



**REQUEST FOR QUALIFICATIONS (RFQ)  
FOR  
RIGHT-OF-WAY ACQUISITION SERVICES  
FOR THE  
EASTSIDE SEWER PROJECT**



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## REQUEST FOR STATEMENT OF QUALIFICATIONS

The City of Stephenville is soliciting sealed request for statement of qualifications; hereinafter referred to as RFQ, to be received by the City Secretary's Office located at 298 W. Washington Street, Stephenville, Texas 76401. City of Stephenville normal business days are Monday through Friday between the hours of 8:00 a.m. to 5:00 p.m. and shall be closed on recognized holidays. RFQS will be received until **3:00 p.m. Central Time, on Tuesday, April 4, 2017**. Any RFQ received after the closing time will not be accepted and will be returned to the submitter unopened. It is the responsibility of the submitter to ensure any RFQ submitted shall have sufficient time to be received by the City Secretary's Office prior to the RFQ submittal deadline. The receiving time in the City Secretary's Office will be the governing time for acceptance of the RFQ. RFQs will not be accepted by telephone or facsimile machine. All RFQS must bear original signatures and figures.

The RFQ shall be for:

### RIGHT-OF-WAY ACQUISITION SERVICES – EASTSIDE SEWER

**Respondents receiving a "NOTICE TO RESPONDENTS" and/or "REQUEST FOR STATEMENT OF QUALIFICATIONS" notice in standard and/or electronic mail or reading same in the newspaper are advised that the solicitation documents can be downloaded as a link from the City of Stephenville web page address: [www.stephenvilletx.gov](http://www.stephenvilletx.gov), or copies may be obtained of same by contacting the City of Stephenville Public Works Department, located at 298 West Washington Street, Stephenville, TX 76401 or by calling (254) 918-1223 or by e-mailing your request to the following e-mail address: [nwilliams@stephenvilletx.gov](mailto:nwilliams@stephenvilletx.gov).**

If you have any questions or require additional information regarding this RFQ, please contact **Nick Williams P.E. CFM**, Director of Public Works, at (254) 918-1223.

Hand Delivered RFQS: 298 W. Washington Street  
C/o City Secretary

If using Land Courier (i.e. Fed-Ex, UPS): City of Stephenville  
C/o City Secretary  
298 W. Washington Street  
Stephenville, Texas 76401

If Mailing Proposals: City of Stephenville  
298 W. Washington Street  
C/o City Secretary  
Stephenville, Texas 76401

The City of Stephenville reserves the right to refuse and reject any or all RFQs and to waive any or all formalities or technicalities and to accept the RFQ deemed most advantageous to the City, and hold the RFQs for a period of up to **90** days without taking action. RFQs must be submitted in an envelope sealed with tape and prominently marked on the lower left hand corner of the envelope with the corresponding RFQ title, **RIGHT-OF-WAY ACQUISITION SERVICES – EASTSIDE SEWER**. Please read the requirements thoroughly and be sure the RFQ offered complies with all requirements/specifications noted.

Any variation from the solicitation requirements/specifications must be clearly indicated by letter, on a point by point basis, attached to and made a part of the RFQ. If no exceptions are noted, the successful respondent will be required to provide the service(s) as specified.

#### **PURPOSE**

The purpose of this solicitation document is to execute a Professional Services Agreement for:

#### **RIGHT-OF-WAY ACQUISITION SERVICES – EASTSIDE SEWER**

#### **INTENT**

The services to be provided under this RFQ shall be in accordance with and shall meet all specifications and/or requirements as shown in this solicitation for RFQ. There is no intention to disqualify any respondent which can meet the specified requirements.

#### **SUBMITTAL OF RFQ**

RFQs shall be submitted in a sealed envelope and are to be prominently identified as referenced in this solicitation. Five (5) complete sets of the response with One (1) original marked "**ORIGINAL,**" and Four (4) copies marked. RFQs submitted by facsimile (fax) or electronically shall **NOT** be accepted.

#### **Submittal of an RFQ in response to this solicitation constitutes an offer by the respondent.**

Once submitted, RFQs become the property of the City of Stephenville and as such the City reserves the right to use any concepts contained in any RFQ regardless of whether that respondent/firm is selected. Submission of an RFQ in response to this solicitation, by any respondent, shall indicate that the respondent(s) has/have accepted the conditions contained in the RFQ, unless clearly and specifically noted otherwise in the RFQ submitted and confirmed in the agreement between the City and the successful respondent. RFQs which do not comply with these requirements may be rejected at the option of the City. RFQs must be received by the City of Stephenville before the specified submittal deadline including day and hour. **No late RFQs will be accepted.** RFQs received after the deadline will be returned to respondent unopened (if properly identified). Failure to meet RFQ requirements may be grounds for disqualification.

#### **TIME ALLOWED FOR ACTION TAKEN**

The City of Stephenville may hold RFQs up to **90** days after the deadline without taking action. Respondents are required to hold their RFQs firm for that same period of time.

#### **RIGHT TO REJECT/AWARD**

The City of Stephenville reserves the right to reject any or all RFQs, to waive any or all formalities or technicalities, and to make such awards of agreement as may be deemed to be the best and most advantageous to the City of Stephenville.

## **ASSIGNMENT**

Respondents are advised that the City of Stephenville shall not allow the successful respondent to sell, assign, transfer, or convey any part of any contract/agreement resulting from this RFQ in whole or in part, to a third party without the written approval of the City of Stephenville.

## **AWARD**

Respondents are advised that the City of Stephenville is soliciting RFQs and that the award of any agreement, if awarded, shall be made to the respondent that, in the sole opinion of the City of Stephenville, is the best qualified.

## **STATUTORY REQUIREMENTS**

It shall be the responsibility of the successful respondent to comply with all applicable State & Federal laws, Executive Orders and Municipal Ordinances, and the Rules and Regulations of all authorities having jurisdiction over the work to be performed hereunder and such shall apply to the agreement throughout, and the successful respondent will be deemed to be included in the agreement as though written out in full in the agreement documents.

## **ALTERATIONS/AMENDMENTS TO RFQ**

An RFQ **CANNOT** be altered or amended after submittal. No RFQ may be withdrawn after submittal without reasoning acceptable to the City of Stephenville, in writing, and only after approval by the City of Stephenville.

## **NO RESPONSE TO RFQ**

If unable to submit an RFQ, respondent should return inquiry-giving reasons.

## **LIST OF EXCEPTIONS**

The respondent shall attach to the RFQ a list of any exceptions to the specifications/requirements.

## **RESPONDENT'S EMPLOYEES**

Neither the Respondent nor Respondent's employees engaged in fulfilling the terms and conditions of the Service Agreement shall be considered employees of the City. The method and manner of performance of such undertakings shall be under the exclusive control of the respondent / vendor. The City shall have the right of inspection of said undertakings at any time.

## **INDEMNIFICATION CLAUSE**

The Respondent agrees to indemnify and hold City harmless, from all suits and actions of every nature and description brought against City or any employee, for or on account of the use of patented appliances, products or processes, and Respondent shall pay all royalties and charges which are legal and equitable. Evidence of such payment or satisfaction shall be submitted upon request of the City of Stephenville, as a necessary requirement in connection with the final estimate for payment in which such patented appliance, products or processes are or were used.

## **INTERPRETATIONS**

Any questions concerning the project and/or specifications/requirements with regards to this solicitation for statement(s) of qualifications shall be directed to the designated individuals as outlined in the RFQ. Such interpretations, which may affect the eventual outcome of this request for statements of qualifications, shall be furnished in writing to all prospective Respondents via Addendum. No interpretation shall be considered binding unless provided in writing by the City of Stephenville in accordance with the paragraph entitled "**Addenda and Modifications**".

## **PAST PERFORMANCE**

The Respondent's past performance shall be taken into consideration in the evaluation of the RFQ submittal.

## **JURISDICTION**

Any agreement(s) executed as part of this solicitation shall be subject to and governed under the laws of the State of Texas. Any and all obligations and payments are due and performable and payable in Erath County, Texas.

## **RIGHT TO AUDIT**

The City of Stephenville reserves the right, but not the obligation, to audit the respondent's / vendor's books and records relating to the performance of this Agreement. The City of Stephenville, at its own expense, shall have the right, at all reasonable times during normal business hours and upon at least twenty-four (24) hours' advance notice, to audit, to examine, and to make copies of or extracts from the books of account and records maintained by the respondent / vendor with respect to the Supply/Service and/or Purchase Contract. If such audit shall disclose overpayment by City to respondent / vendor, written notice of such overpayment shall be provided to the vendor and the amount of overpayment shall be promptly reimbursed by respondent / vendor to the City. In the event any such overpayment is not remedied within five (5) business days after receipt of such notice, the unpaid amount of such overpayment shall bear interest at the rate of one percent (1%) per month from the date of notice until remedied.

## **VENUE**

The parties agree that venue for purposes of any and all lawsuits, cause of action, arbitration, and/or any other dispute(s) shall be in Erath County, Texas.

## **CONFLICT OF INTEREST**

CHAPTER 176 OF THE TEXAS LOCAL GOVERNMENT CODE Effective January 1, 2006, Chapter 176 of the Texas Local Government Code requires that any vendor or person considering doing business with a local government entity disclose in the Questionnaire Form CIQ, the vendor or person's affiliation or business relationship that might cause a conflict of interest with a local government entity. By law, this questionnaire must be filed with the records administrator of the City of Stephenville not later than the 7th business day after the date the person becomes aware of facts that require the statement be filed. See Section 176.006, Local Government Code. A person commits an offense if the person violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor. For more information or to obtain Questionnaire CIQ visit the Texas Ethics Commission web page at [www.ethics.state.tx.us/forms/CIQ.pdf](http://www.ethics.state.tx.us/forms/CIQ.pdf).

**IF RESPONDENT HAS ANY QUESTIONS ABOUT COMPLIANCE, RESPONDENT IS ENCOURAGED TO CONSULT PRIVATE LEGAL COUNSEL. COMPLIANCE IS THE INDIVIDUAL RESPONSIBILITY OF EACH FIRM, PERSON AND/OR AGENT OF A PERSON WHO IS SUBJECT TO THE FILING REQUIREMENT. AN OFFENSE UNDER CHAPTER 176 IS A CLASS "C" MISDEMEANOR.**

### **CERTIFICATE OF INTERESTED PARTIES (Form 1295)**

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016. For more information go to the Texas Ethics Commission web page at [www.ethics.state.tx.us/forms/CIQ.pdf](http://www.ethics.state.tx.us/forms/CIQ.pdf).

### **CONFIDENTIALITY OF INFORMATION AND SECURITY**

Should the successful respondent become the holder of and/or have access to confidential information in the process of fulfilling the responsibilities in connection with an awarded contract, the successful respondent agrees that such information shall be kept confidential and will comply fully with the laws and regulations of the State of Texas, ordinances and regulations of the City, and any applicable federal laws and regulations relating to confidentiality.

### **TERMINATION OF CONTRACT**

The City of Stephenville reserves the right to terminate the contract if, in the opinion of the City of Stephenville, the successful respondent's / vendor's performance is not acceptable, no funds are available, or if the City wishes, without cause, to discontinue the agreement. Termination terms will be in written form allowing a 30-day notice.

### **RESPONSE DEADLINE**

Responses to the RFQ must be addressed to Nick Williams, P.E. CFM, Director of Public Works, City of Stephenville, 298 W. Washington Street and must be received by the City Secretary's Office on or before **April 4, 2017 until 3:00 p.m.** for consideration. One (1) original and four (4) copies of complete sets of the response must be submitted **in a sealed envelope** no later than the above stated submittal deadline including date and time indicating the contents are in response to the RFQ for **"RIGHT-OF-WAY ACQUISITION SERVICES – EASTSIDE SEWER"**.

**Respondents are advised that all confidential records must be submitted in a separate sealed envelope and marked accordingly.**

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C/o City Secretary

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Stephenville, Texas 76401

## **ADDENDA AND MODIFICATIONS**

Any changes, additions, or clarifications to the RFQ will be made by amendments (addenda). Any respondent in doubt as to the intended meaning of any part of the RFQ or other documents may request an interpretation from the City of Stephenville Department of Public Works. At the request of the respondent, or in the event the City of Stephenville Department of Public Works deems the interpretation to be substantive, the interpretation will be made by written addendum. Said Addenda shall be mailed, e-mailed, hand delivered and/or faxed, to the prospective respondents. All Addenda issued in respect to this RFQ shall be considered official changes to the original documents. Verbal statements in response to inquiries and/or requests for explanations shall not be authoritative or binding. It shall be the respondent's responsibility to ensure that respondent has received any and/or all Addenda in respect to this project.

Furthermore, respondents are advised that respondent must recognize, comply with, and attach a signed copy of each Addendum, which shall be made part of Respondent's RFQ Submittal. Respondent(s) signature on Addenda shall be interpreted as the respondent's "recognition and compliance with" official changes as outlined by the City of Stephenville and as such are made part of the original solicitation documents. Failure of any respondent to receive any such addendum or interpretation shall not relieve such respondent from the terms and requirements. Any addendums will be made available online at [www.stephenvilletx.gov](http://www.stephenvilletx.gov).

## **RFQ PREPARATION COSTS**

The City of Stephenville shall not be held liable for any costs incurred by any respondent for work performed in the preparation of and production of an RFQ or for any work performed prior to execution of contract.

## **EQUAL EMPLOYMENT OPPORTUNITY**

Respondent agrees that respondent will not discriminate in hiring, promotion, treatment, or other terms and conditions of employment based on race, sex, national origin, age, disability, or in any way violate Title VII of 1964 Civil Rights Act and amendments, except as permitted by said laws.

## **AUTHORIZATION TO BIND RESPONDENT TO RFQ**

RFQs MUST give full firm name and address of respondent, and be manually signed. Failure to do so will disqualify the submitted RFQ. The individual signing the bid proposal must show title and AUTHORITY TO BIND RESPONDENT'S FIRM IN A CONTRACT. Firm name and authorized signature must appear on each page that calls for said information.

The legal status of the Respondent whether corporation, partnership, or individual, shall also be stated in the RFQ. A corporation shall execute the RFQ by its duly authorized officers in accordance with its corporate by-laws and shall also list the state in which it is incorporated. A partnership Respondent shall give full names and addresses of all partners. All partners shall execute the RFQ. Partnership and Individual Respondent shall state in the proposal the names and addresses of all persons with a vested interest therein. The place of residence of each Respondent, or the office address in the case of a firm or company, with county and state and telephone number, shall be given after the signature.

**Confidential Information Respondents are advised that all confidential records must be submitted in a separate sealed envelope and marked accordingly.**



## **GENERAL**

The City of Stephenville is currently seeking to retain qualified, professional Right-of-Way Acquisition Services in connection with the City of Stephenville Eastside Sewer Project assisted by the Clean Water State Revolving Fund (CWSRF), which is administered by the Texas Water Development Board. The services request is to provide the following acquisition services: appraisal (as necessary), negotiation, escrow, title coordination, project management and administrative services. Generally, the selected right-of-way acquisition service(s) will be expected to perform the services in accordance with the Scope of Services and in accordance with the requirements of this solicitation. This document outlines the requirements, selection process and documentation necessary to submit to this Request for Qualifications (RFQ).

## **SCOPE OF SERVICES**

The City of Stephenville is seeking statements of qualifications from firms interested in providing the City with the services to provide Right-of-Way Acquisition Services on an “as needed” basis. The required services will consist of, but are not limited to: review or provide appraisal (as necessary), negotiation, escrow, title coordination, project management and administrative services. Generally, the selected firm will be expected to perform the services in accordance with the Scope of Services and in accordance with the requirements of this solicitation.

Consultant services may include, but are not limited to:

1. Appraisal Services - Consisting of reviewing property appraisals, preparation of appraisal reports.

**(The City reserves the right to contract directly with Appraisers independent of this contract and provide said appraisals and reports to the Right-of-Way Consultant.)**

2. Negotiation Services - Consisting of negotiating with property owners for the purchase of partial or full properties, right-of-way, easements, relocation and temporary construction easements (TCE's). Preparation of all letters and documents required, including offer letters, appraisal summary agreements for purchase, and other documents as required, including relocation. All negotiation services shall be in accordance with State of Texas statutes and other applicable requirements, including, but not limited to review and approval by the City and State.

3. Escrow and Title Coordination Services - Consisting of addressing any necessary escrow and title work.

4. Project Management and Administrative Services - Consisting of attendance at meetings, general consultation on all right-of-way matters and all necessary tracking or clerical work associated with services provided including the preparation and submittal of any required acquisition reports to the Texas Water Development Board.

5. The selected firm must be licensed and/or certified in accordance with the Texas Appraisal Licensing and Certification Act, Occupations Code, Title 7 – Practices and Professions Related to Real Property and Housing, Subtitle A – Professions Related to Real Estate, Chapter 1103 – Real Estate Appraisers amended September 1, 2005 and any future amendment.

## **PAYMENT**

The method of payment to the selected respondent may be broken into progress payments based on actual contract rates charged to a particular task on a monthly basis. Each invoice submitted to the City for payment shall contain a brief description of the work billed on the invoice, total billed to date, total paid to date and, estimated amount remaining.

## **SUBMITTAL REQUIREMENTS**

The Right-of-Way Acquisition Services Request for Qualifications (RFQ) is requested to be submitted to the **City Secretary's Office at 298 West Washington Street, Stephenville, Texas 76401 no later than 3:00 PM on April 4, 2017.**

The RFQ must be submitted according to the instructions outlined herein. Each response should include, at a minimum, the following items:

1. Transmittal letter – Indicate interest and commitment to perform services for the City of Stephenville, include contact information (physical address, telephone, fax, cell phone, and email addresses) for the primary person responsible for the RFQ who will be the point of contact for the City on all correspondence and communications pertaining to the RFQ. State whether any addendums to this RFQ have been received and whether consideration of any addenda has been included in the RFQ. The letter must be signed by an officer of the firm who is authorized to bind the firm to contract and shall contain a statement to this effect;
2. Firm Qualification and Experience – Discuss the firm's experience and work history in related services, including any work with the Texas Water Development Board, in a timely manner, particularly for other governmental agencies in the past five (5) years. Discuss the firm's uniqueness to best perform these services for the City. Identify the office location that will be providing the services and the approach to staffing.
3. Team Member Qualifications and Experience – Submit resumes summarizing qualifications and experience of project manager, key staff and any support staff likely to be assigned to the work.
4. References – Provide at least three references (names and current phone numbers) from recent work and list all past projects with the City of Stephenville for each proposed team member. Include a brief description of the associated projects and the role of the individual.
5. Insurance - Provide information on the types and amounts of insurance carried by the firm, including General Liability, Auto Coverage, Worker's Compensation, and Professional Liability Coverage. A list of any insurance claims against the firm within the past 5 years.
6. Professional Services Agreement – Provide a Professional Services Agreement, including a cost proposal break down indicating a flat-fee per parcel cost with any additional costs associated with Appraisal, Title Examination, Condemnation, and Acquisition including any closing costs. Any costs associated with Appraisal and Title Examination, not performed by the respondent, shall be pass-through costs with a maximum ten percent (10%) markup. Any attorney's fees required, whether or not in connection with condemnation, shall be approved by the City of Stephenville prior to attorney engagement and shall be billed directly to the City at actual cost.
7. Presentation – Each firm must submit five (5), one (1) original and four (4) bound, copies of the RFQ.

## SELECTION PROCESS

Evaluation will include confirmation by City Staff that respondents have the required registration, license, insurance or expertise to render requested services. The selection Committee shall screen and rate all of the respondents that are submitted. Selection ratings will be based on 100-point scale rating and shall be based on the following criteria.

- |    |                     |           |
|----|---------------------|-----------|
| a. | Experience          | 60 points |
| b. | Work Performance    | 25 points |
| c. | Capacity to Perform | 15 points |

The City reserves the right to reject any and all RFQs. The City may waive informalities or irregularities in the RFQs received where such is merely a matter of form and not substance, and the correction or waiver thereof is deemed by the City not prejudicial to other RFQs.

After the selection of the most qualified firm, scope of services and billing will be finalized. The Agreement will then be submitted to the City Council for approval. If the City and the selected firm cannot successfully negotiate an agreement, then the City will enter into negotiations with the next best qualified firm on the evaluation rating list. This procedure may be repeated until an agreement is approved by the City Council.

The City currently anticipates the selection process proceeding in accordance with the below listed anticipated timeline. The timeline is subject to revision and the City reserves the right to modify the schedule as necessary, in its sole discretion.

### ANTICIPATED TIMELINE

RFQ Issued	March 3, 2017
Post RFQ on SBA website and City of Stephenville website	March 3, 2017
RFQ Submission Deadline (Delivered and Received)	April 4, 2017
RFQ Review	April 4, 2017 – April 28, 2017
City Council Selects Firm(s)	May 2, 2017

### **CITY CONTACT**

If you should have any questions regarding the preparation of the RFQ contact Nick Williams, P.E. CFM, Director of Public Works at (254) 918-1223 or [nwilliams@stephenvilletx.gov](mailto:nwilliams@stephenvilletx.gov).

**Responses to the RFQ must be addressed to City Secretary's Office, City of Stephenville, and received at City Hall, at 298 West Washington Street, Stephenville, Texas 76401 by April 4, 2017 and no later than 3:00 PM.** Five (5) complete sets of the response, no larger than 30 bound pages, must be submitted no later than the specified date and time. The RFQ is to be placed in a sealed envelope indicating the contents are in response to the Request for Qualifications for **RIGHT-OF-WAY ACQUISITION SERVICES – EASTSIDE SEWER.**