

**MCPHERSON IMPLEMENTING LOCAL REDEVELOPMENT AUTHORITY**  
**1794 Walker Avenue, SW**  
**ATLANTA, GEORGIA 30310**

March 2, 2014

**REQUEST FOR QUALIFICATIONS (RFQ)**  
**PROFESSIONAL ENVIRONMENTAL INSURANCE BROKERAGE SERVICES**  
**FORT MCPHERSON, GA**

**ATTENTION RESPONDENTS**

Your firm is hereby invited to submit qualifications to McPherson Implementing Local Redevelopment Authority (hereafter referred to as the "MILRA") to provide professional insurance brokerage services to assist in the placement and management of long-term environmental insurance (including, but not limited to, a Pollution Legal Liability or PLL Policy). The MILRA intends to obtain environmental insurance to cover pollution events on property being transferred to the MILRA by the U.S. Army at the Former Fort McPherson in Atlanta, Georgia. A successful respondent (or respondent team) will be selected by the MILRA based on a process as described below.

A Mandatory Pre-Application Conference will be held on **March 13, 2014 at 2:00 p.m.** at the offices of MILRA at 1794 Walker Avenue, SW, Atlanta, Georgia 30310. The purpose of the mandatory pre-application conference is to provide potential respondents with detailed information regarding the process and to address questions and concerns.

All potential respondents or their representatives are **required** to attend the pre-application conference. During the conference, the staff will address the request for qualification (RFQ) process, the project, and requirements for qualification submission.

Prior to the **Mandatory** Pre-Application Conference, all questions about the process and procedure may be directed to Darlene Hawksley by e-mail at [Darlene@mcphersonredevelopment.com](mailto:Darlene@mcphersonredevelopment.com) or by phone at (404) 477-6767. **All questions related to the substance of the RFQ shall be submitted to Ms. Hawksley in writing (either by e-mail or U.S. Mail).** All such substantive questions shall be answered publicly at the pre-application conference and/or by e-mail to all recipients of the RFQ.

Your complete response to this RFQ must be received by designated staff of MILRA at the offices of MILR at 1794 Walker Avenue, SW, Atlanta, Georgia 30310, **no later than 12:00 noon on March 31, 2014**. Absolutely no responses will be accepted **after 12:00 noon on March 31, 2014**.

MILRA reserves the right, in its sole discretion, to reject any submittal it considers to be non-responsive. MILRA reserves the right to cancel any and all solicitations and to accept or reject, in whole or in part, any and all submittals when it is in the best interest of MILRA. Should MILRA fail to reach agreement with any firm(s) initially selected by it, MILRA reserves the right to commence negotiations with the next highest ranked firm or team of firms. MILRA shall select the firm it considers best qualified and as providing the best value to MILRA in its sole discretion. MILRA may select a firm without an interview or may choose to interview all or a limited number of applicants. The cost of preparing responses will be the responsibility of the applicant and will not be reimbursed.

## **BACKGROUND**

Fort McPherson became the first permanent Army installation in the southeast on May 4, 1889. It is named in honor of Major General James Birdseye McPherson, a Union army general killed near the post during the Battle of Atlanta, July 22, 1864. Throughout its century of service to the country, the post was used as a general hospital during World Wars I & II, a prisoner of war camp, a training area for the Civilian Conservation Corps and a separation center. Most recently, historic Fort McPherson served as the home to Headquarters, U.S. Army Forces Command, Third U.S. Army and the U.S. Army Reserve Command.

Fort McPherson is located within the city limits of Atlanta, in Fulton County, Georgia. It is centrally located in the Atlanta metropolitan area, approximately four miles southwest of downtown Atlanta and three miles north of Atlanta's Hartsfield-Jackson International Airport. The surrounding properties are primarily residential to the south and west, a mixture of commercial and industrial to the east and a mixture of commercial and residential to the north.

Fort McPherson was closed under the Base Realignment and Closure Act (BRAC) of 2005. According to the *Base Redevelopment and Realignment Manual* published March 1, 2006 by the Department of Defense (DoD), the base closure and redevelopment process is affected by many federal, real property and environmental laws and regulations along with volumes of implementing guidance.

## **PROPERTY TRANSFER**

It is anticipated that approximately 425 of the 488 acres and 248 buildings and structures at the former Fort McPherson will be transferred to the MILRA by the U.S. Army in 2014. The Army's intent is to transfer the property that is the subject of this RFQ via a Finding of Suitability for Transfer (FOST) property transfer mechanism under an Economic Development Conveyance. MILRA anticipates receiving covenants under Section 120(h)(3) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") in conjunction with this transfer. The remainder of the property, which is currently not eligible for transfer via FOST, will either be retained by the U.S. Army until all necessary remedial actions are complete, or until conveyed to the MILRA under the covenant deferral provisions of Section 120(h) of CERCLA and supported by a Finding of Suitability for Early Transfer (FOSET). MILRA's overall goal is to gain ownership of and direct the redevelopment of the former Fort McPherson to create jobs and promote economic development. The approved Reuse Plan for Fort McPherson calls for the creation of a Science Park/Employment Center/Live, Work, Learn and Play Community.

The MILRA serves as the primary link between the DoD, the installation, the community, and Federal and State agencies for all base closure matters. The MILRA is "the single entity responsible for identifying local redevelopment needs and preparing a redevelopment plan for the Military Department to consider in the disposal of installation property. In this context, the term "redevelopment plan" means a plan that (1) represents local consensus on the redevelopment with respect to the installation and (2) provides for redevelopment of the property that becomes available because of the installation closure or realignment."

## **THE REQUEST FOR QUALIFICATIONS**

This Request for Qualifications for Professional Environmental Insurance Brokerage Services is hereby issued by MILRA in accordance with applicable law.

The purpose of this RFQ is to select an insurance broker that can successfully demonstrate their knowledge of the required insurance products and risk management processes and successfully acquire and assist in the management of the environmental insurance products needed for the property. The environmental insurance is intended to facilitate the transfer and redevelopment of the former Fort McPherson by:

- Assisting in identifying, managing and mitigating risks that emanate before, during and after property transfer.

- Addressing specific environmental risk exposure of the MILRA.
- Reassuring the MILRA, developers and DoD that the costs associated with the discovery of unforeseen pollution and necessary cleanup is controlled.

At a minimum, the long-term environmental for the property is expected to include a Pollution Legal Liability (PLL) policy which provides coverage for claims or losses associated with:

- Third-party legal liability claims, including on-site and off-site bodily injury and property damage.
- Unanticipated remediation costs from pollution conditions on, at, under or emanating from the covered location(s).
- Legal defense expense arising from on-site and off-site loss, or in connection with remediation expense.

PLL insurance requirements are anticipated to include, but not be limited to the following:

- The insurance carrier must be rated A.M. Best's A-FSC IX or better;
- Named Insured: recipient or its authorized contractor;
- Liability policy will include coverage for Bodily Injury, Property Damage and Remediation Costs;
- Liability policy will include coverage for Bodily Injury, Property Damage and Remediation Costs – New Pollution Incidents (New Conditions);
- Liability policy will include coverage for Bodily Injury, Property Damage and Remediation Costs – Non-Owned Locations Offsite;
- Liability policy will also include coverage for “regulatory re-openers” for all sites that have been closed out of the RCRA permit or closed in accordance with CERCLA NCP requirements;
- Policy Period: Minimum of ten (10) Years – Recipient will bind the liability policy within 90 days of selection of a preferred insurer;
- Minimum Aggregate Limit = \$5,000,000; and
- Minimum Each Pollution Incident = \$250,000.

Additional environmental insurance and instruments/policies will also be considered for the property, if such coverage is beneficial to the MILRA.

To more fully disclose what MILRA understands to date about the environmental condition of property being transferred via FOST, the following are available for review:

- Draft FOST for Fort McPherson dated April 2013
- Fort McPherson Environmental Characterization & Cleanup Documents (Library) on CD

Interested brokers should review and understand the content of these documents.

In addition to insurance, and all rights MILRA has under CRCLA and other applicable federal law, MILRA intends to have the following risk protections, at a minimum, in place during the property redevelopment:

- Program management oversight on all MILRA projects
- Contractor insurance policies & performance bonds
- Flow-down insurance requirements to all subcontractors
- Specific liability protections offered under the CERCLA Covenant, Warranty and Deed Provisions
- Environmental Compliance Plan requirements

### **INFORMATION AND INSTRUCTIONS TO RESPONDENTS**

The MILRA intends to obtain environmental insurance to cover pollution events on property being transferred to the MILRA by the Army at the Former Fort McPherson in Atlanta, Georgia. A successful respondent (or respondent team) will be selected by the MILRA based on a process as described below.

### **REQUEST FOR QUALIFICATIONS DEADLINE**

Your complete response to this RFQ must be received by designated staff of MILRA at the offices of MILRA at 1794 Walker Avenue, SW, Atlanta, Georgia 30310, **no later than 12:00 noon on March 31, 2014**. Absolutely no responses will be accepted **after 12:00 noon on March 31, 2014**. The submittals will not be opened publicly; only the names of the respondents shall be read aloud. Any submittal received after the time stipulated will not be considered and will be rejected and returned to the respondent. Submittal must be responsive to all requirements outlined herein. The delivery of the application to the MILRA prior to the deadline is solely and strictly the responsibility of the respondent. MILRA will in no way be responsible for delays caused by the United States Postal Service, Federal Express or other couriers or delays caused by any other occurrence. Faxed submittals are not acceptable. MILRA may, for good and sufficient reason, extend the response deadline, in which case all respondents that have attended the mandatory pre-qualifications conference shall be sent notification of the new date and time.

### **SELECTION PROCESS AND NEGOTIATION**

The MILRA may select one or more respondents for in-person interviews. Interviews, if necessary, are tentatively scheduled for April 10, 2014. The most responsive firm or respondent will then be identified and MILRA will proceed to the negotiation of an agreement. Selection criteria are listed below in the section marked "Selection Criteria". MILRA and the successful respondent would negotiate an agreement promptly following the selection. If a mutually satisfactory contract cannot be reached with the selected respondent, MILRA will enter into negotiations with the second-place respondent as determined under the selection criteria.

## SCHEDULE

It is anticipated that the solicitation and selection process shall be conducted in accordance with the following schedule; provided, however, that the MILRA reserves the right to modify this schedule in its discretion.

Advertisement of RFQ:	March 2, 2014
Mandatory Pre-Qualifications Conference:	March 13, 2014 – 2:00 p.m.
Qualifications Due:	March 31, 2014 – 12:00 noon
Interviews – tentative:	April 10, 2014
Respondent Selection – tentative:	April 15, 2014

## FORMAT OF RESPONSE

To be considered, respondents must submit a complete response to this Request for Qualifications. The format provided in this section is not negotiable. All qualification submittals shall be on 8.5” x 11” paper; one-sided print and not less than 11 point font. Overly elaborate color presentation or graphics are not a requirement and are discouraged. Brevity is encouraged. The entire submittal should not exceed 20 pages, excluding appendices and covers. Three paper copies (including a signed original) and an electronic PDF copy of the submittal are required. The envelope containing the documents must be sealed and labeled with the project name and delivered to:

Ms. Darlene Hawksley  
Director of Real Estate and Business Engagement  
McPherson Implementing Local Redevelopment Authority  
1794 Walker Avenue, SW  
Atlanta, Georgia 30310

[Darlene@mcphersonredevelopment.com](mailto:Darlene@mcphersonredevelopment.com)

Supplemental instructions, if any, issued by MILRA shall be written in the form of an addendum and sent to those who attended the mandatory pre-application conference. Failure of any respondent to receive an addendum or e-mail interpretation of this RFQ shall not relieve the respondent from any obligation under the RFQ. All addenda will become an integral part of this RFQ. The final application should include all required submittals. Failure to include each and every submittal may result in the rejection of your application. Applications should be clear and concise. Where appropriate, statistical information should be shown in tabular form. It will be assumed that you have fully complied with the specifications unless deviations are clearly noted on a separate page labeled “Deviations from Specifications.” **Federal, State, and local laws applicable to its activities including, but not limited to, 32 C.F.R. Part 33 and 32 C.F.R. Part 28.**

## **CONFLICT OF INTEREST**

The successful respondent shall be a firm or team of firms that has no conflict of interest concerning its potential entry into a formal contract with MILRA. Any potential conflicts of interest must be explained in your qualifications.

## **SUBMISSION REQUIREMENTS**

Following are minimum RFQ submission requirements. Failure to meet any one of these criteria may result in rejection of a submittal. Each section of your qualifications should be clearly labeled and meet the following submission requirements.

1. Qualifications will be accepted from brokers or insurance companies licensed to conduct business in the State of Georgia at the time the qualifications are submitted. All submittals shall be on 8.5" x 11" paper; one-sided print and not less than 11-point font. Overly elaborate color presentation or graphics are not a requirement and are discouraged.
2. Qualifications should include the following information and will be evaluated relative to each other based on the following criteria:
  - a. Introductory cover letter.
  - b. Firm description, including headquarters location and services provided by firm.
  - c. List of key firm personnel that would be assigned to this program including resumes for these personnel describing their relevant experience. Resumes should be included in an appendix and each resume should be no more than 2 pages in length.
  - d. Describe your knowledge of and experience representing clients in negotiations with parties responsible for the kind of environmental issues presented by this assignment. This description of experience should be minimally cross referenced with References requested below, although additional discussions beyond the work done for the References is encouraged.
  - e. Describe your general approach to the issues presented by this assignment, and particular issues you feel are critical. Your understanding of environmental issues related to BRAC sites and redevelopment are especially important, along with specific coverage you recommend.
  - f. Names of insurance companies who offer the type(s) of insurance requested in this RFQ whom you are authorized to represent and their A.M. Best rating.
  - g. Information regarding claims history for similar policies you have placed.
  - h. References. Please submit the names and telephone numbers of three (3) references, preferable from projects comparable to the project described in this RFQ.
  - i. Provide a proposed fee structure for the services requested.
3. Brevity is encouraged. The entire document should not exceed 20 pages, excluding appendices and covers. Three paper copies (including a signed original) and an electronic PDF copy of the document are required.

**MBE/FBE Participation:** MILRA seeks respondents who are committed to the practice of non-discrimination in the selection of team members and relationships with subcontractors, and will take into consideration the participation of Minority and Female Owned Business Enterprises, if any, in the evaluation process. All respondents shall include specific information regarding Minority and Female Owned Business Enterprise participation, if any.

**References and Additional Information and Comments:** Include any other information that you feel is pertinent but not specifically asked for herein. Please also provide personal and professional references that would allow the MILRA to further qualify the respondent's ability to accomplish the proposed development.

### **SELECTION CRITERIA**

Selection criteria that will be used to select the successful Respondent, presented in order of importance, include, but are not limited to:

1. Demonstrated ability to negotiate and place environmental insurance, including familiarity with the challenges related to insurance placement at former military installations closed under the BRAC Authority.
2. Environmental consulting and underwriting experience.
3. Understanding of the protections MILRA has under CERCLA and other applicable federal law.
4. The ability to work as a team with attorneys, environmental engineers and other BRAC consultants.
5. Working relationship with the major BRAC environmental insurers.
6. Disclosure of all services and compensation formats up front.

### **CONTACT PERSONS**

Questions concerning any aspect of this project, including the submittal process, should be directed to Ms. Darlene Hawksley, Director of Real Estate and Business Engagement, McPherson Implementing Local Redevelopment Authority, 1794 Walker Avenue, SW, Atlanta, Georgia 30310. Suggestions and questions regarding the RFQ and the proposed Scope of Work should be made in writing to Ms. Hawksley and/or e-mailed to [Darlene@mcphersonredevelopment.com](mailto:Darlene@mcphersonredevelopment.com) not less than ten (10) calendar days before the submittal due date. Inquiries received within five (5) days of the due date may not be considered. Any reply will be made in writing and distributed to all pre-application conference attendees. Oral answers will not be authoritative.

### **MILRA POLICY ON COMMUNICATIONS AND CONTACT**

Respondents are required to conduct the preparation of their applications with professional integrity and free of lobbying activities. Respondents and their respective agents and consultants are not permitted to contact or communicate with, directly or indirectly, any member of the MILRA Board or the



Army regarding the subject matter of this RFQ after the issuance date of this RFQ, except as specifically permitted herein or approved in advance by MILRA. Any verified allegation that a Respondent or team member or an agent or consultant of the foregoing has made such contact or attempted to influence the evaluation, ranking, and/or selection of Respondents is cause for MILRA to disqualify the Respondent and its team member from further consideration.

#### **OPEN GOVERNMENT LAWS**

All Respondents should obtain and thoroughly familiarize themselves with the Georgia Open Records Act (O.C.G.A. § 50-14-1, et seq.) (collectively, the "Open Government Laws") applicable to the issue of confidentiality and public information. Neither MILRA nor the Army will advise a Respondent as to the nature or content of documents entitled to protection from disclosure under the Open Government Laws, as to the interpretation of such laws, or as to definition of "proprietary." Each Respondent shall be solely responsible for all determinations made by it under applicable laws. Each Respondent is advised to contact its own legal counsel concerning the effect of applicable Open Government Laws to that Respondent's own circumstances. All written correspondence, exhibits, photographs, reports, printed material, tapes, electronic discs, and other graphic and visual aids submitted to MILRA during this procurement process, including any part of the submittal, are the property of MILRA, may not be returned to the submitting parties, and are subject to the Open Government Laws. Each Respondent shall be responsible for clearly identifying and labeling any document contained in its submittal as "Proprietary" that the Respondent has reasonably determined meets the definition of "proprietary" under Section 32-2-80(a)(4) of the Code or is exempt from disclosure under Section 50-18-72 of the Code or any other applicable law. Respondents are advised that the designation of "Proprietary" shall not be binding on MILRA or determinative of any issue relating to confidentiality. Blanket "Proprietary" designations by a Respondent shall be considered non-responsive. In no event shall MILRA, the Army, or any of their agents, representatives, consultants, directors, officers or employees be liable to a Respondent or Respondent team member for the disclosure of all or a portion of the information submitted under this RFQ.

If MILRA receives a request for public disclosure of all or any portion of the materials identified as confidential in a submittal, MILRA will endeavor to notify the applicable Respondent of the request. The Respondent may seek a protective order or other appropriate remedy. If MILRA determines in good faith that the materials identified as "Proprietary" are not exempt from the Open Government Laws, unless otherwise ordered by a court of competent jurisdiction, MILRA will release the requested information. disclosed or withheld.

The provisions of the Open Government Laws, or any other applicable laws, shall control and govern in the event of a conflict between the procedures described above and any such applicable law.

## **MILRA RESERVED RIGHTS**

In connection with this procurement, MILRA (for itself and the Army) expressly reserves all rights (which rights shall be exercisable by MILRA in its sole discretion) available to it under applicable law, including without limitation, with or without cause and with or without notice to:

1. Develop the Project in any manner that it, in its sole discretion, deems necessary
2. Cancel this RFQ in whole or in part at any time prior to the execution by MILRA (or any entity designated by it) of the contract, without incurring any cost, obligations or liabilities.
3. Issue a new RFQ or similar procurement request after withdrawal of the RFQ.
4. Reject at any time any and all submittals and responses.
5. Modify all dates set or projected in this RFQ.
6. Issue addenda, supplements, corrections, and modifications to this RFQ.
7. Appoint committees and subcommittees to review submittals and make recommendations to the MILRA Board and seek the assistance of outside technical experts, consultants and other parties for any reason or purpose whatsoever, subject to applicable law.
8. Require confirmation of information furnished by a Respondent, require additional information from a Respondent concerning its submittal and require additional evidence of qualifications to perform the work described in this RFQ.
9. Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to this RFQ.
10. Add or delete responsibilities from the information contained in this RFQ.
11. Accept, reject or seek additional information regarding a Respondent's request to change its team (including substitutions and additions).
12. Direct a Respondent to remove, add or procure any team member.
13. Disqualify any Respondent who (or whose team member), in MILRA's sole determination, does not comply with the requirements set forth in this RFQ.
14. Exercise any other right reserved or afforded to MILRA under this RFQ and applicable law, including waiving deficiencies in a submittal.

## **RIGHT TO SUBMITTED MATERIALS**

All submittals, responses, inquiries, or correspondence relating to or in reference to this RFQ and all reports, charts, displays, schedules, exhibits, graphs, maps, and other documents provided by the Respondents will become the property of MILRA when received. MILRA shall have the right to use any ideas presented in the submittal whether the submittal is selected or rejected.

## **DISCLAIMER**

The information contained herein is provided solely for the convenience of Respondents. It is the responsibility of all Respondents to assure themselves that information contained herein is accurate and

complete. Neither MILRA nor the Army provides any provides any assurance as to the accuracy of any information in this RFQ or any information referenced in this RFQ. Any reliance on the contents of this RFQ, any documents referenced herein or any communications with MILRA shall be at the Respondent's own risk. MILRA shall not have any liability or obligation with respect to this RFQ, or the selection and award process contemplated hereunder. All cost incurred by a Respondent in preparing and responding to this RFQ are the sole responsibility of the Respondent. By making their submittals, all Respondents to this RFQ fully acknowledge all provisions of this Disclaimer and agree to be bound by its terms.