

RFP Title: Legal Services

RFP No: 2009-011

Opening Date:

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# WAKULLA COUNTY BOARD OF COUNTY COMMISSIONERS



## LEGAL SERVICES Request for Proposal Number: 2009-011

RESPONSES ARE DUE BY: June 5, 2009

### **MAIL OR DELIVER RESPONSES TO:**

Wakulla County Board of County Commissioners  
Purchasing Office  
3093 Crawfordville Highway  
PO Box 1263  
Crawfordville, FL 32326

Contact: Deborah DuBose at 850.926.9500 or via e-mail at  
ddubose@mywakulla.com  
850.926.9006 FAX

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**OVERVIEW:**

Wakulla County, Florida is accepting written proposals from all qualified and interested professional Attorney's At Law to provide legal services to the Wakulla County Board of County Commissioners (BoCC). The successful party will provide the professional services described herein in support of the County. Historically, the Wakulla County BoCC has used an outside attorney to serve as County Attorney. The County Attorney has not been an employee of the County and has not been entitled to benefits available to other employees of the Wakulla BoCC. It is the current intent of the Wakulla BoCC to hire an outside attorney to serve in such capacity. However, the BoCC reserves the right to reject any and all proposals in the event it determines to have the County Attorney serve as an employee of the County or to enter into negotiations with any proposer to serve as an employee of the County. All work will be contracted within the terms, conditions, scope of work and other applicable requirements set forth by the Board of County Commissioners and/or its designee. The successful party will demonstrate qualifications, experience and abilities to successfully accomplish and support all aspects of the prescribed scope of work

Parties interested in preparing a response to this RFP must complete the requirements set forth in the attached documents. Under the proposal process of Wakulla County, the conditions as set forth herein are binding to the proposer to the extent you confirm acceptance by your binding signature, by an officer, on the cover letter.

Wakulla County welcomes your response. The County reserves the right to reject any proposal found to be non-responsive, vague or non-conforming. The County also reserves the right at any time to withdraw all or part of this proposal request in order to protect its best interests. The County is not liable for any costs incurred by the party in preparing its response, nor is a response an offer to contract with your firm. Pursuant to Chapter 119, Florida Statutes, all proposal responses are subject to open records laws.

**CALENDAR OF EVENTS**

All times listed in the Calendar of Events are Eastern Standard Time.

Release of Request for Proposal	May 18, 2009
Technical Questions due from prospective Respondents (Fax acceptable)	June 1, 2009
MANDATORY Pre-Proposal Conference	N/A
Responses to questions due from the BoCC	June 3, 2009
Replies due and opened (FAX NOT ACCEPTABLE)	June 5, 2009 @ 2:00 p.m.
Evaluation Team to Evaluate Responses	June 8 – June 19, 2009
Oral Presentations with Evaluation Team	June 24-25, 2009
Top Ranked Respondents Sent to Board for Review	June 18, 2009
Special Meeting of the Board and/or Public Workshop	June 29, 2009
Final Selection by the Board	June 30, 2009

\*Oral Presentations will be conducted of the top 5 ranked firms on June 24, 2009. Should additional time be required, oral presentations will continue on June 25, 2009. The BoCC reserves the right to request oral presentations from any and/or all respondents.

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**GENERAL INSTRUCTIONS TO RESPONDENTS:**

Request for Proposals (RFP) General Instructions:

1. Items listed on the checklist in this form and all other items required within this RFP must be executed and/or submitted in a sealed envelope. Address your sealed envelope as follows:

RFP #2009-011 – LEGAL SERVICES  
Wakulla County  
Board of County Commissioners  
Wakulla County Board of County Commissioners  
(Commissioners Complex)

Hand Delivered--3093 Crawfordville Highway, Crawfordville, FL 32327  
Mailed --Post Office Box 1263, Crawfordville, Florida 32326

2. Proposals must be typed in ink. No changes in or corrections will be allowed after the proposals are opened.
3. Proposals must contain an original, manual signature of an authorized representative of the company.
4. Submittals which are received after the closing date will be returned unopened to the submitting firm.
5. Firms responding to this RFP are expected to examine the specifications, all general and special conditions of the RFP prior to submission.
6. Any questions concerning the request for proposal process, required submittals, evaluation criteria, proposal schedule, and selection process should be directed to Debbie DuBose at (850) 926-9500; FAX (850) 926-9006; or e-mail at ddubose@mywakulla.com.
7. All prospective Offerors are hereby instructed not to contact any member of the Board of County Commissioners, County Administrator, or Wakulla County staff member other than the contact persons listed above regarding this solicitation or their submittal at any time prior to the final evaluation and recommended ranking by County staff for this project. Any such contact shall be cause for rejection of your submittal.

NOTE: ANY AND ALL CONDITIONS OR REQUIREMENTS ATTACHED HERETO, WHICH VARY FROM THE GENERAL INSTRUCTIONS FOR THIS RFP WILL TAKE PRECEDENT.

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**MANDATORY REQUIREMENTS:**

The Board of County Commissioners has established certain mandatory requirements which must be included as part of any response. The use of the terms “shall”, “must” or “will” (except to indicate simple futurity) in this Request for Proposal (RFP) indicate a mandatory requirement or condition. The words “should” or “may” in this RFP indicate desirable attributes or conditions, but are permissive in nature. Deviation from, or omissions of, such as a desirable feature will not by itself cause rejection of a proposal.

Replies which do not meet all material requirements of this RFP or which fail to provide all required information, documents, or materials will be rejected as non-responsive. Material requirements of the RFP are those set forth as mandatory, or without which an adequate analysis and comparison of replies is impossible, or those which affect the competitiveness of replies or the cost to the Board. Respondents whose replies, past performance or current status do not reflect the capability, integrity or reliability to perform fully and in good faith the requirements of the contract may be rejected as non-responsible.

The Board reserves the right to determine which replies meet the material requirements of the RFP, and which Respondents are responsible and/or responsive.

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**SCOPE OF SERVICES:**

**REPRESENTATION**

1. Represent the Wakulla Board of County Commissioners (BoCC) in all regular Board meetings and pre-briefings as requested by the Board Chairman, it being understood that unless counsel is informed otherwise, attendance is expected.
2. Legal Counsel will provide routine telephonic legal consultation with Board members, the County Administrator, and the County staff, and provide routine legal support as required.
3. Legal Counsel will prepare such ordinances, contracts, resolutions, documents, leases and other papers that the Board may require.
4. Shall not represent any Constitutional Officers of Wakulla County without specific approval by the Wakulla BoCC.

**OTHER SERVICES**

1. Legal Counsel will prepare documents required by the Board in connection with special elections called by the Board, except bond elections.
2. Legal Counsel will give such legal advice and prepare such legal opinions as may be reasonably required by the following bodies, concerning their duties, powers, responsibilities and obligations: (a) the BoCC; (b) the Wakulla County Planning and Zoning Commission; and (c) the Code Enforcement Board.
3. The scope of services shall include all legal services required to be performed by the Board, including litigation and the preparation of rights of way and easements and services performed in connection with the issuance of bonds.
4. Travel reimbursements shall be in accordance with the county travel reimbursement rate as set by the County Travel Policy. The respondent shall not be entitled to any reimbursement for expenses incurred in responding to this RFP or for travel to meetings in Wakulla County, FL.

**MINIMUM QUALIFICATIONS**

Statement of qualification letters should be submitted in the following format and should not exceed fifteen (15) pages in length, excluding covers, table of contents, dividers, required forms, resumes, certifications and affiliations, references and insurance documentation.

The following are the minimum qualifications required by the Wakulla BoCC for legal service providers:

In the event the respondent is a firm of attorneys, one attorney shall be designated as the primary representative of the respondent and shall be designated as the County Attorney. Additional work performed by the Respondent shall only be at the direction of the County Attorney and shall only be as set forth in a contract to be entered into between the Respondent and the Wakulla BoCC.

1. Overview: Include the location of the office primarily responsible for serving Wakulla County. Firms and/or individual Attorney's must have a minimum of five (5) years of experience in local government law, including, but not limited to experience in the following areas: land use, contracts and real estate, environmental and employment law.
2. Qualification, Certifications and Affiliations: Provide a professional resume, including educational background of all person(s) that would provide services under any resulting contract; state the professional registrations, certifications and affiliations of the firm and/or individual Attorney(s).

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Include a copy of the current certification by the Florida Bar Association for each member of the firm.

3. References: Include a minimum of three (3) client references (Addendum #1) from city, county, municipal governments for which you have performed similar services. Please include a client contact name, address and phone number for each. Also include the number of years experience performing services for each reference and the present contract status.
4. Insurance: Must provide proof of Lawyers Professional Liability Insurance.
5. Compensation: The cost to the Wakulla BoCC for the services offered. In particular, the County is interested in reviewing fee arrangements such as a flat rate plus hourly fee for litigation.

**ADDITIONAL INFORMATION TO BE PROVIDED IN PROPOSAL**

1. A written description of any (a) litigation during the past five years involving the Respondent or any attorney listed in the response relating to professional services or in any way relating to the practice of law, including a summary of the disposition of such matter or matters; (b) a list of any grievances filed within the past five years against Respondent or any attorney listed in the response with the Florida Bar or any other regulatory or judicial body, including a summary of the disposition of such matter or matters; and (c) a written description of and actual or potential conflicts of interest under the code of Professional Responsibility relating to attorneys that Respondent may have in performing the services described in the Scope of Services.

Should you require clarification regarding any of these qualifications, please contact Debbie DuBose, (850) 926-9500, facsimile: (850) 926-9006, email: ddubose@mywakulla.com.

**EVALUATION CRITERIA AND SELECTION PROCESS:**

1. The proposals submitted in response to this request will be evaluated by an initial selection committee made up of the County Administrator, Chairman of the Board and three additional Board Members.
2. The selection of a firm and the ultimate execution of a contract, while anticipated, are not guaranteed by the County. The County reserves the right to determine which proposal is in the County's best interest and award the contract on that basis, to reject any and all proposals, waive any irregularities of any proposal, negotiate with any potential offerer (after proposals are opened) if such is deemed in the best interest of the County.
3. The initial selection committee will evaluate the proposals that are responsive to the requirements of this RFP using the following criteria listed in order of importance:

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**EVALUATION CRITERIA**

<b>EVALUATION CRITERIA</b>	<b>Total Possible Points</b>
Flexibility/Understanding of Requirements – the degree to which the respondent has responded to the purpose and scope of services to be provided. Flexibility of respondent to meet the BoCC’s needs, conformance in all material requests in this RFP.	15
Capability – the respondents that have the capability in all respects to perform fully the contract requirements and the moral and business integrity and reliability that will assure good faith performance. Respondents capability and skill to provide the products or perform the services as stated in this RFP.	35
Experience – respondents experience in providing the services as requested. Has this respondent ever represented other local governments?	25
References - quality of responses received from references.	5
Cost – the cost of the services to the BoCC.	20

4. All proposals will be reviewed and ranked according to competence and qualifications, and offerers may be selected for interviews or oral presentations as may be necessary. The County makes no commitment to any respondent to this RFP beyond consideration of the written response to this RFP.
5. The preceding criteria will be used to evaluate the proposal responses and recommend those proposals deemed to be the best to the BoCC. The selection/evaluation committee reserves the right to expand these criteria to include any other pertinent requirements as necessary or as directed by the Board of County Commissioners.
6. The proposals deemed best by the selection/evaluation committee shall be presented to the entire Board of County Commissioners. The best ranked respondents will then have the opportunity to make an oral presentation and respond to interview questions by the County Commissioners at Special Meeting/Public Workshop of the Board. The Wakulla BoCC will make the final hiring decision.
7. The Board of County Commissioners, or its designee, shall negotiate a contract with one of the proposers in accordance with Florida Statutes.

**EXPLANATION TO RESPONDENTS:**

Each Respondent shall examine the RFP documents carefully; and, no later than seven days prior to the date for receipt of responses, s/he shall make a written request to the BOCC for interpretations or corrections of any ambiguity, inconsistency or error which he may discover. All interpretations or corrections will be issued as addenda. The BOCC will not be responsible for oral clarifications.

No negotiations, decisions or actions shall be initiated or executed by the respondent as a result of any discussions with any County employee prior to the opening of the proposals. Only those communications which are in writing from the County may be considered as a duly authorized expression on the behalf of the Board.

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Also, only communications from firms which are in writing and signed will be recognized by the Board as duly authorized expressions on behalf of Respondent.

PREPARATION AND SUBMISSION OF RESPONSES:

One (1) original and ten (10) copies of responses to this RFP must be submitted in a sealed envelope. Facsimiles will not be accepted.

OCCUPATIONAL LICENSES AND REGISTRATIONS:

The Respondent shall be responsible for obtaining and maintaining throughout the contract period his or her city or county occupational license and any licenses required pursuant to the laws of Wakulla County, and the State of Florida. Every respondent submitting a proposal shall include a copy of the company's local business or occupational license(s) or a written statement on letterhead indicating the reason no license exists. Wakulla County, Florida-based businesses are required to purchase an Occupational License to conduct business within the County. Respondents residing or based in another state or municipality, but maintaining a physical business facility or representative in Wakulla County, may also be required to obtain such a license. For information specific to Wakulla County occupational licenses contact the Planning and Community Development Department at (850) 926-3695.

If the respondent is operating under a fictitious name as defined in Section 865.09, Florida Statutes, proof of current registration with the Florida Secretary of State shall be submitted with the proposal. A business formed by an attorney actively licensed to practice law in this state, by a person actively licensed by the Department of Business and Professional Regulation or the Department of Health for the purpose of practicing his or her licensed profession, or by any corporation, partnership, or other commercial entity that is actively organized or registered with the Department of State shall submit a copy of the current licensing from the appropriate agency and/or proof of current active status and a Certificate of Good Standing with the Division of Corporations of the State of Florida or such other state as applicable.

REJECTION OF PROPOSALS:

The BOCC reserves the right to reject any and/or all proposals when such rejection is in the best interest of the BOCC.

RECEIPT AND OPENING OF PROPOSALS:

Proposals will be opened publicly at the time and place stated in the Request for Proposal (RFP). The person whose duty it is to open the proposals will decide when the specified time has arrived and no proposals received thereafter will be considered. No responsibility shall be attached to any person for the premature opening of a proposal not properly addressed and identified. At the time fixed for the opening of proposals, the contents of the RFQ form will be made public for the information of Respondents and other interested parties who may be present either in person or by representative.

WITHDRAWAL OF PROPOSALS:

Proposals may be withdrawn by written or telegraphic request received from respondents prior to the time fixed for opening. Negligence on the part of the respondent in preparing the proposal confers no right for the withdrawal of the proposal after it has been opened.

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SELECTION OF PROPOSAL:

The County will select a firm based solely upon the content of the proposals that are received in response to this RFP. The County reserves the right to waive any informality in proposals and to award a proposal in whole or in part when either or both conditions are in the best interest of Wakulla County.

Notice of the intended award is provided through an agenda item to the Board of County Commissioners containing a recommendation of award. The agenda for each meeting of the County Commission is available on the County website at mywakulla.com. A firm may request, in their RFP submittal, a copy of the RFP tabulation sheet to be mailed in a responding firm-provided, stamped self-addressed envelope for their record.

AGREEMENT:

The County will consider the qualifications of each firm with regard to the services required by the County, and so may choose one firm according to which firm best fits the needs of the County. The selected firm will serve as the County's Attorney for a one (1) year term period with an option for an two (2) additional one (1) year term extensions.

After the RFP selection, the County will, at its option, prepare an agreement specifying the terms and conditions resulting from the award of this RFP. Every procurement of contractual services shall be evidenced by a written agreement.

The performance of Wakulla County or any of its obligations under the agreement shall be subject to and contingent upon the availability of funds lawfully expendable for the purposes of the agreement for the current and any future periods provided for within the agreement.

Wakulla County may terminate this Contract without cause, by giving the Respondent thirty (30) days written notice of termination. Either party may terminate this Contract for cause by giving the other party hereto thirty (30) days written notice of termination. The County shall not be required to give Contractor such thirty (30) day written notice if, in the opinion of the County, the Contractor is unable to perform its obligations hereunder, or if in the County's opinion, the services being provided are not satisfactory. In such case, the County may immediately terminate the Contract by mailing a notice of termination to the contracted firm.

Contractor understands that no amount of work is guaranteed to it nor is the County under an obligation to utilize the services of the Contractor in those instances where the work to be performed can be done by County personnel or under separate contract.

AUDITS, RECORDS, AND RECORDS RETENTION:

The Contractor agrees:

1. To establish and maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting procedures and practices, which sufficiently and properly reflect all revenues and expenditures of funds provided by the County under this contract.
2. To retain all client records, financial records, supporting documents, statistical records, and any other documents (including electronic storage media) pertinent to this contract for a period of five (5) years after termination of the contract, or if an audit has been initiated and audit findings have not been resolved at the end of five (5) years, the records shall be retained until resolution of the audit findings or any litigation which may be based on the terms of this contract.

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3. Upon completion or termination of the contract and at the request of the County, the Contractor will cooperate with the County to facilitate the duplication and transfer of any said records or documents during the required retention period as specified in paragraph 1& 2, above.
4. To assure that these records shall be subject at all reasonable times to inspection, review, or audit by Federal, state, or other personnel duly authorized by the County.
5. Persons duly authorized by the County and Federal auditors, pursuant to 45 CFR, Part 92.36(I)(10), shall have full access to and the right to examine any of provider's contract and related records and documents, regardless of the form in which kept, at all reasonable times for as long as records are retained.
6. To include these aforementioned audit and record keeping requirements in all approved subcontracts and assignments.

MONITORING:

To permit persons duly authorized by the County to inspect any records, papers, documents, facilities, goods, and services of the provider which are relevant to this contract, and interview any clients and employees of the provider to assure the County of satisfactory performance of the terms and conditions of this contract.

Following such evaluation, the County will deliver to the provider a written report of its findings and will include written recommendations with regard to the provider's performance of the terms and conditions of this contract. The provider will correct all noted deficiencies identified by the County within the specified period of time set forth in the recommendations. The provider's failure to correct noted deficiencies may, at the sole and exclusive discretion of the County, result in any one or any combination of the following: (1) the provider being deemed in breach or default of this contract; (2) the withholding of payments to the provider by the County; and (3) the termination of this contract for cause.

RIGHT TO INSPECT PLACE OF BUSINESS:

The County may, at its discretion, inspect the part of place of business of a contractor or any subcontractor which is related to the performance of any contract awarded, or to be awarded, by Wakulla County. The right expressed herein shall be included in all contracts or subcontracts that involve the performance of any work or service involving Wakulla County.

ASSIGNMENT:

This contract shall not be assigned or sublet as a whole or in part without the written consent of the County, nor shall the Respondent assign any monies due or to become due to him hereunder without the previous written consent of the County.

HOLD HARMLESS:

The Respondent agrees to indemnify and hold harmless the County from all claims, damages, liabilities, or suits of any nature whatsoever arising out of, because of, or due to the breach of this agreement by the Respondent, its delegates, agents or employees, or due to any act or occurrence of omission or commission of the Respondent, including but not limited to costs and a reasonable attorney's fee. The County may, at its sole option, defend itself or allow the Contractor to provide the defense. The Contractor acknowledges that ten dollars (\$10.00) of the amount paid to the Contractor is sufficient consideration for the Contractor's indemnification of the County.

ETHICAL BUSINESS PRACTICES:

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- a. Gratuities. It shall be unethical for any person to offer, give, or agree to give any County employee, or for any County employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or performing in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, subcontract, or to any solicitation or proposal therefore.
- b. Kickbacks. It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.
- c. The Board reserves the right to deny award or immediately suspend any contract resulting from this proposal pending final determination of charges of unethical business practices. At its sole discretion, the Board may deny award or cancel the contract if it determines that unethical business practices were involved.

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RFQ CHECKLIST:

Please submit the items on the following list and any other items required by any section of this Request for Proposals. The checklist is provided as a courtesy and may not be inclusive of all items required within this Request for Proposal:

- \_\_\_\_\_ Completed RFP Response Sheet with Signature
- \_\_\_\_\_ Certification/Debarment
- \_\_\_\_\_ Applicable Licenses/Registrations
- \_\_\_\_\_ Sworn Statement
- \_\_\_\_\_ Equal Opportunity/Affirmative Action Statement
- \_\_\_\_\_ Non-collusion Affidavit

**RFP RESPONSE SHEET**

The Board of County Commissioners, Wakulla County, reserves the right to accept or reject any and/or all proposals in the best interest of Wakulla County.

HOWARD KESSLER, M.D.  
Chairman

This proposal is submitted by the below named firm/individual by the undersigned authorized representative.

\_\_\_\_\_

(Firm Name)

BY \_\_\_\_\_

(Authorized Representative)

\_\_\_\_\_

(Printed or Typed Name)

ADDRESS \_\_\_\_\_

\_\_\_\_\_

TELEPHONE \_\_\_\_\_

\_\_\_\_\_

FAX \_\_\_\_\_

\_\_\_\_\_

**ADDENDA ACKNOWLEDGMENTS: (IF APPLICABLE)**

Addendum #1 dated \_\_\_\_\_ Initials \_\_\_\_\_

Addendum #2 dated \_\_\_\_\_ Initials \_\_\_\_\_

Addendum #3 dated \_\_\_\_\_ Initials \_\_\_\_\_

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**ATTACHMENT 1  
REFERENCE FORM**

**Respondent's Name:** \_\_\_\_\_

Vendors are required to submit with their response three (3) references, with which they have provided similar services as requested in this solicitation. Vendors shall use this attachment to provide the required reference information. The BoCC reserves the right to contact any and all references in the course of this solicitation and make a responsibility determination, not subject to review or challenge. (Please provide at least 2 Contact Names.)

<b>FORMER CLIENTS-Provide Three (3)</b>	
<b>Company Name:</b>	
Address:	
Contact Name:	
Alternate Contact Name:	
Phone:	
Email:	
Description of Work:	
Service Dates:	

<b>Company Name:</b>	
Address:	
Contact Name:	
Alternate Contact Name:	
Phone:	
Email:	
Description of Work:	
Service Dates:	

<b>Company Name:</b>	
Address:	
Contact Name:	
Alternate Contact Name:	
Phone:	
Email:	
Description of Work:	
Service Dates:	

**Authorized Signature:** \_\_\_\_\_

**Title:** \_\_\_\_\_

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**ATTACHMENT 2**

SWORN STATEMENT UNDER SECTION 287.133(3)(a),  
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to Wakulla County Board of County Commissioners

By \_\_\_\_\_  
[print individual's name and title]

for \_\_\_\_\_  
[print name of entity submitting sworn statement]

whose business address is:

\_\_\_\_\_

and (if applicable) its Federal Employer Identification Number (FEIN) is . \_\_\_\_\_  
(If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement). \_\_\_\_\_

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:
- a. A predecessor or successor of a person convicted of a public entity crime: or
  - b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal

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power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. [Indicate which statement applies.]

\_\_\_\_\_ Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

\_\_\_\_\_ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

\_\_\_\_\_ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However there has been a subsequent proceeding before a hearing a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted contractor list. [Attach a copy of the final order.]

**I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.**

\_\_\_\_\_  
(Signature)

Sworn to and subscribed before me this \_\_\_\_\_ day of, 200\_\_ .

Personally known \_\_\_\_\_ OR Produced identification \_\_\_\_\_  
(Type of identification)

\_\_\_\_\_  
NOTARY PUBLIC

Notary Public - State of \_\_\_\_\_

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Printed, typed, or stamped commissioned name of notary public

**RFP Title: Legal Services**

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**ATTACHMENT 3**

**EQUAL OPPORTUNITY/AFFIRMATIVE ACTION STATEMENT**

1. The contractors and all subcontractors hereby agree to a commitment to the principles and practices of equal opportunity in employment and to comply with the letter and spirit of federal, state, and local laws and regulations prohibiting discrimination based on race, color, religion, national region, sex, age, handicap, marital status, and political affiliation or belief.
2. The contractor agrees to comply with Executive Order 11246, as amended, and to comply with specific affirmative action obligations contained therein.

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

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**ATTACHMENT 4**

**NON-COLLUSION AFFIDAVIT**

The undersigned being first duly sworn as provided by law, deposes and says:

1. This Affidavit is made with the knowledge and intent that it is to be filed with the Board of County Commissioners, Wakulla County, Florida and that it will be relied upon by said County, in any consideration which may give to and any action it may take with respect to this Proposal.

2. The undersigned is authorized to make this Affidavit on behalf of,

\_\_\_\_\_ (Name of Corporation, Partnership, Individual, etc.)

a , \_\_\_\_\_ formed under the laws of \_\_\_\_\_  
(Type of Business) (State or Province)

of which he is . \_\_\_\_\_  
(Sole partner, president, etc.)

3. Neither the undersigned nor any other person, firm or corporation named in above Paragraph 2, nor anyone else to the knowledge of the undersigned, have themselves solicited or employed anyone else to solicit favorable action for this Proposal by the County, also that no head of any department or employee therein, or any officer of Wakulla County, Florida is directly interested therein.

4. This Proposal is genuine and not collusive or a sham; the person, firm or corporation named above in Paragraph 2 has not colluded, conspired, connived or agreed directly or indirectly with any bidder or person, firm or corporation, to put in a sham Proposal, or that such other person, firm or corporation, shall refrain from bidding, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference with any person, firm or corporation, to fix the prices of said proposal or proposals of any other bidder; and all statements contained in the proposal or proposals described above are true; and further, neither the undersigned, nor the person, firm or corporation named above in Paragraph 3, has directly or indirectly submitted said proposal or the contents thereof, or divulged information or data relative thereto, to any association or to any member or agent thereof.

\_\_\_\_\_ AFFIANT'S NAME

\_\_\_\_\_ AFFIANT'S TITLE

TAKEN, SWORN AND SUBSCRIBED TO BEFORE ME this \_\_\_\_\_ day of 20\_\_.

Personally Known \_\_\_\_\_ or Produced Identification \_\_\_\_\_

Type of Identification \_\_\_\_\_

\_\_\_\_\_ Notary Public

\_\_\_\_\_  
(Print, Type or Stamp Commissioned Name of Notary Public)

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**ATTACHMENT 5**

**CERTIFICATION REGARDING  
DEBARMENT, SUSPENSION,  
AND OTHER RESPONSIBILITY MATTERS  
PRIMARY COVERED TRANSACTIONS**

- 1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
  - a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - b) Have not within a three-year period preceding this been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of these offenses enumerated in paragraph (1)(b) of this certification; and
  - d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- 2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.
- 3) No subcontract will be issued for this project to any party which is debarred or suspended from eligibility to receive federally funded contracts.

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Signature

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Title

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Contractor/Firm

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Address

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**ATTACHMENT 6**

**LOCAL CONTRACTOR CERTIFICATION**

The undersigned, as a duly authorized representative of the contractor listed herein, certifies to the best of his/her knowledge and belief, that the contractor meets the definition of a "Local Business." For purposes of this section, "local business" shall mean a business which:

- a) Has had a fixed office or distribution point located in and having a street address within Wakulla County for at least six (6) months immediately prior to the issuance of the request for competitive bids or request for proposals by the County; and
- b) Holds any business license required by the County (please attach copies); and
- c) Employs at least one (1) full time employee, or two (2) part time employees whose primary residence is in Wakulla County, or, if the business has no employees, the business shall be at least fifty percent (50%) owned by one or more persons whose primary residence is in Wakulla County.

Please complete the following in support of the self-certification and submit copies of your County business licenses. Failure to provide the information requested will result in denial of certification as a local business.

Business Name:	Phone:
Current Local Address:	Fax:
If the above address has been for less than six months, please provide the prior address:	
Length of time at this address	
Number of Employees and hours worked per week by each:	
Name and Address of owners who reside in Wakulla County and who in total own at least 50% or more of the business. Attach additional sheets as necessary	Percentage of ownership
1.	
2.	

\_\_\_\_\_  
 Signature of Authorized Representative  
 STATE OF \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
 Date

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 By \_\_\_\_\_, of \_\_\_\_\_,  
(Name of officer or agent, title of officer or agent) (Name of corporation acknowledging)  
 a \_\_\_\_\_ corporation, on behalf of the corporation. He/she is personally  
(State or place of incorporation)  
 known to me \_\_\_\_\_ or has produced \_\_\_\_\_ as  
 identification. (type of identification)

\_\_\_\_\_  
 Notary Public  
 \_\_\_\_\_  
(Print, Type or Stamp Commissioned Name of Notary Public)

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**ATTACHMENT 7**

**DRUG FREE WORKPLACE CERTIFICATION**

Preference shall be given to businesses with drug-free workplace programs. Whenever two or more response which are equal with respect to price, quality, and service are received by the State or by any political subdivision for the procurement of commodities or contractual services, a response received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie responses will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

- 1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- 2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees from drug abuse violations.
- 3) Give each employee engaged in providing the commodities or contractual services that are under this solicitation a copy of the statement specified in subsection (1) above.
- 4) In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under this solicitation, the employee will abide by the terms of the statement and will notify the employee of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the work place no later than five (5) days after such conviction.
- 5) Impose a sanction, on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
- 6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

VENDOR \_\_\_\_\_ TITLE \_\_\_\_\_

AUTHORIZED SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

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**ATTACHMENT 8  
DISCLOSURE STATEMENT  
CONFLICT OF INTEREST DISCLOSURE**

The award hereunder is subject to the provisions of Chapter 112, Florida Statutes. Respondents must disclose with their proposals whether any officer, director, employee or agent is also an officer or an employee of the Wakulla County Board of County Commissioners. All firms must disclose the name of any county officer or employee who owns, directly or indirectly, an interest of five percent (5%) or more in the Respondent's firm or any of its branches or affiliates. All Respondents must also disclose the name of any employee, agent, lobbyist, previous employee of the Board, or other person, who has received or will receive compensation of any kind, or who has registered or is required to register under Section 112.3215, Florida Statutes, in seeking to influence the actions of the Board in Connection with this procurement.

Names of Officer, Director, Employee or Agent that is also an Officer or Employee of Wakulla County:

_____	_____
_____	_____

Name of an State Officer or Employee that owns 5% or more in Respondent's firm:

_____	_____
_____	_____

\_\_\_\_\_  
Name

\_\_\_\_\_  
Company

\_\_\_\_\_  
Date

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**ATTACHMENT 9**

**IDENTICAL TIE BIDS**

Preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids which are equal with respect to price, quality, and service are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied contractors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

- 1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- 2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- 3) Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
- 4) In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employees will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- 5) Impose a sanction on, or require the satisfactory participation in a drug assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
- 6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify the following:

(Check one and sign in the space provided.)

\_\_\_\_\_ This firm complies fully with the above requirements.

\_\_\_\_\_ This firm does not have a drug free work place program at this time.

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CONTRACTOR'S SIGNATURE

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TITLE

