

# WAKULLA COUNTY BOARD OF COUNTY COMMISSIONERS



## **CONSTRUCTION ENGINEERING INSPECTION & ADMINISTRATION SERVICES**

FDOT Local Agency Program  
FPID# 426718-58-01

Request for Proposal Number: 2009-014

RESPONSES ARE DUE BY: TBD

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

Wakulla County Board of County Commissioners  
Purchasing Office  
3093 Crawfordville Highway  
PO Box 309  
Crawfordville, FL 32326

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

**RFP Title: Construction Engineering Inspection & Administration Services**

**RFP No: 2009-014**

**Opening Date: September 3, 2009**

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**OVERVIEW:**

Wakulla County, Florida is accepting written proposals from registered, qualified consulting firms in the State of Florida, pursuant to Section 287.055, Florida Statutes, known as the Consultant Competitive Negotiation Act (CCNA) with experience in Construction Engineering Inspection & Administration Services to support the County's Public Works Department to serve as the consultant and provide construction engineering inspection & administration services for project FPID# 426718-1-58-01 road striping replacement for four (4) Wakulla County Roadways. It is the intent of the Board of County Commissioners to select one firm to perform these services and to allocate up to 5% of the total budget of the American Recovery & Reinvestment Act (ARRA) award for FPID# 426718-1-58-01 to oversee and facilitate the federal ARRA requirements. The consultant will be selected based on qualifications and experience and will strictly follow the Consultants Competitive Negotiations Act.

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, as well as the Florida Department of Transportation's "Local Agency Program/Federal-Aid Contract Requirements for Wakulla County Pavement Marking Project". 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.

<b>Release of Request for Proposal</b>	<b>August 18, 2009</b>
<b>Technical Questions due from prospective Respondents (Fax acceptable)</b>	<b>August 25, 2009</b>
<b>MANDATORY Pre-Proposal Conference</b>	<b>N/A</b>
<b>Responses to questions due from the BoCC</b>	<b>August 27, 2009</b>
<b>Replies due and opened (FAX NOT ACCEPTABLE)</b>	<b>September 3, 2009</b>
<b>Evaluation Team to Evaluate Responses</b>	<b>September 9, 2009</b>
<b>Posting of Intended Award</b>	<b>September 9, 2009</b>
<b>Board Consideration of Intended Vendor Award</b>	<b>September 22, 2009</b>
<b>Anticipated beginning of work</b>	<b>October 1, 2009</b>

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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 #2009-014 – Construction Engineering Inspection & Administration 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 309, 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](mailto: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.

*In compliance with USDOT Title VI- Wakulla County hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, gender, religion, age, disability, marital status or national origin in consideration for an award.*

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### **SCOPE OF SERVICES:**

Wakulla County, Florida is accepting written proposals from registered, qualified consulting firms in the State of Florida, pursuant to Section 287.055, Florida Statutes, known as the Consultant Competitive Negotiation Act (CCNA) with experience in Construction Engineering Inspection & Administration Services to support the County's Public Works Department to serve as the consultant and provide those services for project FPID# 426718-1-58-01 road striping replacement for four (4) Wakulla County Roadways totaling approximately 71,281 Linear feet of 4" thermoplastic material.

The selected firm shall negotiate and execute a standard professional services contract with the County. All work orders assigned shall be done so using addendums to the standard professional services contract.

1. The managing authority for this project shall be the County Project Director of Public Works, Cleve Fleming, or his authorized designee.
2. The Contract for Construction Engineering Inspection & Administration Services will be determined based on budget. It is the Board of County Commissioner's intent to allocate up to 5% of the total budget for the CEI & A services to oversee, coordinate, and perform all ARRA requirements for FPID# 426718-1-58-01.
3. Consultant Firms must demonstrate expertise in the following areas:  
*Administration of construction contracts*  
*Inspection of construction work and activities*  
*Ensure completion of construction as required by the contract, the Wakulla County Codes, FDOT standards, plans and specifications, USDOT requirements, ARRA requirements*  
*Permitting requirements and other applicable agency requirements*  
*Timely and accurate reporting of invoicing*
4. Company/Firm shall be FDOT certified and Pre-Approved by FDOT to perform the services required under this contract and shall meet all requirements of the Local Agency Program (LAP) and ARRA (APPENDIX A).
5. The selected firm shall provide CEI & Administrative services to include but not be limited to:
  - Review bid results and provide recommendation on bid award,
  - Review submittals and shop drawings,
  - Provide CEI services for the duration of the project,
  - Review and approve pay requests,
  - Administer the ARRA contract Requirements, Provide close out documentation,
  - Prepare and submit daily and weekly reports of contractors and consultants activities and time,
  - Verify and ensure that reports and records are submitted on schedule and are accurate,
  - Review and process contractor invoices (all project related invoices) quickly and efficiently,
  - Inspect and verify all construction activities, attend preconstruction, construction meetings and coordinate with contractors, coordinate with utilities, inspect, ensure, and verify that the quality of the work is in accordance with required Standards and Specifications,
  - Respond to contractor correspondence and queries, and other activities as directed by the County Project Director of Public Works or as needed to complete the project.

### **QUALIFICATIONS**

Statement of Qualifications shall be prepared utilizing the following format. Each of the required qualifications sections must begin on a new page and be separately tabbed or identified. One original and Three (3) copies shall be forwarded for evaluation. The format is as follows:

- Submittal Cover Sheet
- Firm qualifications and capabilities

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- Qualifications, resumes, certifications, and licenses of proposed professional personnel
- Client references for similar projects
- Experience on similar projects
- Evidence of registration and statement of professional liability insurance and license(s)
- Affidavits and Acknowledgements
- Proposed hourly rates or standard hourly rates for the services to be provided

Contractor must adhere to the Local Agency Program/Federal-Aid Contract Requirements for Wakulla County Pavement Marking Project, FPID# 426718-1-58-01 (APPENDIX A). 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 a selection committee.
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 selection committee will evaluate the proposals that are responsive to the requirements of this RFP using the following criteria listed in order of importance:

**EVALUATION CRITERIA**

<b>EVALUATION CRITERIA</b>	<b>Total Possible Points</b>
<b>COMPANY/FIRM QUALIFICATIONS AND CAPABILITIES</b> The overall ability and capability of firm to perform the required CEI services, based on personnel, past work history, and other information that consultant submits.	30
<b>QUALIFICATIONS AND ABILITIES OF PROFESSIONAL PERSONNEL</b> To include organization profile and proposed project management and inspector(s); specific names and functions of personnel assigned to the project; resumes of personnel assigned to the project (to include years of experience and years with the submitting company).	20
<b>CLIENT REFERENCES FOR SIMILAR PROJECTS.</b> To include a minimum of 3 letters of reference from county and/or municipal governments for similar projects for which you have performed similar services. Please include a client contact name, address and phone number for each.	20
<b>CEI EXPERIENCE ON SIMILAR PROJECTS</b> Each similar project description must include a list of the proposed team members who worked on the similar project.	20
Quality of RFQ Response	10

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4. All proposals will be reviewed and ranked according to competence and qualifications, and offerers may be selected for interviews or oral presentations as deemed 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 proposal responses and select the successful offerer. 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 by the County Administrator in the form of an Agenda Request to the Board of County Commissioners, who shall either accept or deny the recommendation of the selection/evaluation committee as presented by the County Administrator.
7. The Board of County Commissioners, or its designee, shall negotiate a contract including price with the top ranked 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.

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

**PREPARATION AND SUBMISSION OF RESPONSES:**

One original and three (3 Copies) of responses to this RFP must be submitted in a sealed envelope. Facsimiles will not be accepted.

**OCCUPATIONAL LICENSES AND REGISTRATIONS:**

The consultant 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 consultant 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. Consultants 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 consultant 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

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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.

**CONSULTANT'S REGISTRATION REQUIREMENTS:**

1. Lobbyist shall possess appropriate licensing as required by Florida Statutes that mandates specific licensing for lobbyists engaged in the type of work covered by this solicitation. Further, Lobbyists shall meet all requirements of the State of Florida, and licensure and/or registration requirements of other federal, state, regional, County or municipal agencies having jurisdiction over the specified work.
2. Said licenses shall be in the Lobbyist name as it appears on the RFP Form, or as otherwise required by law. Lobbyist shall supply appropriate license numbers with expiration dates as a part of their response. Failure to possess and provide proof of proper licensing, certification, and/or registration may be grounds for rejection of the response.
3. Contractor shall provide copies of all applicable licenses with its response.

**STATUS:**

The Contractor shall, at all times relevant to this contract, be an independent contractor and in no event shall the Contractor, nor any employees or sub-contractors under it, be considered to be employees of Wakulla County.

**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 RFP form will be made public for the information of contractors 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.

**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.

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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.

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 Contractor 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. Any work to be performed shall be upon the written request of the County Administrator or his representative, which request shall set forth the commencing date of such work and the time within which such work shall be completed.

### 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.
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.

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5. Persons duly authorized by the County and Federal auditors, pursuant to 45 CFR, Part 92.36(l)(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 Contractor assign any monies due or to become due to him hereunder without the previous written consent of the County.

**HOLD HARMLESS:**

The Contractor 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 Contractor, its delegates, agents or employees, or due to any act or occurrence of omission or commission of the Contractor, 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:**

- 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

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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.

**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

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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  
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**

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

**ATTACHMENT 2**

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

**RFP Title: Construction Engineering Inspection & Administration Services**

**RFP No: 2009-014**

**Opening Date: September 3, 2009**

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**ATTACHMENT 3**

**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)

**ATTACHMENT 4**

**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

**ATTACHMENT 5**

**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 \_\_\_\_\_

**ATTACHMENT 6  
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

**RFP Title: Construction Engineering Inspection & Administration Services**

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**ATTACHMENT 7**

**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



**RFP Title: Construction Engineering Inspection & Administration Services**

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STATEMENT OF NO BID

We, the undersigned, have declined to bid on the above referenced bid for the following reasons:

\_\_\_\_\_ We do not offer this service

\_\_\_\_\_ Our schedule would not permit us to perform.

\_\_\_\_\_ Unable to meet specifications

\_\_\_\_\_ Others (Explain)

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We understand that if the no-bid letter is not executed and returned, our name may be deleted from the list of qualified bidders for Wakulla County.

Company Name \_\_\_\_\_

Signature \_\_\_\_\_

Name (Print/Type) \_\_\_\_\_

Telephone No. \_\_\_\_\_