



Request for Proposals (RFP) 2024-03

Insurance Brokerage Services

**All Proposals Must Be Submitted To:**

**Port of Port Arthur Navigation District**

**Attn: Larry Kelley**

**221 Houston Avenue**

**Port Arthur, Texas 77640**

**Attention: RFP 2024-01 ERP Implementation Services**

**All Proposals must be received:**

**02/26/2024 2:00 PM**

Proposals received after the proposal date and time will not be considered.

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# 1. RFP Overview

## 1.1. Purpose of RFP

## 1.2. Port of Port Arthur Background

The Port is an independent public port district created by special act of the State of Texas Legislature and ratified by local referendum in 1964. The Port is governed by a five member elected Board of Commissioners which has vested the management responsibilities in the Chief Executive Officer / Port Director.

The Port is a multi-berth operating public Port on the Sabine Neches Waterway with annual operating revenues of approximately \$16 million supplemented with property tax revenue. In recent years, the Port has experienced extraordinary growth both in activity and in property and asset growth. The Port currently manages 15 Federal and State grant funded projects. These projects are a component of the five-year capital program comprised of 27 projects in total, valued at approximately \$188 million. The port also owns certain tracts of real estate that are leased. Additional background information about the port is available on the website, <https://portpa.com/>.

## 1.3. Project Objectives

The Port of Port Arthur (Port) has issued this Request for Proposals (RFP) to solicit responses from qualified firms to provide brokerage services and act as agent of record for the Port to obtain and maintain insurance coverage with qualified carriers to provide the most cost-effective approach to managing the risk of the operations of the Port.

The goals and objectives of this RFP are to secure professional services to:

- Obtain the services of an insurance broker licensed in the State of Texas to act as the Port's Broker of Record for a three-year period beginning on or about April 1, 2024, and to assist the Port in all aspects of risk management.
- Obtain the best mix of insurance coverages, including but not limited to, general liability, property, business vehicles, environmental, railroad, crime, terrorism, public officials, workers compensation, marine terminal operators and marine employers.
- Provide consultation with Port personnel and Port legal counsel with respect to liability and indemnification provisions in leases, contracts, and other documents.
- Provide consultation with Port personnel regarding levels of reasonable and cost effective risk retention strategies.

The Port will select a firm on the basis of best value to the Port, including various criteria such as experience, qualifications, past performance and cost.

#### 1.4. Procurement Schedule

Event	Date
RFP Issued	01/29/2024
Deadline for written questions	02/07/2024, 3:00 PM
Port answers and posts responses to questions	02/12/2024, 3:00 PM
<b>Deadline for submissions</b>	<b>02/26/2024, 2:00 PM</b>
Port Completes Initial Review and Select Finalist(s)	03/04/2024
On – Site Interviews	03/11/2024
Recommended vendor approval to Board of Commissioners	03/13/2024

*\* The schedule may be adjusted, as necessary at the discretion of the Port.*

#### 1.5. RFP Coordinator

All communications concerning this RFP must be submitted via email to Rebecca Underhill, Director of Accounting at [bids@portpa.com](mailto:bids@portpa.com). Contact with anyone else in the Port is expressly forbidden and may result in disqualification of the proposal. Further, any oral communications will be considered unofficial and non-binding on the Port.

#### 1.6. RFP Amendment and Cancellation

The Port reserves the unilateral right to amend this RFP in writing at any time. The Port also reserves the right to cancel or reissue the RFP at its sole discretion. Addenda will be posted to the Port's website. **Proposers are responsible for obtaining addenda and are advised to check the website frequently.**

#### 1.7. RFP Questions

Questions concerning this RFP should be submitted via e-mail to the RFP Coordinator at [bids@portpa.com](mailto:bids@portpa.com) prior to the deadline identified in the schedule. Proposer questions should clearly identify the relevant section of the RFP and page number(s) related to the question being asked. The questions submitted and the Port's responses shall be posted on the Port's website (<https://portpa.com/>). **Proposers are responsible for obtaining addenda and are advised to check the website frequently.**

## 1.8. Proposal Submittal

- Proposals are to be received by the Port no later than the date and time indicated in the schedule defined in Section 1.4. A Proposer's **failure to submit a proposal as required before the deadline will cause the proposal to be disqualified.**
- Proposers must submit one digital copy of the proposal (a flash drive with a .pdf file containing all sections) and four (4) bound copies. An authorized representative of the Proposer must sign the proposal.
- Any portion of the proposal that is considered proprietary information must be clearly marked "confidential." Vague and general claims as to confidentiality will be considered public information.
- **Facsimile and e-mail transmittals cannot be accepted.**

The proposal package should be clearly labeled with the following:

- Proposal for 2024-03 Insurance Brokerage Services
- Proposal Due Date and Time
- Proposer Name
- Proposer Address
- Proposer Phone Number

There is no expressed or implied obligation of the Port of Port Arthur to reimburse responding Proposer for any expenses incurred in preparing proposals in response to the Request and the Port of Port Arthur will not reimburse responding Proposers for such expenses.

**All Proposals must be received in the offices of the Port of Port Arthur, 221 Houston Avenue, Port Arthur, Texas 77640, no later than 2:00 PM Central Time, February 26, 2023.** The Port of Port Arthur is not responsible for lateness or non-delivery of mail, carrier, etc., and the date/stamp in the offices of the Port of Port Arthur shall be the official time of receipt. **Late submissions cannot be considered and will be returned unopened.**

## 2. Scope of Work

### 2.1. Scope of Services

The Port of Port Arthur (Port) has issued this Request for Proposals (RFP) to solicit responses from qualified firms to provide brokerage services and act as agent of record for the Port to obtain and maintain insurance coverage with qualified carriers to provide the most cost-effective approach to managing the risk of the operations of the Port and to provide and assist the Port throughout the year with claims, audits, service and needs evaluations in order to minimize cost and risk to the Port about insurance of all types, excluding employee benefit coverages. Some specific services are, but not limited to: analytics, safety/risk professional services, claims advocates, and securing insurance products from the global insurance market.

## **2.2 Specific Performance Required**

- A. Phone / Email support weekly, and on an as-needed basis.
- B. Maintain an 8-hour response time for insurance consultation.
- C. Attend risk management meetings with the Port on a quarterly basis.
- D. Cooperate with the Port 120 days prior to renewals; giving estimates of renewal changes in premium, coverage, policy terms, etc. and in collecting needed renewal rating and background information.
- E. Provide quotes for various types of coverage and bind coverage on an as-needed basis or at a time of renewal.
- F. Provide risk management services on as-needed basis for large/complex projects.
- G. Research and gather information to support the Port's efforts with regard to cost control.
- H. Assist the Port in achieving the goals of improved safety and other risk related indicators.
- I. Provide periodic reporting and analysis upon request of the Port.

## **3. Proposal Requirements**

### **3.1. General Instructions**

Proposals should be prepared succinctly, and provide a straightforward, concise description of the Proposer's company, qualifications, proposed solution, and capabilities to satisfy the requirements of this RFP. Emphasis should be on completeness and clarity of content. Glossy sales and marketing brochures are not to be included. Proposals must be organized consistent with the outline provided in 3.2. Proposers should follow all prescribed formats and address all portions of the RFP set forth herein providing all information requested. Proposers may retype or duplicate any portion of this RFP for use in responding to the RFP, provided that the proposal clearly addresses all the Port's information requirements.

### 3.2. Proposal Format and Content

Proposals should be structured, presented, and labeled in the following manner:

- Cover Letter
- Table of Contents
- Section 1 – Executive Summary
- Section 2 – Company Background and Qualifications
- Section 3 – References
- Section 4 – Technical Approach
- Section 5 – Cost

*Failure to follow the specified format, to label the responses correctly, or to address all the subsections may result in the rejection of the proposal.*

#### Cover Letter

The Cover Letter, which is to be no longer than three (3) pages must include the following:

- Proposer’s legal name and corporate structure, including state incorporated in.
- Proposer’s primary contact to include name, title, address, phone, and email.
- Statement indicating that the proposal remains valid for at least 120 days.
- Statement that the Proposer or any individual who will perform work for the Proposer is free of any conflict of interest (e.g., employment by the Port).
- Signature of a company officer empowered to bind the Proposer to the provisions of this RFP and any contract awarded pursuant to it.

#### Table of Contents

All sections should be identified, and pages are to be consecutively numbered.

#### Section 1 – Executive Summary

In this section, Proposers must provide a brief and concise synopsis of Proposer’s qualifications, capabilities and approach to providing the services requested. The Executive Summary must be no longer than three (3) pages.

#### Section 2 – Company Background and Qualifications

In this section, Proposers must provide company qualifications and experience in providing the services required. This section should include:

- A brief description of the Proposer’s background including the number of employees, and the number of clients served in a similar capacity, including maritime clients.
- The location of headquarters, technical support, and field offices and the location of the office which would service the Port.
- A description of the capacities of the firm to access global insurance markets. Please provide premium volume of the top ten global markets placed by your firm.
- Describe any experience and methods used in loss control, claims advocacy and analytical services which you would provide.

The Company Background and Qualifications section must be no longer than five (5) pages.

**Section 3 – References**

In this section:

- Describe five of the largest / most complex clients with relative premium size currently handled by your firm.
- Describe five of the largest property placements currently handled by your firm.
- Describe five of the largest public entity clients currently handled by your firm, and your experience handling them.
- Describe the firm experience working with public ports or marine terminals.
- Permission and contact information for represented entities to discuss firm’s performance.

The References section must be no longer than five (5) pages.

**Section 4 – Technical Approach**

- Describe the firm’s approach to Risk Management, including strategies for assessing appropriate levels of risk retention.
- Describe the firm’s approach to renewal of policies, competitive placement, and /or identifying gaps in insurance or new exposures. Include anything you would consider innovative or a competitive advantage when leveraging your firm’s resources.
- Any other qualifications and experience which you consider to be significant, innovative or otherwise relevant to the services requested.

The Technical Approach section must be no longer than eight (8) pages

**Section 5 – Cost Proposal**

Clearly state the annual contract fee for all services. The annual fee must be a fixed cost over a three-year period. If awarded, fees are to be paid quarterly over the three-year period. If awarded, fees for services are fixed and commissions on any policies will be reduced to 0%.

The Port is not liable to proposer for any federal, state or local taxes for which the Port is not liable by law, including state and local sales and use taxes and federal excise tax. Accordingly, those taxes may not be added to any item. The Port’s Tax Exemption Certificate will be furnished on request of the contracted firm.

**4. Proposal Evaluation**

Submitted proposals will be evaluated based upon the content of the RFP:

- |             |                                       |     |
|-------------|---------------------------------------|-----|
| • Section 2 | Company background and qualifications | 25% |
| • Section 3 | References                            | 25% |
| • Section 4 | Technical Approach                    | 35% |
| • Section 5 | Cost                                  | 15% |



## 5. General Terms and Conditions

### **Collusion**

By submitting a response to the RFP, each Proposer represents and warrants that its response is genuine and not made in the interest of, or on behalf of, any person not named therein; that the Proposer has not directly induced or solicited any other person to submit a sham response or any other person to refrain from submitting a response; and that the Proposer has not in any manner sought collusion to secure any improper advantage over any other person submitting a response.

### **Gratuities**

No person will offer, give, or agree to give, any Port employee or its representatives any gratuity, discount, or offer of employment in connection with the award of contract by the Port.

### **Required Review and Waiver of Protests**

Proposers should carefully review this RFP and all attachments for comments, questions, defects, objections, or any other matter requiring clarification or correction (collectively called "comments"). Comments concerning RFP objections must be made in writing and received by the Port no later than the "Deadline for Proposer Questions" detailed in Table 1 – Procurement Schedule. This will allow issuance of any necessary amendments and help prevent the opening of defective Information upon which contract award could not be made.

Protests based on any objection will be considered waived and invalid if these faults have not been brought to the attention of the Port, in writing, by the Deadline for Proposer Questions.

### **Nondiscrimination**

No person will be excluded from participation in, be denied benefits of, be discriminated against in the admission or access to, or be discriminated against in treatment or employment in the Port's contracted programs or activities on the grounds of disability, age, race, color, religion, sex, national origin, or any other classification protected by law; nor will they be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of contracts with the Port or in the employment practices of the Port's contractors. Accordingly, all Proposers entering into contracts with the Port will, upon request, be required to show proof of such nondiscrimination and to post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

### **Proposal Preparation Costs**

The Proposer is responsible for any and all costs associated with the preparation, submittal, and presentation of any proposal.

### **Proposal Errors**

Proposers are liable for all errors or omissions contained in their proposals. Proposers will not be allowed to alter proposal documents after the deadline for submitting a proposal. The Port, at its discretion, has the right to accept or reject a proposal in part or whole due to errors and/or omissions of the response.

### **Incorrect Proposal Information**

If the Port determines that an Proposer has provided, for consideration in the evaluation process or contract negotiations, incorrect information which the Proposer knew or should have known was materially incorrect, that proposal may be determined non-responsive, and the proposal may be rejected at the sole discretion of Port.

### **Prohibition of Proposer Terms and Conditions**

An Proposer may not submit the Proposer's own contract terms and conditions in a response to this RFP. If a proposal contains such terms and conditions, the Port, at its sole discretion, may determine the proposal to be a nonresponsive counteroffer, and the proposal may be rejected. Software/SAAS licensing terms are negotiable and subject to approval by the Port.

### **Assignment and Subcontracting**

The Contractor may not subcontract, transfer, or assign any portion of the contract without prior, written approval from the Port. Each subcontractor must be approved in writing by the Port. The substitution of one subcontractor for another may be made only at the discretion of the Port and with prior, written approval from the Port.

Notwithstanding the use of approved subcontractors, the Proposer, if awarded a contract under this RFP, will be the prime contractor and will be responsible for all work performed and will be responsible for all costs to subcontractors for services provided by the Proposer. The Proposer is prohibited from performing any work associated with this RFP or using contractors for any service associated with this RFP offshore (outside the United States), without first disclosing the use of offshore resources, and with approval from the Port.

### **Right to Refuse Personnel**

The Port reserves the right to refuse, at its sole discretion, any subcontractors or any personnel provided by the prime contractor or its subcontractors. The Port reserves the right to interview and approve all Proposer staff members. Proposer's staff may be subject to the Port's background processes at any time.

### **Proposal of Additional Services**

If an Proposer indicates an offer of services in addition to those required by and described in this RFP, these additional services may be added to the contract before contract signing at the sole discretion of the Port.

**Licensure**

Before a contract pursuant to this RFP is signed, the Proposer must hold all necessary, applicable business and professional licenses. The Port may require Proposers to submit evidence of proper licensure.

**Conflict of Interest and Proposal Restrictions**

By submitting a response to the RFP, the Proposer certifies that no amount will be paid directly or indirectly to an employee, official or contractor of the Port as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor, or consultant to the Proposer in connection with the procurement under this RFP.

The Texas Local Government Code chapter 176 requires that any vendor or person who enters into or seeks to enter into a contract with a local government entity disclose in the Questionnaire Form CIQ the vendor or person’s employment, affiliation, business relationship, family relationship or provision of gifts that might cause a conflict of interest with the local government entity. Questionnaire Form CIQ is included in the RFP and must be submitted with the response.

**Contract Negotiations**

After a review of the information and completion of the demonstration and proof-of-capabilities (POC), the Port intends to enter into contract negotiations with the selected Proposer. These negotiations could include all aspects of services and fees. Negotiations must begin within 15 days of approval of the selected vendor and must conclude within thirty days of the approved selection.

**Execution of Contract**

If a contract is not finalized in within 30 days of completion of negotiations, the Port may give notice to that service provider of the Port’s intent to select from the remaining Proposers or to call for new Information, whichever the Port deems appropriate.

At the time the vendor submits the signed contract, the vendor must complete a “Disclosure of Interested Parties”, Form 1295 online with the Texas Ethics Commission at [www.ethics.state.tx.us/file](http://www.ethics.state.tx.us/file). An example of the form is attached as Exhibit B. DO NOT SEND THE FORM TO THE PORT. The form must be completed online with the Texas Ethics Commission.

### **Right of Rejection**

The Port reserves the right, at its sole discretion, to reject any and all proposals or to cancel this RFP in its entirety. Any proposal received which does not meet the requirements of this RFP may be considered nonresponsive and the proposal may be rejected. Proposers must comply with all the terms of this RFP and all applicable laws and regulations. The Port may reject any proposal that does not comply with all the terms, conditions, and performance requirements of this RFP. Proposers may not restrict the rights of the Port or otherwise qualify their proposals. If a Proposer does so, the Port may determine the proposal to be a nonresponsive counteroffer, and the proposal may be rejected.

The Port reserves the right, at its sole discretion, to waive variances in technical proposals provided such action is in the best interest of the Port. Where the Port waives minor variances in proposals, such waiver does not modify the RFP requirements or excuse the Proposer from full compliance with the RFP. Notwithstanding any minor variance, the Port may hold any Proposer to strict compliance with the RFP.

### **Disclosure of Proposal Contents**

All proposals and other materials submitted in response to this RFP procurement process become the property of the Port. Selection or rejection of a proposal does not affect this right. All proposal information, including detailed price and cost information, will be held in confidence during the evaluation process. Upon the completion of the evaluation of proposals, the proposals and associated materials will be open for review by the public to the extent allowed by law. By submitting a proposal, the Proposer acknowledges and accepts that the contents of the proposal and associated documents will become open to public inspection.

The master copy of each proposal will be retained for official files and will become public record after the award of a contract unless the proposal or specific parts of the proposal can be shown to be exempt by law. Each Proposer may clearly label part of a proposal as "CONFIDENTIAL" if the Proposer thereby agrees to indemnify and defend the Port for honoring such a designation. The failure to so label any information that is released by the Port will constitute a complete waiver of all claims for damages caused by any release of the information.

### **Severability**

If any provision of this RFP is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected; and the rights and obligations of the Port and Proposers will be construed and enforced as if the RFP did not contain the particular provision held to be invalid.

### **RFP and Proposal Incorporated into Final Contract**

Relevant portions of this RFP and the successful proposal will be incorporated into the final contract.

### **Proposal Amendment**

The Port will not accept any amendments, revisions, or alterations to proposals after the deadline for proposal submittal unless such is formally requested, in writing, by the Port.

### **Consultant Participation**

The Port reserves the right to share with any consultant of its choosing this RFP and proposal responses to secure a second opinion. The Port may also invite said consultant to participate in the Proposal Evaluation process. The Port may also direct consultants acting on behalf of the Port to directly engage with Proposers to ensure the technical elements of this proposal satisfy the requirements of the RFP to help improve the accuracy of the bids and the efficiency of their evaluation by the Ports' detailed review process. This option will be provided to all Proposers, if it is provided to any Proposer, after the evaluation has progressed to the short-list phase of the RFP schedule to ensure no unfair advantage is provided to any one Proposer.

### **Warranty**

The selected Proposer will warrant that the proposed system will conform in all material respects to the requirements and specifications as stated in this RFP and subsequent proof-of-capabilities. Further, the requirements as stated in this RFP will become part of the selected software Proposer's license and the Proposer will warrant to the requirements. The selected Proposer must warrant that the content of its proposal accurately reflects the system's capability to satisfy the functional/technological requirements as included in this RFP. Furthermore, the warranty, at a minimum, should be valid for the duration of the implementation and until final acceptance (as will be defined during the negotiation process) of all application modules included in the implementation.

### **Rights of the Port**

The Port reserves the right to:

- Make the selection based on its sole discretion
- Reject any and all proposals
- Issue subsequent Requests for Proposals
- Postpone opening proposals, if necessary, for any reason
- Remedy errors in the Request for Proposal process
- Approve or disapprove the use of particular subcontractors
- Negotiate with any, all, or none of the Proposers
- Waive informalities and irregularities in the proposals

Enter into an agreement with another Proposer in the event the originally selected Proposer defaults or fails to execute an agreement with the Port

An agreement will not be binding or valid with the Port unless and until it is approved by the Port Board of Commissioners and executed by authorized representatives of the Port and of the Proposer.

**Diversity in Contracting**

It is the policy of the Port to contribute to the establishment, preservation, and strengthening of disadvantaged business enterprises and to encourage the participation of disadvantaged businesses. Towards that end, the Port encourages firms to provide for the participation of disadvantaged owned businesses through partnerships, joint ventures, subcontracts, and other contractual opportunities, all in compliance with the Port’s Policy Directive on Diversity in Contracting, adopted June 24, 2020.

**Attachments –**

- Exhibit A - Form CIQ
- Exhibit B- From 1295
- Exhibit C- Port of Port Arthur Diversity in Contracting Policy