

REQUEST FOR PROPOSAL #12-2250BG

GEOTECHNICAL ENGINEERING, SOILS AND MATERIALS TESTING SERVICES

Manatee County, a political subdivision of the State of Florida (hereinafter "Manatee County" or the "County") will receive proposals from individuals, corporations, partnerships, and other legal entities authorized to do business in the State of Florida, for the purpose to provide Geotechnical Engineering, Soils and Material Testing in accordance with Florida Statute Chapter 287, Section 055 The Consultants Competitive Negotiation Act and as described in this Request For Proposal.

DEADLINE FOR CLARIFICATION REQUESTS: August 20, 2012 at 5:00 PM shall be the deadline to submit all inquiries, suggestions, or requests concerning interpretation, clarification or additional information pertaining to this Request For Proposals to the Manatee County Purchasing Division. This deadline has been established to maintain fair treatment for all potential bidders or proposers, while ensuring an expeditious transition to a final agreement.

TIME AND DATE DUE: Proposals will be received until **September 4, 2012 at 1:00 PM** which time they will be **publicly opened**. All interested parties are invited to attend this opening.

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Important Note: A prohibition of lobbying is in place. Please review paragraph A.16 carefully to avoid violation and possible sanctions.

FOR INFORMATION CONTACT:

Blair C. Getz, Contracts Negotiator @ (941)749-3053
Manatee County, Financial Management Department, Purchasing Division

AUTHORIZED FOR RELEASE: 

REQUEST FOR PROPOSAL#12-2250BG

GEOTECHNICAL ENGINEERING, SOILS AND MATERIALS TESTING SERVICES

SECTION A: INFORMATION TO PROPOSERS

PROPOSERS MUST COMPLY WITH THE FOLLOWING INSTRUCTIONS TO BE CONSIDERED FOR SELECTION:

A.01 OPENING LOCATION

These proposals will be publicly opened at Manatee County Purchasing Division, 1112 Manatee Avenue West, 8th Floor, Suite 803, Bradenton, Florida 34205, in the presence of County officials at the time and date stated on the cover sheet. All proposers or their representatives are invited to attend.

A.02 PROPOSAL INFORMATION AND PROPOSAL DOCUMENTS

Bids and Proposals on <http://www.mymanatee.org>

Bid or Proposal documents and the Notices of Source Selection related to those Bids or Proposals are available for download in a portable document format (.PDF) file on the Manatee County web page on the Purchasing Division tab under "Bids and Proposals". You may view and print these files using Adobe Acrobat software. You may download a free copy of this software (Adobe) from the County's web page if you do not have it.

Manatee County collaborates with the Manatee Chamber of Commerce on distributing solicitations using the RFP Tool web page on the Chambers website: <http://www.Manateechamber.com> to post Bid and Proposal documents in a portable document format (.PDF) file. This step is in addition to the posting on Manatee County Government web pages.

Manatee County may also use an internet service provider to distribute Bids and Proposals. The website for this service is <http://www.DemandStar.com>. Participation in the DemandStar system is not a requirement for doing business with Manatee County

Note: The County posts the **Notice of Source Selection** seven (7) calendar days prior to COMMENCING NEGOTIATIONS with the selected firms.

A.03 REQUIREMENTS FOR FORMAT AND DELIVERY OF PROPOSALS

Any proposals received after the stated time and date will not be considered. It shall be the sole responsibility of the proposer to have their proposal delivered to the Manatee County Purchasing Division for receipt on or before the stated time and date.

A.03 REQUIREMENTS FOR FORMAT AND DELIVERY OF PROPOSALS (continued)

If a proposal is sent by U.S. Mail, the proposer shall be responsible for its timely delivery to the Purchasing Division.

Proposals delayed by mail shall not be considered, shall not be opened at the public opening, and arrangements shall be made for their return at the proposer's request and expense.

Proposals must be submitted in the format specified in Section B hereof. Additional support information may be included. The contents of the proposal shall be separated and arranged with tabs in the same order as listed in the subsections within Section B identifying the response to each specific item, thereby facilitating expedient review of all responses.

A.04 CLARIFICATION & ADDENDA

Each proposer shall examine all Request For Proposal documents and shall judge all matters relating to the adequacy and accuracy of such documents. Any inquiries, suggestions or requests concerning interpretation, clarification or additional information pertaining to the Request For Proposal shall be made in writing through the Manatee County Purchasing Division. The County shall not be responsible for oral interpretations given by any County employee, representative, or agents. The issuance of a written addendum by the Purchasing Official's Division is the only official method whereby interpretation, clarification or additional information can be given.

Addenda shall be posted on <http://www.mymanatee.org>

It shall be the responsibility of each proposer, prior to submitting their proposal, to contact the Manatee County Purchasing Division at 941-748-4501 extension 3053 to determine if addenda were issued and to acknowledge Addendum(s) where indicated on the Proposal Signature Form.

DEADLINE FOR CLARIFICATION REQUESTS

August 20, 2012 at 5:00 PM shall be the deadline to submit all inquiries, suggestions, or requests concerning interpretation, clarification or additional information pertaining to this Request For Proposals to the Manatee County Purchasing Division.

This deadline has been established to maintain fair treatment for all potential bidders or proposers, while ensuring an expeditious transition to a final agreement.

A.05 SEALED & MARKED

One (1) signed Original (marked Original) and five (5) copies (marked Copy) of your proposal shall be submitted in one sealed package, clearly marked on the outside "**Sealed Proposal #12-2250BG/Geotechnical Engineering, Soils and Material Testing**" and addressed to:

Manatee County Purchasing Division
1112 Manatee Avenue West, Suite 803
Bradenton, FL 34205

A.06 LEGAL NAME

Proposals shall clearly indicate the legal name, address and telephone number of the proposer (company, firm, and partnership, individual). Proposals shall be signed above the typed or printed name and title of the signer. The signer shall have the authority to bind the proposer to the submitted proposal.

A.07 PROPOSAL EXPENSES

All expenses for making proposals to the County are to be borne by the proposer.

A.08 EXAMINATION OF OFFER

The examination of the proposal and the proposer generally requires a period of not less than ninety (90) calendar days from the date of the opening of the proposals.

A.09 DISCLOSURE

Upon receipt, all inquiries and responses to inquiries related to this request For Proposal become "Public Records" and are subject to public disclosure thirty (30) days after the proposal opening or if an Notice of Intent to Award decision is made earlier than this time as provided by Florida Statute 119.071 (1) (b). **No review of the proposal documents shall be conducted at the public opening of the proposals.** If the County rejects all proposals and concurrently notices its intent to reissue the solicitation, initial proposals are exempt until the County provides notice of its intended decision or 30 days after opening of the new proposals.

Manatee County will make public at the opening, the names of the business entities that submitted an offer and any amount presented as offers without any verification of the mathematics, if any, or the completeness of the offer.

A.10 ERRORS OR OMISSIONS

Once a proposal is submitted, the County shall not accept any request by any proposer to correct errors or omissions in the proposal.

A.11 RESERVED RIGHTS

The County reserves the right to accept or reject any and/or all proposals, to waive irregularities and technicalities, and to request resubmission. Any sole response received by the first submission date may or may not be rejected by the County, depending on available competition and timely needs of the County. The County reserves the right to award the agreement to a responsible proposer submitting a responsive proposal, with a resulting negotiated agreement which is most advantageous and in the best interests of the County. The County shall be the sole judge of the proposal, and the resulting negotiated agreement that is in its best interest and its decision shall be final. Also, the County reserves the right to make such investigation as it deems necessary to determine the ability of any proposer to perform the work or service requested. Information the County deems necessary to make this determination shall be provided by the proposer. Such information may include, but shall not be limited to current financial statements prepared by an independent CPA; verification of availability of equipment and personnel; and past performance records.

A.12 APPLICABLE LAWS

Proposer must be authorized to transact business in the State of Florida. All applicable laws and regulations of the State of Florida and ordinances and regulations of Manatee County will apply to any resulting agreement. Any involvement with any Manatee County procurement shall be in accordance with Manatee County Code of Laws Chapter 2-26, as amended. Procedures and deadlines concerning protests related to this Request For Proposals shall be those which are set forth in §2-26-61 of the County Code.

A.13 CODE OF ETHICS

With respect to this proposal, if any Proposer violates, directly or indirectly, the ethics provisions of the Manatee County Purchasing Division Code and/or Florida criminal or civil laws related to public procurement, including but not limited to, Florida Statutes Chapter 112, Part II, Code of Ethics for Public Officers and Employees, such Proposer will be disqualified from eligibility to perform the work described in this Request for Proposal and may also be disqualified from furnishing future goods or services to, and from submitting any future bids or proposals to supply goods or services to Manatee County.

By submitting a proposal, the Proposer represents to the County that all statements made and materials submitted are truthful, with no relevant facts withheld. If a Proposer is determined to have been untruthful in its proposal or any related presentation, such Proposer will be disqualified from eligibility to perform the work described in this Request for Proposal, and may also be disqualified from furnishing future goods or services to, and from submitting any future bids or proposals to supply goods or services to Manatee County.

A.14 COLLUSION

By offering a submission to this Request For Proposal the proposer certifies the proposer has not divulged to, discussed or compared his proposal with other proposers and has not colluded with any other proposer or parties to this proposal whatsoever. Also, the proposer certifies, and in the case of a joint proposal, each party thereto certifies, as to their own organization that in connection with this proposal:

- a) Data submitted has been arrived at independently, without consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such data, with any other proposer or with any competitor;
- b) Data for this proposal has not been knowingly disclosed by the proposer prior to the scheduled opening directly or indirectly to any competitor;
- c) No attempt has been made or will be made by the proposer to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition;
- d) The only person or persons interested in this proposal as principal or principals is/are named therein and that no person other than therein mentioned has any interest in this proposal or in the agreement to be entered into; and
- e) No person or agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees.

A.15 PUBLIC ENTITY CRIMES

In accordance with Section 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal on an agreement to provide any goods or services to a public entity, may not submit a proposal on an agreement with a public entity for the construction or repair of a public building or public work, may not submit proposals on leases or real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under an agreement with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

A.15: PUBLIC ENTITY CRIMES (continued)

In addition, Manatee Code of Laws Chapter 2-26 Article V prohibits the award of County contracts to any person or entity who/which has, within the past 5 years, been convicted of, or admitted to in court or sworn to under oath, a public entity crime or of any environmental law that, in the reasonable opinion of the Purchasing Official, establishes reasonable grounds to believe the person or business entity will not conduct business in a reasonable manner. To ensure compliance with the foregoing, the Code requires all persons or entities desiring to contract with the County to execute and file with the Purchasing Official an affidavit, executed under the pain and penalties of perjury, confirming that person, entity, and any person(s) affiliated with the entity, does not have such a record and is therefore eligible to seek and be awarded business with the County. **Proposer is to complete Attachment "C".**

A.16 LOBBYING

After the issuance of any Request For Proposals, prospective proposers or any agent, representative or person acting at the request of such proposer shall not contact, communicate with or discuss any matter relating in any way to the Request For Proposals with any officer, agent or employee of Manatee County other than the Purchasing Official or as directed in the Request For Proposals. This prohibition begins with the issuance of any Request For Proposals and ends upon an award of the final agreement, when all solicitations have been rejected, or when the request has been canceled. Violators of this prohibition shall be subject to sanctions as provided in the Manatee County Code of Laws Chapter 2-26.

A.17 EQUAL EMPLOYMENT OPPORTUNITY

In accordance with the provisions of Title VI of the Civil Rights Act of 1964 and Title 15, part 8 of the Code of Federal Regulations, Manatee County hereby notifies all prospective Proposers that it will affirmatively ensure minority business enterprises will be afforded full opportunity to participate in response to this advertisement and will not be discriminated against on the grounds of race, color or national origin in consideration for an award.

A.18 AMERICANS WITH DISABILITIES ACT

The Board of County Commissioners of Manatee County, Florida, does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the County's functions including one's access to, participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation for the **public meetings** specified herein (i.e. Information Conference or Proposal Opening), should contact the person named on the first page of this document at least twenty four (24) hours in advance of the activity to request accommodations.

END OF SECTION A

SECTION B: SCOPE OF SERVICES

B.01 BACKGROUND

Manatee County expects that this Request for Proposals will result in an award of agreement(s) to provide geotechnical engineering and soils and materials testing services for various projects as required by Manatee County. The term of the Agreement(s) will be for a period of one (1) year from the effective date of the Agreement(s), with the possibility of extensions of four (4) one year periods up to an aggregate total of five (5) years at the sole discretion of the County.

B.02 SCOPE

The following generally describes the "Scope of Services" that will be the successful Proposer's responsibility.

- a. The work consists of providing services on an as required basis for geotechnical engineering and soils and materials testing services for various projects as required by the County.
- b. Project size may vary and tasks will be assigned on the basis of individually negotiated work assignments. The Consultant shall perform all the services specified in this Agreement in accordance with generally accepted professional standards. The Consultant shall perform all services as expeditiously as is consistent with professional skill and care and orderly progress of the work. All work, of any kind, shall conform to and be in compliance with applicable codes, laws, ordinances, regulations and restrictions. The Consultant's services shall include but are not limited to, soils and materials testing for projects related to highway, utilities, landfill, parks and recreation facilities and other County facilities. Provide consultation, wetlands monitoring, analysis and jurisdictional designation; environmental assessments, engineering consultations, evaluation of field and laboratory data and engineering reports.
- c. Serve as the County's consultant for geotechnical engineering and soils and materials testing services to the extent contained in this Scope of Services. The services shall include but are not limited to:
 - Geotechnical engineering
 - Soils testing
 - Materials testing
 - Hydrological testing
 - Structural testing
 - Threshold inspections
 - Plant inspections

B.02 SCOPE (continued)B.02.1 Project Control

The Consultant shall:

- Develop and maintain a project reporting system tracking all critical events, both scheduled and actual as necessary.
- At a minimum, participate in project meetings on an as required basis to inform the Contract Manager of the current status of the overall project schedule; noting exceptions and suggesting actions required to correct schedule exceptions.

B.02.2 Quality Control

The Consultant shall:

- Provide quality assurance and performance tracking of each project.
- Insure delivery schedules and the integrity of the products and materials required for the project.

B.02.3 Personnel

- The Consultant shall provide a full cadre of qualified personnel as necessary to effectively carry out its responsibilities under the Proposed Agreement. The Consultant shall utilize only competent personnel, who are qualified by experience and education, and who are acceptable to the Contract Manager. The Consultant shall not make changes in the professional personnel working on activities pursuant to the Proposed Agreement without the written approval of the County's Contract Manager.
- The Consultant's agent shall be present for project decision meetings as requested by the County.

END SECTION B

SECTION C: FORM OF PROPOSAL

This section identifies specific information which must be contained within each Proposal. The contents of each proposal shall be **separated** and **arranged with tabs** in the same order as listed in Sections C.01 through C.04, identifying the response to each specific item.

The information that Proposers provide shall be used to determine those Proposers with perceived ability to perform the Scope of Services as stated in this Request for Proposal which may overall best meet the needs of Manatee County. A review with those Proposers reasonably susceptible of being selected for award may be conducted for the purposes of clarification of both ability and benefit to Manatee County. See Section D. Selection.

C.01 MINIMUM QUALIFICATIONS:

The Proposer must present qualifications as follows prior to further consideration of their proposal:

To qualify for any consideration, Proposer must be certified to practice engineering in accordance with Florida Statute 471 and have proven professional experience in the areas of Geotechnical Engineering, Soils and Material Testing.

If the proposer is relying on any acquisition or merger for meeting the minimum qualifications requirement, the proposer shall clearly disclose such acquisition or merger. The proposer shall clearly explain how the acquisition or merger meets the minimum qualification requirements, including a description of each firm's experience.

Proposals may be submitted by one (1) or more sole proprietorship; corporation, partnership or a joint venture, the entity(s) submitting the proposal shall provide copies of and be properly registered, certified, and licensed as required by the State of Florida.

Joint Venture Firms must provide an affidavit on the firm's letterhead, signed, witnessed and notarized attesting to the formulation of a joint venture and provide either proof of incorporation or a copy of the formal agreement between all joint venture parties, indicating their respective roles, responsibilities and levels of participation for the project.

C.02 ADMINISTRATIVE SUBMITTAL

- a. Proposal Signature Form. (Attachment A)
- b. Public Contracting and Environmental Crimes Cert. (Attachment C).

After Manatee County staff validates the qualifications given, those proposers who meet the minimum qualifications stated above will be considered.

C.03 INFORMATION TO BE SUBMITTED REGARDING YOUR BUSINESS ENTITY

Tabs are required to identify each item defined in this Section.

To validate the qualifying service, provide the Florida city or county, the date of the engagement, a government contact who was responsible for the administration of that contract and contact information including telephone and email information.

- C.03.1. Provide a description of the proposer's **background and size**. Provide a general statement of qualifications that includes your firm's professional credentials, the legal status of your organization, and experience in providing the service enumerated in this Request For Proposal.

Describe any **changes in the mode of conducting business** your firm has made in the past five (5) years, including any mergers, acquisitions, consolidations, downsizing or bankruptcy proceedings or filings. Disclose any such changes that are currently in progress. Identify the location of the primary office that will provide these services to the County.

- C.03.2. Provide an **explanation of the business entity which you represent**. Specify the business entity which would be bound by a contract, should your firm be selected: company or corporation; subcontractor roles; and if a joint venture, include the specific experience that the joint venture partners have working together on similar projects.

If the proposer is a joint venture, or partnership, the details of the responsibilities for provision of the required services must be clearly disclosed.

Provide a narrative on how you anticipate the partnerships to manage the work and any prior experience that the individual entities may have had in working together on other projects. Disclose the lead firm of the joint venture.

C.03 INFORMATION TO BE SUBMITTED REGARDING YOUR BUSINESS ENTITY (continued)

- C.03.3 Identify each **principal of the firm and other “key personnel”** who will be professionally associated with the County. Do not include personnel that will not have a role in this project. Describe their respective areas of expertise. Include personalized resumes which identify the qualifications, training and experience of each key personnel. Identify each individual on your team and provide the following information:
- Name
 - Professional credentials
 - Title
 - Telephone number
 - Office address
 - Email address
 - Brief description of the individual's role and duties for Manatee County
 - Individual resume
- C.03.4 Submit an **organizational chart** of your firm, stating the names of the firm's management and supervisory personnel to be assigned to this agreement undertaking. Provide a resume for each of your key personnel. Identify the primary office location of each person listed in the organizational chart.
- C.03.5 Submit a list of **subcontractors and sub-consultants** that may be used with the same level of detail as item C.03.3 above.
- C.03.6. **Specify the office and the location of the business entity explained in response to item C.03.2 above which is to be the primary location of the principal and key personnel.** List the key personnel at that location. For the remaining key personnel detail at what location(s) from which they will work and how they will provide management services or supply support from those locations.
- C.03.7. Submit a narrative **explaining the direct economic benefit to Manatee County to be realized by selecting your firm.** During the term of this engagement detail the employment, subcontracting, and support services contracting as economic stimulus that your entity may generate that would directly benefit Manatee County.

If your business entity has limited experience, such as a joint venture created for this project, provide a narrative on how you anticipate the new partnerships to manage the work and any prior experience that the individual entities may have had in working together on other projects. If submitting projects as support, include the level of detail requested in item C.03.3 above.

C.03 INFORMATION TO BE SUBMITTED REGARDING YOUR BUSINESS ENTITY (continued)

- C.03.8. Using the response to C.03.3 in which you identified "Key Personnel", provide a list, with references, of Geotechnical Engineering, Soils and Material Testing **that each individual has performed since 2007**. References given must specify employees in senior level management positions with knowledge of the project to confirm the claimed details. Include the name of the entity for which the work was completed, a description of the project, the dates of service, the telephone number(s) and email addresses of the identified contact persons.
- C.03.9. Disclose any **private client engagements that your business entity has undertaken as a** Geotechnical Engineering, Soils and Material Testing firm from 2007 to the current date. Provide the private client's name, the date of the engagement, and the description of the services your business entity provided.
- C.03.10. Submit a **project management plan** for processing tasks requiring Geotechnical Engineering, Soils and Material Testing. The plan shall include the scheduling of all major project milestones in a time line fashion, tracking and reporting procedures for identified milestones and development strategy that defines the deliverables to be supplied.
- C.03.11. Provide a list of the **contracts your firm has obtained** within the past three (3) years, indicating the type of services provided and the locations. Provide a list of the contracts your firm has held and then lost in the past three (3) years and state the reason for the loss and the location.
- C.03.12. Provide a list of at least **five (5) pertinent geotechnical projects** performed with local government over the past five (5) years by your firm. Provide for the projects listed the following information, a) applicable geotechnical reports b) study or activities performed, c) were the projects completed within budget and d) was the completion date for the project met, if the answer is **no** to either **c** or **d** above state cost overruns and/or damage claims with reasons for the increases and the failure to meet the required schedule.

Include the name of the entity, a description of the contract project, the dates of service and the name(s) and telephone number(s) of the contact persons.

C.04 ADDITIONAL INFORMATION TO BE SUBMITTED

Submit any additional information which would assist the County in the evaluation of your proposal.

NOTE: The County reserves the right to make such investigation and solicit additional information or submittals as it deems necessary to determine the ability of any Proposer to perform the Scope of Services stated in this Request For Proposal.

END OF SECTION C

SECTION D: SELECTION

D.01 EVALUATION FACTORS

Evaluation factors are the perceived ability of the Proposer to perform the Scope of Services as stated in this Request for Proposal in the most timely and efficient manner. Evaluation factors shall determine the proposal which will overall best meet the needs of Manatee County as determined from the responses to this Request for Proposal and subsequent investigation by the County.

D.02 RELATIVE IMPORTANCE OF EVALUATION FACTORS

No weight has been assigned to the Evaluation Factors stated above.

D.03 PRELIMINARY RANKING

An Evaluation Committee shall determine from the responses to this Request for Proposal and subsequent investigation as necessary, the Proposer(s) most Qualified to be selected to negotiate an agreement.

D.04 IN-PERSON REVIEW OF PROPOSERS AND PROPOSALS

In-person reviews may be conducted with responsible proposers who are deemed reasonably susceptible of being selected for award, for the purposes of assuring full understanding of (a) conformance to the solicitation requirements, (b) the abilities of the proposer, and (c) the proposal submitted.

Proposers shall be available for presentations to and interviews with the Evaluation Committee, upon notification from the Purchasing Division. The date(s) and time(s) of any such presentations / interviews shall be determined solely by the County, and maybe closed to the public in the discretion of the Purchasing Official, and to the extent permitted by law.

D.05 SELECTION FOR NEGOTIATION

The evaluation committee will make a recommendation to the County Administrator as to the proposer(s) the County should enter negotiations with. The County Administrator will act upon that recommendation and, if accepted, the successful Proposer(s) will be invited to enter negotiations led by the Purchasing Division.

D.06 AWARD

Award of an agreement is subject to the successful negotiations and the approval of either the County Administrator or the Board of County Commissioners (as provided for in the current Purchasing Division Code and Procurement Procedures).

END SECTION D

SECTION E: NEGOTIATION OF THE AGREEMENT

E.01 GENERAL

The following general terms and conditions apply to the proposal submitted for consideration and the subsequent negotiations:

- a. The proposal(s) will serve as a basis for negotiating an agreement, but not compel adherence to its terms or conditions.
- b. Upon submission, all proposals become the property of the County which has the right to use any or all ideas presented in any proposal submitted in response to this Request for Proposal whether or not the proposal is accepted.
- c. All products and papers produced in the course of this engagement become the property of the County upon termination or completion of the engagement.

E.02 AGREEMENT

The selected Proposer(s) shall be required to negotiate an agreement, in a form and with provisions acceptable to Manatee County.

Negotiated Agreements may or may not include all elements of this RFP or the resulting successful proposal where alternative terms or conditions become more desirable to the County, and the parties agree to such terms.

The parties will negotiate the term of the agreement, and the circumstances in which it may be renewed, assigned or terminated.

The parties will negotiate matters of insurance, liability, record-keeping, auditing, and all other relevant contractual matters.

END SECTION E

ATTACHMENT "A"

PROPOSAL SIGNATURE FORM

RFP #12-2250BG

GEOTECHNICAL ENGINEERING, SOILS AND MATERIALS TESTING SERVICES

Firm Name

Mailing Address:

Email

() _____
Telephone Number

City, State, Zip Code

The undersigned certifies that he/ his has the authority to submit the proposal and the statements in the proposal are true and correct. If the firm is selected by the County the undersigned certifies that he/she will negotiate in good faith to establish an agreement to provide GEOTECHNICAL ENGINEERING, SOILS AND MATERIALS TESTING SERVICES for Manatee County, according to the requirements of this RFP #12-2250BG.

Signature

Date: _____

Name and Title of Above Signer

Name and Title of Firm's Representative for Manatee County

Email for Firm's Representative for Manatee County

Telephone Number of Firm's Representative for Manatee County

Acknowledgement of Addendums

Addendum# _____ Dated _____

Addendum# _____ Dated _____

Addendum# _____ Dated _____

Addendum# _____ Dated _____

Addendum# _____ Dated _____

Addendum# _____ Dated _____

ATTACHMENT B

MANATEE COUNTY LOCAL PREFERENCE LAW AND VENDOR REGISTRATION

SECTION.01 Vendor Registration

All vendors are encouraged to register with Manatee County using the on-line "Vendor Registration" web page on www.mymanatee.org.

Enclosed is a copy of the current Manatee County law that details the County's Local Preference and definition of a Local Business.

If you assert that your firm meets the stated definition of a Local Business, we ask that in addition to registering on the County's Web page, you fill out the attached "**Affidavit As To Local Business Form**" that is the **last page** in this section of the proposal, have the completed document notarized, and mail the original to the following address: Manatee County Administration Center, 1112 Manatee Avenue West, Suite 803, Bradenton, FL 34205.

Your cooperation in registering your business with Manatee County will enhance our opportunities to identify sources for goods and services, plus identify Local Businesses. This information is used for soliciting quotations up to \$250,000.00 and for competitive solicitations of larger purchases.

You will note that Manatee County collaborates with the Manatee Chamber of Commerce, posting bids on www.manateechamber.com as well as using the same vendor categories for registration. Our staff can assist you with your registration as needed. Our office hours are 8:00 A.M. to 5:00 P.M., Monday through Friday on regular business days. Please call (941) 749-3014 if you wish to have a purchasing staff member assist you.

Quick steps to on line registration:

www.mymanatee.org

A link to "Purchasing" is listed under the "Quick Links" on page one of this County Web Site. On the left hand side of the Purchasing Web page, click on "Vendor Registration."

This will bring up the Vendor Registration form for on-line input. Please note "local business" is defined in the Purchasing Code.

Thank you for reviewing this information and considering registering your business with Manatee County. Registration is not mandatory; however, by taking the time to register, you are helping the County to provide timely notifications of quotation, bid, and proposal opportunities to your business.

MANATEE COUNTY LOCAL PREFERENCE LAW AND VENDOR REGISTRATION

SECTION.02 / Section 2-26-6. Local preference, tie bids, local business defined.

(a) Whenever a responsible local business bidder and a responsible non-local business bidder are found, upon the opening of bids, to have both submitted the lowest responsive bid, the bid of the local bidder shall be awarded the contract. Should more than one responsible local business bidder match the responsible non-local business bidder's lowest responsive bid, or should no responsible local business bidder match the lowest responsive bid but two or more responsible non-local business bidders submit lowest responsive bids for equal amounts, then the award of the contract shall be determined by a chance drawing, coin toss, or similar tie-breaking method conducted by the purchasing office and open to the public. Any bidders seeking to be recognized as local businesses for purposes of this local business preference provision may be required by the terms of the bid announcement to certify they meet the definition of local business set forth in this section, and to register as a local business with the county in the manner prescribed by the county to facilitate the county's ability to track the award of contracts to local businesses and to allow the county to provide future notifications to its local businesses concerning other bidding opportunities.

(b) Nothing herein shall be deemed to prohibit the inclusion of requirements with respect to operating and maintaining a local place of business in any invitation for bids when the bidder's location materially affects the provisions of the services or supplies that are required by the invitation.

(c) Local business is defined as a business legally authorized to engage in the sale of the goods and/or services to be procured, and which certifies within its bid that for at least six (6) months prior to the announcement of the solicitation of bids it has maintained a physical place of business in Manatee, Desoto, Hardee, Hillsborough, Pinellas or Sarasota County with at least one full-time employees at that location.

(d) Each solicitation for bids made by the county shall contain terms expressly describing the local business preference policies of the county, and shall provide that by electing to submit a bid pursuant to a request for bids, all bidders are deemed to understand and agree to those policies.

(e) For all contracts for architecture, professional engineering, or other professional services governed by Florida Statute § 287.055, the Consultants' Competitive Negotiation Act, the county shall include the local business status of a firm among the factors considered when selecting which firms are "most highly qualified." In determining which firm is the "most qualified" for purposes of negotiating a satisfactory contract, preference shall be given to a local business where all other relevant factors are equal.

(f) Local preference shall not apply to the following categories of contracts:

1. Goods or services provided under a cooperative purchasing agreement or similar "piggyback" contract;
2. Contracts for professional services subject to Florida Statute § 287.055, the Consultants' Competitive Negotiation Act, except as provided for in subsection (e) above;

SECTION.02/Section 2-26-6. Local preference, (CONTINUED)

Local preference shall not apply to the following categories of contracts continued)

3. Purchases or contracts which are funded, in whole or in part, by a governmental or other funding entity, where the terms and conditions of receipt of the funds prohibit the preference;
4. Purchases or contracts made pursuant to a non-competitive award process, unless otherwise provided by this section;
5. Any bid announcement which specifically provides that the general local preference policies set forth in this section are suspended due to the unique nature of the goods or services sought, the existence of an emergency as found by either the county commission or county administrator, or where such suspension is, in the opinion of the county attorney, required by law.

(g) To qualify for local preference under this section, **a local business must certify to the County that it:**

1. Has not within the five years prior to the bid announcement admitted guilt or been found guilty by any court or state or federal regulatory enforcement agency of violation of any criminal law, or a law or administrative regulation regarding fraud;
2. Is not currently subject to an unresolved citation or notice of violation of any Manatee County Code provision, except citations or notices which are the subject of a current legal appeal, as of the date of the bid announcement;
3. Is not delinquent in the payment of any fines, liens, assessments, fees or taxes to any governmental unit or taxing authority within Manatee County, except any such sums which are the subject of a current legal appeal.

Ref: Manatee County Purchasing Code § 2-26-6.

MANATEE COUNTY GOVERNMENT AFFIDAVIT AS TO LOCAL BUSINESS

(Complete and Initial Items B-F)

A. Authorized Representative

I, [name] _____, am the [title] _____
and the duly authorized representative of: [name of business] _____
_____, and that I possess direct personal knowledge to make informed responses to these certifications
and the legal authority to make this Affidavit on behalf of myself and the business for which I am acting; and by
electing to submit a **proposal** pursuant to this **Request For Proposals**, shall be deemed to understand and
agree to the local business preference policies of Manatee County; and that I have the direct knowledge to
state that this firm complies with all of the following conditions to be considered to be a Local Business as
required by the Manatee County Code § 2-26-6.

B. Place of Business: I certify that the above business is legally authorized to engage in the sale of goods
and/or services and has a physical place of business in Manatee, DeSoto, Hardee, Hillsborough, Pinellas or
Sarasota County with at least one (1) fulltime employee at that location. The physical address of the location
which meets the above criteria is: _____ [Initial] _____

C. Business History: I certify that business operations began at the above physical address with at least one
fulltime employee on [date] _____ [Initial] _____

D. Criminal Violations: I certify that within the past five years of the date of this **proposal** announcement, this
business has not admitted guilt nor been found guilty by any court or local, state or federal regulatory
enforcement agency of violation of any criminal law or administrative regulation regarding fraud. [Initial] _____

E. Citations or Code Violations: I certify that this business is not currently subject to any unresolved citation or
notice of violation of any Manatee County Code provision, with the exception of citations or notices which are
the subject of a legal current appeal within the date of this **proposal** announcement. [Initial] _____

F. Fees and Taxes: I certify that within this business is not delinquent in the payment of fines, liens,
assessments, fees or taxes to any governmental unit or taxing authority within Manatee County, with the
exception of those which are the subject of a legal current appeal. [Initial] _____

*Each of the above certifications is required to meet the qualification of "Local Business" under Manatee
County Code § 2-26-6.*

Signature of Affiant _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____, by (name of person making statement).

(Notary Seal) Signature of Notary: _____

Name of Notary (Typed or Printed) _____

Personally Known _____ OR Produced Identification _____ Type of Identification Produced _____

Submit executed copy to Manatee County Purchasing, Suite 803, 1112 Manatee Avenue W., Bradenton, FL 34205

Attachment "C"

PUBLIC CONTRACTING AND ENVIRONMENTAL CRIMES CERTIFICATION

SWORN STATEMENT PURSUANT TO ARTICLE 6, MANATEE COUNTY PURCHASING CODE

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

This sworn statement is submitted to the Manatee 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: _____

I understand that no person or entity shall be awarded or receive a county contract for public improvements, procurement of goods or services (including professional services) or a county lease, franchise, concession or management agreement, or shall receive a grant of county monies unless such person or entity has submitted a written certification to the County that it has not:

(1) been convicted of bribery or attempting to bribe a public officer or employee of Manatee County, the State of Florida, or any other public entity, including, but not limited to the Government of the United States, any state, or any local government authority in the United States, in that officer's or employee's official capacity; or

(2) been convicted of an agreement or collusion among bidders or prospective bidders in restraint of freedom of competition, by agreement to bid a fixed price, or otherwise; or

(3) been convicted of a violation of an environmental law that, in the sole opinion of the County's Purchasing Director, reflects negatively upon the ability of the person or entity to conduct business in a responsible manner; or

(4) made an admission of guilt of such conduct described in items (1), (2) or (3) above, which is a matter of record, but has not been prosecuted for such conduct, or has made an admission of guilt of such conduct, which is a matter of record, pursuant to formal prosecution. An admission of guilt shall be construed to include a plea of nolo contendere; or

(5) where an officer, official, agent or employee of a business entity has been convicted of or has admitted guilt to any of the crimes set forth above on behalf of such and entity and pursuant to the direction or authorization of an official thereof (including the person committing the offense, if he is an official of the business entity), the business shall be chargeable with the conduct herein above set forth. A business entity shall be chargeable with the conduct of an affiliated entity, whether wholly owned, partially owned, or one which has common ownership or a common Board of Directors. For purposes of this Form, business entities are affiliated if, directly or indirectly, one business entity controls or has the power to control another business entity, or if an individual or group of individuals controls or has the power to control both entities. Indicia of control shall include, without limitation, interlocking management or ownership, identity of interests among family members, shared organization of a business entity following the ineligibility of a business entity under this rticle, or using substantially the same management, ownership or principles as the ineligible entity.

Attachment "C" (Cont'd.)

Any person or entity who claims that this Article is inapplicable to him/her/it because a conviction or judgment has been reversed by a court of competent jurisdiction, shall prove the same with documentation satisfactory to the County's Purchasing Director. Upon presentation of such satisfactory proof, the person or entity shall be allowed to contract with the County.

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR MANATEE COUNTY IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT ANY CONTRACT OR BUSINESS TRANSACTION SHALL PROVIDE FOR SUSPENSION OF PAYMENTS, OR TERMINATION, OR BOTH, IF THE CONTRACTING OFFICER OR THE COUNTY ADMINISTRATOR DETERMINES THAT **SUCH PERSON OR ENTITY HAS MADE FALSE CERTIFICATION.**

[Signature]

STATE OF FLORIDA
COUNTY OF _____

Sworn to and subscribed before me this ____ day of _____, 20__ by _____

Personally known _____ OR Produced identification _____
[Type of identification]

Notary Public Signature My commission expires _____

[Print, type or stamp Commissioned name of Notary Public]

Signatory Requirement - In the case of a business entity other than a partnership or a corporation, this affidavit shall be executed by an authorized agent of the entity. In the case of a partnership, this affidavit shall be executed by the general partner(s). In the case of a corporation, this affidavit shall be executed by the corporate president.