION SUBMITTAL REQUIREMENTS

Qualification Submittals will be accepted until 5:00 p.m. local time, Thursday, October 11, 2018. Submittals received after that date and time will not be considered.

Qualifications shall be submitted with three (3) copies and marked "QUALIFICATIONS FOR PORT SUPPLEMENTAL ENGINEERING SERVICES FOR ISLAND PARK TERMINAL – PORT OF BEAUMONT". Qualifications shall be submitted to David C. Fisher, Port Director and CEO, Port of Beaumont at 1225 Main Street, Beaumont, Texas 77701.

Qualification Submittals shall include a title page listing the full company/firm name, address, phone number and email of the proposer (engineering firm) and the name, title and signature of the company/firm representative authorized to make the Qualifications Submittal.

REQUIRED ENGINEERING SERVICES

Disciplines required in these categories may include marine, civil, structural, electrical, and mechanical engineering design, environmental, planning, construction administration, construction inspection, surveying and program management. The Island

Park Terminal Supplemental Engineering Services required of the engineer shall include, but not be limited to:

1. Perform project design engineering and construction management for specific projects on the Island Park Terminal as assigned by the Port and/or the Port's Construction Manager Agent.
2. Perform facility maintenance and condition surveys and general engineering services required for the maintenance/improvement of facilities on the Island Park Terminal as assigned by the Port and/or the Port's Construction Manager Agent.

The above listing of requirements is intended to provide an engineering firm with an understanding of the nature and purpose of the supplemental engineering services required. It is not intended to be a totally exhaustive listing of required supplemental engineering services nor a guarantee of assignment of/contracting for any specific engineering services.

COMPANY/FIRM GENERAL INFORMATION

Firms submitting qualifications shall provide general information regarding the firm's history, organization, officers, expertise and other general introductory information relevant to this Request for Qualifications.

KEY PERSONNEL/QUALIFICATIONS

Firms submitting Qualifications shall indicate the individuals that would be assigned to provide the multi-disciplined engineering services required and serve as the primary port consulting engineer(s), along with any key support staff and/or associates that will play a significant role in the planning, implementation, design and construction management of projects on the Island Park Terminal. The key personnel must possess substantial knowledge of and experience for the performance of the required services. Resumes and other information relating to the background and qualifications of key personnel and leaders assigned should be included in the Qualification Submittals.

EXPERIENCE/REFERENCES

Include a list of your firm's most representative projects/clients similar to that required under this Request for Qualifications (LIMIT TO TOP TEN (10) PROJECTS/REFERENCES). Include a brief description of the project or work performed (work experience) along with a point of contact (reference) that the Port may use to research qualifications references and experience. All client listings will be used

only for the purpose of selecting engineers for the work required under this Request for Qualifications.

SELECTION CRITERIA

The following criteria will be used in selecting an engineering firm and subsequent award of a contract, as applicable.

1. Demonstrated competence and qualifications regarding the firm's ability to perform the required services.
2. Professional background and expertise of the primary engineer(s) and key personnel assigned to perform the required services.
3. Degree of interest and comprehension shown in performing the work and the comprehensive nature of the Qualifications Submittal.
4. Presence of local area office or method of allocation of required engineering services timely as needed by the Port.

Upon review and evaluation of the Qualification Submittals, the Port, at its sole discretion, may conduct interviews of selected firms before making a final selection.

The award of a contract for the services shall be made, in accordance with Texas Government Code §2254.003 and §2254.004, to the responsible proposer whose qualifications and demonstrated competence is determined to be the best and most qualified evaluated submittal for the Port of Beaumont as set forth above in this Request for Qualifications.

FEES

Firms submitting their Qualifications shall not include any fee schedules or project cost estimates for engineering services in their submittals. Upon selection of the most qualified provider in accordance with Texas Government Code §2254.004, a contract shall be negotiated, including negotiation of fair and reasonable fees, with the most qualified provider (engineering firm) in accordance with Texas Government Code §2254.003.

The award of a contract for the services shall be made to the responsible proposer whose Qualifications is determined to be the best and most qualified evaluated offer resulting from negotiation giving consideration to the evaluation set forth above in this Request for Qualifications.

GENERAL CONDITIONS/INFORMATON

Nothing in this Request for Qualifications is intended to exclude any responsible firm from submitting a Qualification Submittal. All responsible firms are encouraged to submit Qualifications.

No person has the authority to verbally alter the provisions contained in this Request for Qualifications. Any revisions or amendments to this Request for Qualifications must be made in writing and approved by the Port Director & CEO. In the event said revisions or amendments are approved, these will be forwarded to each firm holding a Request for Qualifications.

Information provided in a Qualification Submittal shall not be disclosed to competing proposers until a contract for the project is awarded. After a contract for the project is awarded, Qualifications shall be opened for public inspection except for information specified in a program as a trade secret or as confidential, and such information shall be kept confidential; however, the proposer shall bear all cost and expense that may arise if an open records request is made for information identified as a trade secret or confidential in a Qualification Submittal, and the Port proceeds with a request for an Attorney General's opinion as to whether the information identified is a trade secret or should remain confidential and not subject to the disclosure under the Texas Public Information Act.

By approval of this Request for Qualifications, the Port Commission of the Port states that it will reserve the right that it will conduct negotiations with responsible offerers submitting Qualifications and will accord fair and equal treatment with respect to any opportunity for negotiation, and if deemed in the best interest of the Port, revision of Qualifications. The Port acting by and through its Port Commission reserves the right to permit revisions to Qualifications after the submission of a Qualifications and before award of a contract for the project; however, if any revision changes the project specified in the Request for Qualifications, all firms submitting qualifications shall have an opportunity to submit revisions prior to the close of negotiations and the award of a contract for the project.

All companies wishing to submit Qualifications may contact David C. Fisher, Port Director & CEO at 409-835-5367 or by email at dcf@portofbeaumont.com, to arrange to visit the Port to observe the site and obtain additional information as deemed appropriate for formulating a proposal for a Qualifications Submittal.

Any person or business enterprise proposing to contract or contracting with the Port commits an offense punishable under the Texas Penal Code if said person or business enterprise offers, confers or agrees to confer any benefit as consideration for a decision, opinion, recommendation, vote or exercise of discretion by a commissioner or in exchange for a commissioner exercising his official powers or performing his official duties that result in any violation of law or the policies and procedures of the Board of Port Commissioners. Any person or business enterprise engaging in such conduct may, in addition to being subject to criminal penalties, have proposed or existing contracts with

the Port terminated and may be excluded from future business relations with the Port for a period of time as determined by the Board of Commissioners of the Port.

The successful proposer will be required to execute an Engineering Services Agreement between the Port and the proposer. The Port may provide the form of Engineering Services Agreement with the enumerated services set forth above included and consider in that proposal other terms and conditions including fees for various services to be negotiated between the Port and the successful proposer. The successful proposer may submit a draft Engineering Services Agreement to the Port for consideration with the understanding that the Port is not obligated to undertake the execution of any proposer submitted agreement that it deems to be not within the best interest of the Port.

Obligation of the Port of Beaumont to Receive Information from the Winning Respondent

Described hereinafter is a new obligation of the District to receive information from winning respondent if respondent is not a publically traded business entity (a “Privately Held Bidder”). Effective January 1, 2018, pursuant to Texas Government Code Section 2252.908 (the “Interested Party Disclosure Act”), the District may not enter into an agreement for professional engineering services unless such party submits a Certificate of Interested Parties Form 1295 (the “Disclosure Form”) to the District as prescribed by the Texas Ethics Commission (“TEC”).

PROCESS FOR COMPLETING THE DISCLOSURE FORM. The Disclosure Form can be found at <http://www.ethics.staute.tx.us/forms/1295.pdf>, and reference should be made to the following information in order to complete it: (a) item 2 – Port of Beaumont Navigation District of Jefferson County, Texas, (b) item 3—the identification number (_____), and (c) item 3-description of goods or services assigned to this contract by the Port of Beaumont.

The Port of Beaumont cannot accept your bid unless and until you:

- (1) complete the Disclosure Form electronically at the TEC’s electronic portal; and
- (2) print, sign, and deliver a copy of the Disclosure Form and Certification of Filing as generated by the TEC’s electronic portal.

These materials must be electronically delivered to Tracy Mill’s with the Port of Beaumont at tm@portofbeaumont.com.

Time will be of the essence in submitting the form to the Port of Beaumont, and no bid will be accepted by the Port of Beaumont unless a completed Disclosure Form is received on time.

Neither the Port of Beaumont nor its consultants have the ability to verify the information included in the Disclosure Form, and neither have an obligation nor undertake responsibility for advising bidder with respect to the proper completion of the Disclosure Form. Consequently, an entity intending to bid on the Project should consult its own advisors to the extent it deems necessary and be prepared to submit the completed form

promptly upon notification from the Port of Beaumont that its bid is the conditional winning bid.

Additional Condition of Award—Compliance with H.B. 89 and SB 252, 85th Texas Legislature

Pursuant to Section 2270.002 of the Texas Government Code requires each respondent to verify it does not boycott Israel and, except to the extent required by applicable federal law, will not boycott Israel through the term of the agreement. For purposes of this verification, “boycott Israel” means 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. See attached form.

Pursuant to Subchapter F, Chapter 2252, Texas Government Code, to the extent applicable, each respondent, represent that it (including any wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of the respondent) is not a company (as defined in Section 2270.0001(2), Texas Government Code) engaged in business with Iran, Sudan, or a foreign terrorist organization (as defined in Section 2252.151(2), Texas Government Code) and that it is not on a list prepared and maintained by the Comptroller of Public Accounts of the State of Texas under Sections 2270.0201 or 2252.153, Texas Government Code. See attached form.

David C. Fisher
Port Director & CEO

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