

REQUEST FOR PROPOSAL 17-2573GD MANAGEMENT SERVICES for SAND VOLLEYBALL

Manatee County, a political subdivision of the State of Florida (hereinafter "Manatee County" or "County") will receive proposals from individuals, corporations, partnerships, and other legal entities authorized to do business in the State of Florida, to provide Management Services for Sand Volleyball.

This paragraph will be used for the contract negotiator to provide background information.

DATE, TIME AND PLACE DUE: Proposals will be received until **October 24, 2017 at 3:00 P.M.** at which time they will be **publicly opened at Manatee County Procurement Division, 1112 Manatee Ave. W., Suite 803, Bradenton, FL 34205.** All interested parties are invited to attend this opening.

NON-MANDATORY INFORMATION CONFERENCE:

In order to ensure all prospective proposers have sufficient information and understanding of the County's needs, an Information Conference will be held on: **October 3, 2017 at 11:00 A.M. at Coquina Beach Concession Stand 2650 Gulf Drive South, Bradenton Beach, FL 34217.** Attendance is not mandatory, but is highly encouraged.

DEADLINE FOR CLARIFICATION REQUESTS: **October 10, 2017** shall be the deadline to submit all inquiries, suggestions, or requests concerning interpretation, clarification or additional information pertaining to this Request for Proposal to the Manatee County Procurement Division. This deadline has been established to maintain fair treatment for all potential proposers, while ensuring an expeditious transition to a final agreement.

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Important: A prohibition of lobbying is in place. Please review Section A.09 carefully to avoid violation and possible sanctions.

AUTHORIZED CONTACT:

Greg Davis, Contracts Negotiator
(941) 749-3037, Fax (941) 749-3034
Email: gregory.davis@mymanatee.org
Manatee County Financial Management Department
Procurement Division

AUTHORIZED FOR RELEASE: 

REQUEST FOR PROPOSAL 17-2573GD MANAGEMENT SERVICES for SAND VOLLEYBALL

SECTION A: INSTRUCTIONS TO PROPOSERS

In order to receive consideration, proposers must comply with the following instructions. Proposals may be presented by a single business entity, joint venture, partnership or corporation.

A.01 PUBLIC SEALED PROPOSAL OPENING

Sealed proposals will be **publicly opened** at **Manatee County Procurement Division, 1112 Manatee Avenue West, 8th Floor, Suite 803, Bradenton, Florida 34205**, in the presence of County officials at the time and date stated, or at such time as the final call for proposals is made. All proposers or their representatives are invited to attend the sealed proposal opening.

No review or analysis of the proposals will be conducted at the public opening. Manatee County will receive proposals at the time and date stated and will make public at the opening the names of the business entities which submitted a proposal and city and state in which they reside.

Proposal(s) received after the final call for proposals has been made will not be considered. It will be the sole responsibility of the proposer to have their proposal delivered to the Manatee County Procurement Division for receipt on or before the stated time and date. If a proposal is sent by U.S. Mail, the proposer will be responsible for its timely delivery to the Procurement Division. Proposals delayed by mail will not be considered, will not be opened at the public opening, and arrangements will be made for their return at the proposer's request and expense.

A.02 SEALED & MARKED PROPOSAL

The contents of your sealed package will include: **One (1) signed Original (marked Original) and Five (5) Copies (each marked Copy) and One (1) Electronic copy.** The electronic copy will be in a pdf format and submitted on a CD or USB flash drive which is non-returnable. ***All physical and electronic copies shall be identical.***

Your complete proposal package will be submitted in one sealed package addressed from your company (name and address) and clearly marked on the outside **"Sealed Proposal 17-2573GD Management Services for Sand Volleyball"** and addressed to:

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

The contents of each proposal will be **separated and arranged with tabs in the same order as listed in the subsections within Section C** identifying the response to each specific item thereby facilitating an expedient review.

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

A.03 SECURING PROPOSAL DOCUMENTS & ADDENDA

Request for Proposals and all documents issued pursuant to the Request for Proposal are available for download at no charge at mymanatee.org by clicking on "Bids and Proposals" on the left side of the home page. You may view and print these pdf files using Adobe Reader software.

Manatee County may also use DemandStar to distribute proposals. Visit the DemandStar website at www.Demandstar.com for more information regarding this service. Participation in the DemandStar system is not a requirement for doing business with Manatee County.

Complete copies of the Request for Proposal and all related documents are available for public inspection at the Manatee County Procurement Division, 1112 Manatee Avenue West, Suite 803, Bradenton, FL 34205, or by calling (941) 749-3014. Appointments are encouraged. Documents are available between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday, with the exception of holidays.

In addition, Manatee County informs Manatee Chamber of Commerce of all active solicitations, who then distributes the information to their members.

If any addenda are issued to this Request for Proposal, Manatee County will post the documents on the Procurement Division's web page at <http://www.mymanatee.org/purchasing>, and then by clicking on "Bids and Proposals". If the original solicitation was broadcast via DemandStar, the addenda will also be broadcast on the DemandStar distribution system to "Planholders" on this web service.

It will be the responsibility of each proposer, prior to submitting their proposal, to contact Manatee County Procurement Division at (941)749-3014, to determine if addenda were issued and to acknowledge receipt of same on Attachment A Proposal Signature Form.

A.04 PROPOSAL EXPENSES

Any and all expenses for making and submitting proposals to Manatee County are to be borne by the proposer.

A.05 CLARIFICATION PERIOD

Each proposer will examine all Request for Proposal documents and will 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 will be made in writing and sent to the Manatee County Procurement Division. Manatee County will not be responsible for oral interpretations given by any County employee, representative, or others. The issuance of a written addendum by the Procurement Division is the

only official method whereby interpretation, clarification or additional information can be given.

DEADLINE FOR CLARIFICATION REQUESTS: October 10, 2017 at 3:00 P.M. will be the deadline to submit all inquiries, suggestions, or requests concerning interpretation, clarification or additional information pertaining to this Request for Proposal to Manatee County Procurement Division.

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

A.06 FALSE OR MISLEADING STATEMENTS

Proposals which contain false or misleading statements or which provide references which do not support an attribute or condition claimed by the proposer, may be rejected. If, in the opinion of Manatee County, such information was intended to mislead County in its evaluation of the proposal, and the attribute, condition or capability is a requirement of this proposal, it will be the basis for rejection of the proposal. 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.07 RULES FOR WITHDRAWAL OR REVISION OF OPENED PROPOSALS

Proposers may withdraw proposals as follows:

- a. Mistakes discovered before the public proposal opening may be withdrawn by written notice from the proposer submitting the proposal. This request must be received in the Procurement Division prior to the time set for delivery and opening of the proposals. A copy of the request shall be retained and the unopened proposal returned to the proposer; or
- b. After the proposals are opened or a selection has been determined, but before an agreement is signed, a proposer alleging a material mistake of fact may be permitted to withdraw their proposal if:
 1. The mistake is clearly evident in the solicitation document; or
 2. Proposer submits evidence which clearly and convincingly demonstrated that a mistake was made. Request to withdraw a proposal must be in writing and approved by the Purchasing Official.

A.08 JOINT VENTURES

All proposers intending to submit a proposal as a Joint Venture are required to have filed proper documents with the Florida Department of Business and Professional Regulation and any other state or local licensing agency prior to submitting the proposal (see Section 489.119, Florida Statutes).

A.09 LOBBYING

After the issuance of any Request for Proposal, prospective proposers, or any agent, representative or person acting at the request of such proposer will not

contact, communicate with or discuss any matter relating in any way to the Request For Proposal with any officer, agent or employee of Manatee County other than the Purchasing Official or as directed in the Request for Proposal. This prohibition includes copying such persons on all written communication, including email correspondence. This requirement begins with the issuance of a Request for Proposal and ends upon execution of the final contract or when the proposal has been cancelled. Violators of this prohibition will be subject to sanctions as provided in the Manatee County Code of Laws.

A.10 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 opening date of the proposals.

A.11 ERRORS OR OMISSIONS

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

A.12 DISQUALIFICATION DUE TO NON-RESPONSIVENESS

Manatee County reserves the right to determine that any proposal received which does not contain all of the information, attachments, verification, forms or other information, may be considered non-responsive and therefore be disqualified from eligibility to proceed further in the Request for Proposal process.

A.13 RESERVED RIGHTS

Manatee 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 due date may or may not be rejected by County depending on available competition and timely needs of Manatee County. County reserves the right to award the contract to a responsible proposer submitting a responsive proposal, with a resulting negotiated agreement which is most advantageous and in the best interests of County.

County will be the sole judge of the proposal, and the resulting negotiated agreement that is in its best interest and its decision will be final. Also, 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 County deems necessary to make this determination will be provided by the proposer. Such information may include, but will not be limited to: current financial statements prepared by an independent CPA; verification of availability of equipment and personnel; and past performance records.

A.14 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 will be in accordance with Manatee County Code of Laws, Chapter 2-26.

A.15 TAXES

Manatee County is exempt from Federal Excise and State Sales Taxes. (F.E.T. Cert. No. 59-78-0089K; Florida Sales Tax Exempt Cert. No. 85-8012622206C-

6); therefore, the proposer is prohibited from delineating a separate line item in his proposal for any sales or service taxes. Nothing herein will affect the proposer's normal tax liability.

The Successful Proposer will be responsible for the payment of taxes of any kind and character including but not limited to sales, consumer, use, and other similar taxes payable on account of the work performed and/or materials furnished under the award in accordance with all applicable laws and regulations during the performance of the work. Nothing herein will affect the proposer's normal tax liability.

A.16 SCRUTINIZED COMPANIES

Florida Statutes § 287.135, as amended from time to time, may contain limitations on the part of a company to conduct business with the County. Submission of a response to this solicitation shall be subject to all procedural requirements contained within that statute including the submission of any required certification of eligibility to contract with the County. It shall be the responsibility of the company responding to this solicitation to concurrently review the current version of the statute and ensure it is compliant.

A.17 COLLUSION

By offering a submission to this Request for Proposal, the proposer certifies the proposer has not divulged to, discussed or compared his/her 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. any prices and/or data submitted have been arrived at independently, without consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices and/or cost data, with any other proposer or with any competitor;
- b. any prices and/or cost data quoted for this proposal have 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 contract 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.18 CODE OF ETHICS

With respect to this proposal, if any proposer violates, directly or indirectly, the ethics provisions of the Manatee County Procurement 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.

A.19 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 a contract to provide any goods or services to a public entity, may not submit a proposal on a contract 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 a contract 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.

In addition, Manatee County 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, Manatee County Code of Laws requires all persons or entities desiring to contract with Manatee 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 Manatee County. Proposer is to complete Attachment "B" and submit with your proposal.

A.20 AMERICANS WITH DISABILITIES

Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of County's functions including one's access to participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation for an information conference or proposal opening should contact the person named on the cover page of this document at least twenty-four (24) hours in advance of either activity.

A.21 EQUAL EMPLOYMENT OPPORTUNITY

In accordance with Title VI of the Civil Rights Act of 1964, Title 15, Part 8 of the Code of Federal Regulations and the Civil Rights Act of 1992, Manatee County hereby notifies all proposers that it will affirmatively ensure minority business enterprises are afforded full opportunity to participate in response to this Request For Proposal and will not be discriminated against on the grounds of race, color, national origin, religion, sex, age, handicap, or marital status in consideration of award.

A.22 MINORITY AND/OR DISADVANTAGED BUSINESS ENTERPRISE

The State of Florida Office of Supplier Diversity provides the certification process and maintains the database of certified MBE/DBE firms. Additional information may be obtained at <http://www.osd.dms.state.fl.us/iframe.htm> or by calling (850) 487-0915.

A.23 DISCLOSURE

Upon receipt, all inquiries and responses to inquiries related to this RFP become "Public Records", and shall be subject to public disclosure consistent with Florida Statute, Chapter 119.

Proposals become subject to disclosure thirty (30) days after the opening or if a notice of intent to award decision is made earlier than this time as provided by Florida Statutes § 119.071(1)(b). No announcement or review of the proposals shall be conducted at the public opening.

Based on the above, County will receive proposals at the time and date stated and will make public at the opening the names of the business entities of all that submitted a proposal.

If County rejects all proposals and concurrently notices its intent to reissue the solicitation, the rejected proposals are exempt from public disclosure until such time as County provides notice of an intended decision concerning the reissued solicitation or until County withdraws the reissued solicitation. A proposal is not exempt for longer than twelve (12) months after the initial notice rejection of all proposals.

Pursuant to Florida Statutes 119.0701, to the extent Successful Proposer is performing services on behalf of the County, Successful Proposer must:

- a. Keep and maintain public records required by public agency to perform the service. That information and data it manages as part of the services may be public record in accordance with Chapter 119, Florida Statutes and Manatee County public record policies. Proposer agrees, prior to providing goods/services, it will implement policies and procedures, which are subject to approval by the County, to maintain, produce, secure, and retain public records in accordance with applicable laws, regulations, and County policies including but not limited to Section 119.0701, Florida Statutes.
- b. Upon request from the public agency's custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed

- the cost provided in Florida Statutes, Chapter 119, or as otherwise provided by law.
- c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the Successful Proposer does not transfer the records to the public agency.
 - d. Upon completion of the contract, transfer, at no cost, to the public agency all public records in possession of contractor or keep and maintain public records required by the public agency to perform the service. If the Successful Proposer transfers all public records to the County upon completion of the contract, the Successful Proposer shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Successful Proposer keeps and maintains public records upon completion of the contract, the Successful Proposer shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the County, upon request from County's custodian of public records, in a format that is compatible with the information technology systems of the County.

IF THE SUCCESSFUL PROPOSER HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO ANY RESULTING CONTRACT, CONTACT COUNTY'S CUSTODIAN OF PUBLIC RECORDS AT: (941) 742-5845, debbie.scaccianoce@mymanatee.org, Attn: Records Manager, 1112 Manatee Ave W., Bradenton, FL 34205.

A.24 TRADE SECRETS

Manatee County is subject to Chapter 119, Florida Statutes. Therefore, all documents, materials, and data submitted as part of a Proposal in response to a Request For Proposal are governed by the disclosure, exemption and confidentiality provisions relating to public records in Florida Statutes.

Except for materials that are "trade secrets" or "confidential" as defined by Chapter 812, Florida Statutes, ownership of all documents, materials and data submitted as part of a Proposal in response to the Request for Proposal shall belong exclusively to the County.

To the extent that Proposer desires to maintain the confidentiality of materials that constitute trade secrets pursuant to Florida law, trade secret material submitted must be segregated from the portions of the Proposal that are not being declared as trade secret. In addition, Proposer shall cite, for each trade secret being claimed on each relevant page, the Florida Statute number which supports the designation. Further, Proposer shall offer a brief written explanation as to why information claimed as trade secret fits the cited statute number. Finally, the Proposer shall provide an additional copy of the proposal that redacts all designated trade secrets.

By submitting this information no later than the time and date set for the opening of proposals, for consideration for approval to designate a trade secret and withhold from the public record, Proposer acknowledges and agrees:

- a. Proposer understands and agrees that trade secret designation(s) must be completed and submitted no later than the time and date set for the opening of proposals. Trade secret requests made after the opening will not be considered. However, County reserves the right to clarify the proposer's request for trade secret at any time.
- b. The County and its officials, employees, agents, and representatives in any way involved in processing, evaluating, negotiating contract terms, approving any contract based on the proposal, or engaging in any other activity relating to the competitive selection process are hereby granted full rights to access, view, consider, and discuss the information designated as trade secret through the final contract award;

Notwithstanding any other provision in the solicitation, the classification as trade secret of the entire proposal document is not acceptable to the County and may result in a determination that the proposal is non-responsive.

When the Procurement Division receives a proposal with no attempt by the Proposer to assert a trade secret designation, the proposal is not deemed confidential on the basis that the Proposer has not taken measures or made efforts that are reasonable under the circumstances to maintain the information's secrecy.

A.25 CONFIDENTIALITY OF SECURITY RELATED RECORDS

(a) Pursuant to Florida Statutes § 119.071(3), the following records (hereinafter referred to collectively as "the Confidential Security Records") are confidential and exempt from the disclosure requirements of Florida Statutes § 119.07(1):

1. A Security System Plan or portion thereof for any property owned by or leased to the County or any privately owned or leased property held by the County.
2. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by the County.
3. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout or structural elements of an attractions and recreation facility, entertainment or resort complex, industrial complex, retail and service development, office development, or hotel or motel development in the possession of, submitted to the County.

(b) Successful proposer agrees that it shall not, as a result of a public records request or for any other reason disclose the contents of, or release or provide

copies of the Confidential Security Records to any other party absent the express written authorization of the County's Property Management Director or to comply with a court order requiring such release or disclosure. To the extent Successful Proposer receives a request for such records, it shall immediately contact the County's designated Contract Manager who shall coordinate the County's response to the request. Notwithstanding the foregoing, the Successful Proposer may

1. Disclose or release Security System Plans to:

- (A) The property owner or leaseholder; or
- (B) Another state or federal agency to prevent, detect, guard against, respond to, investigate, or manage the consequences of any attempted or actual act of terrorism, or to prosecute those persons who are responsible for such attempts or acts.

2. Disclose or release building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by the County:

- (A) To another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities;
- (B) To a licensed architect, engineer, or contractor who is performing work on or related to the building, arena, stadium, water treatment facility, or other structure owned or operated by the County and is contractually bound by the Successful Proposer to comply with this Section; or
- (C) Upon a showing of good cause before a court of competent jurisdiction.

(c) For purposes of this Section, the term "Security System Plan" includes all:

- 1. Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security of the facility or revealing security systems;
- 2. Threat assessments conducted by any agency or any private entity;
- 3. Threat response plans;
- 4. Emergency evacuation plans;
- 5. Sheltering arrangements; or
- 6. Manuals for security personnel, emergency equipment, or security training.

A.26 E-VERIFY

Prior to the employment of any person under this contract, the Successful Proposer shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of (a) all persons employed during the contract term by the Successful Proposer to perform employment duties within

Florida and (b) all persons, including subcontractors, assigned by the Successful Proposer to perform work pursuant to the contract with Manatee County. For more information on this process, please refer to United States Citizenship and Immigration Service site at: <http://www.uscis.gov/>.

Only those individuals determined eligible to work in the United States shall be employed under this contract.

By submission of a proposal in response to this Request for Proposal, the Successful Proposer commits that all employees and subcontractors will undergo e-verification before placement on this contract.

If County has reasonable objection to any subcontractor, the county may request the Successful Proposer to submit an acceptable substitute without an increase in contract sum or contract time.

If Successful Proposer declines to make any such substitution, the County may award the resulting agreement to the next lowest qualified proposer that proposes to use acceptable subcontractors, who County does not make written objection to. In the event the Successful Proposer declines to make any such substitution post award, the County may exercise its right to terminate the agreement.

The Successful Proposer shall maintain sole responsibility for the actions of its employees and subcontractors. New employees brought in after contract award shall follow the same requirement stated above for the life of the contract.

A.27 SOLICITATION SCHEDULE

The following schedule has been established for this Solicitation process.

Scheduled Item	Scheduled Date
Non-Mandatory Information Conference at Coquina Beach Concession Stand 2650 Gulf Drive South, Bradenton Beach, FL 34217	October 3, 2017 at 11:00 A.M
Question deadline	October 10, 2017
Final Addendum posted	October 16, 2017
Proposal Response Deadline	October 24, 2017, no later than 3:00 P.M.
Technical evaluation meeting	October 31, 2017 at 10:00 A.M.
Final evaluation meeting	November 7, 2017 at 10:00 A.M.

END SECTION A

SECTION B: **SCOPE OF SERVICES**

B.01 BACKGROUND INFORMATION

Manatee County is a mid-sized Florida County located on the southwest coast and consists of 150 miles of coastline on the Gulf of Mexico, 741 square miles of land, 311,000 residents, and attracts more than 2 million visitors each year.

Coquina Beach is located in the County on the south end of Anna Maria Island. The exact address is 2650 Gulf Boulevard South, Bradenton Beach, FL 34217.

There are currently three sand volleyball courts at Coquina Beach (one-north and two-south of café) that are available for play by the public and visitors. Sand volleyball tournaments are periodically approved at Coquina Beach through the Parks and Natural Resources Special Event permitting process, whereby the event organizer installs and removes temporary volleyball courts as needed.

The County is desirous of a partnership whereby the organizer would install four permanent volleyball courts with nets and court boundaries near the concession building at Coquina Beach. Through an Agreement, the courts would be donated to the County and the successful Proposer would use the courts for volleyball camps, classes, and tournaments for both local athletes and traveling teams. Other volleyball organizations have shown similar interest. There may be other sand volleyball opportunities in park settings such as Bennett Park and others developed in the future.

Manatee County is requesting proposals from parties capable of providing youth and adult recreational sand volleyball management services at Coquina Beach.

B.02 GENERAL REQUIREMENTS

The successful Proposer(s) shall provide the following:

- Design, purchase, install (including obtaining permits), and maintain four sand volleyball courts, including nets
- Allow and agree to the option of adding more courts in the future, as mutually agreed to by the parties
- Operate sand volleyball camps, classes, and tournaments. Certain events (such as tournaments) may require a Manatee County Parks and Natural Resources Special Event Permit application (Exhibit A).

The County shall provide the following:

- Designated area and space to install permanent volleyball courts and conduct business
- Advertising through County website and County-wide distribution of recreational brochure
- Limited space for onsite temporary signage and advertising
- Special Event permitting of courts by other entities

All County purchased and provided furnishings for said location shall remain County property.

The County shall have the final approval for the following:

- Schedule of camps, classes, and tournaments. The Proposer and the Director of the Parks & Natural Resources Department or his designee will agree upon schedules.
- Pricing. All prices charged shall be reasonable, appropriate and representative of those charged elsewhere for similar services.
- Quality Assurance. All services offered shall be of excellent quality.

Any changes to the proposed schedule or pricing shall be submitted in writing to the County for review and approval prior to implementation.

B.03 SPECIFIC REQUIREMENTS

All Proposers that submit a proposal shall meet, but not be limited to, the following minimum qualifications:

- Proposer shall be fully licensed to perform the work described herein and shall comply with all applicable State Statutes and local codes and ordinances. Successful Proposer must provide a copy of their occupational/business license and State registration at time of award. Florida State registration can be downloaded and printed via www.sunbiz.org.
- Proposer shall provide to the County a copy of the bylaws and/or constitution that governs the operation of the proposed program.
- Proposer must have three (3) years of experience; three (3) years managing a recreational youth sand volleyball program within the past five (5) years, preferably one (1) with a government entity in Florida. Supporting references must include company name or governmental agency, contact person telephone number and email address. It is the responsibility of the Proposer to ascertain that the contact person will be responsive.
- Proposer must provide a written narrative of all proposed programming. This shall include all seasons, tournaments, camps/classes days/times, awards ceremony, etc. and the costs covered by registration fees.
- Proposer must meet minimum student enrollment based upon the type of program. The Proposer agrees to take daily attendance of all students registered at the beginning of each class.
- The fee charged to each participant will be described in a Registration Pricing Sheet for all camps, classes, and tournaments. Proposer may not charge more than the approved rate.
- The Proposer warrants to County that it is not insolvent, it is not in bankruptcy proceedings or receivership, nor is it engaged in or threatened with any litigation or other legal or administrative proceedings or investigations of any kind which would have an adverse effect on its ability to perform its obligations under an agreement.
- The Proposer agrees that they shall be solely responsible for all costs and/or expenses associated with, or as a result of its operation under an Agreement. The

Proposer shall stipulate and certify that he/she is qualified to teach the course he/she is hired to teach, maintains the education and required licenses or permits necessary to teach the class and shall continue to maintain such licenses or permits during the tenure of an agreement.

- Any programming aspects not specified in the successful Proposer's schedule shall be managed through the Manatee County Parks and Natural Resources Department.
- County approval is required for any promotional material, flyers, and posters advertising the program prior to its release. The successful Proposer shall also comply with the County's Ordinance Chapter 2-24-8 entitled "Vending and posting of signs" in reference to (1) Vending and peddling, and (2) Signs and handbills.
- All advertising, marketing and signage shall be the responsibility and expense of the successful Proposer and approved by the County prior to distribution.
- The successful Proposer shall not promote any privately owned business in a County park/facility or solicit any participant in a County park/facility for any privately owned business. The successful Proposer shall not use said facilities to conduct personal business including workshops, clinics, seminars, camps, or any other activities that are outside the approved scope of services for such class. It is further understood that such action(s) may result in immediate termination of an Agreement and the forfeiture of all compensation due to the successful Proposer.
- Any website and social networking sites created by and operated by the successful Proposer referencing the operations at Coquina Beach shall be monitored and approved by the County for content.
- The successful Proposer shall abide by the rules and regulations of the County as promulgated from time to time. The successful Proposer understands and agrees that the County shall have first priority for use of said facilities, notwithstanding any other provisions of an agreement.
- The successful Proposer shall abide by the rules and regulations of the local municipality and seek approvals as necessary and required by the local municipality.
- Successful Proposer shall report all accidents or incidents to the County immediately after occurrence.
- Manatee County requires that the successful Proposer close the operation of services whenever severe storms or other climatic, health or structural related hazards make human health or safety a concern. (No force majeure)
- All assistants, substitutes, and additional instructors utilized by the successful Proposer must have prior written approval of the County. The County reserves the right to perform background checks on the successful Proposer and their staff at its sole discretion.

- Successful Proposer shall provide necessary supervisory personnel to ensure that the participants of the program obey all County Rules and Regulations.
- The County may require that the successful Proposer not be permitted to utilize specific assistants, substitutes, or additional instructors who have failed to follow the County rules.
- The County shall not control the instructors' techniques, methods, procedures, or sequence of instruction; in turn the successful Proposer shall not interfere with the operation of, or harm/damage the equipment/facilities afforded to successful Proposer for his/her use in conjunction with the Agreement.
- The successful Proposer understands that other entities are operating under special Agreement with the County for specific services at Coquina Beach. The successful Proposer will take care not to infringe upon or disrupt these or any other on-site activities being offered at such public facilities.
- The successful Proposer also acknowledges that he or she is primarily responsible for the conduct of the students in all classes while under his or her charge.
- When the successful Proposer is providing services directly with minor children without parental supervision, the successful Proposer shall, prior to commencing services under an Agreement, comply with the County's policy regarding criminal background screening in accordance with Chapter 435, Florida Statutes, Level II screening. Background screening will be at the Proposer's sole expense. A Consent and Release Form to conduct a criminal background must be executed by any of successful Proposer's employees or any individual who will come in contact with a child at the County through the successful Proposer or at successful Proposer's direction, authorizing the County to conduct an inquiry. The result of the inquiry may be deemed acceptable by the County in its sole and complete discretion. *If the successful Proposer has recently had a background screening conducted by another agency, the County, at its sole discretion, may accept that background screening and waive the requirement of a new background screening.*
- The County shall be compensated in the following manner:
 - The successful Proposer shall collect all fees from the participants. In consideration of the successful Proposer's services in connection with the classes, programs, and activities, described herein during the first year of Agreement, the successful Proposer shall pay twenty percent (20%) of the gross income after each month to the County in the form of a check made payable to: *Manatee County Government.*
 - After the first year of the Agreement, the successful Proposer shall pay thirty percent (30%) of the gross income after each month to the County. Payment shall occur in monthly base payments as of the 20th business day of the following month.

- The County may consider an alternative, incremental compensation model offered by the Proposers.
- Along with payment, the successful Proposer shall also submit a monthly statement of income and a copy of the participants' registration forms and attendance sheets. Other financial statements may be required throughout the term of the Agreement, as determined by the County.
- It is the responsibility of the successful Proposer to pay all applicable local, state, and federal taxes associated with an Agreement, and to acquire and pay for all necessary permits, licenses, and insurance required for the execution of an Agreement.
- The successful Proposer shall be required to keep, at its expense, accurate financial records, including revenue and expense reports, a financial statement reviewed by a qualified independent accountant or CPA annually, Florida State Sales Tax Returns, and Federal Payroll Tax Returns. These documents shall be made available to the County upon request.
- At all times, the successful Proposer shall maintain types and levels of insurance required by the County, naming "Manatee County, a political subdivision of the State of Florida" as an additionally insured, and agree to indemnify the County.

B.04 EQUIPMENT & MATERIALS

- All materials and equipment needed or pertaining to the above stated program will be provided by the successful Proposer at his/her own cost and expense. However, the successful Proposer may require students to obtain certain materials required in the program by providing a list of such materials (with approximate costs) to the participants. If the successful Proposer makes such materials available to participants, they must be sold at Proposer's cost. All equipment provided by the successful Proposer shall be used in strict accordance with equipment manufacturer's instructions and in accordance with all applicable laws.
- Sales or advertisement of merchandise is restricted to those materials utilized in and for the class. The successful Proposer shall obtain the County's approval of such merchandise prior to its distribution and advertisement or sale. Fundraising activities conducted by the successful Proposer must be approved by the County in advance.
- The County will provide no storage space to the successful Proposer. If the successful Proposer desires storage space for class-related equipment, a written request shall be submitted and approved by the County.
- Any supplies or equipment left at the facility will be the responsibility of the successful Proposer. The County will not be responsible for any lost, stolen, or broken equipment or supplies.

- The successful Proposer shall inspect the premises and equipment offered to him/her for his/her proposed activity and if he/she finds hazards pertaining to the premises or equipment before each class commences that cannot be properly corrected immediately, the class shall be canceled and the matter reported to the County. If the County is responsible to remove such hazard the County will advise when it is safe to resume classes. If the successful Proposer elects to hold his/her class in the facility provided, it will be presumed that the successful Proposer has inspected the premises, facilities and equipment provided for such class and has accepted same as being safe and suitable for use as intended.
- Should the County determine the courts need to be removed for any reason, other than safety concerns, County shall provide at least 30 days' notice, if possible.
- Successful Proposer will be responsible for all maintenance of provided equipment.

B.05 TERM OF CONTRACT

The initial term of an Agreement will be for one (1) year, with the potential for four (4) one-year renewals, if mutually agreed upon.

END SECTION B

SECTION C: FORM OF PROPOSAL

This section identifies specific information which must be contained within your proposal and the order in which such information should be organized.

The information each proposer provides will be used to determine those proposers with perceived ability to perform the scope of services as stated in this Request for Proposal which may best meet the overall 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. For more information, refer to Section D, Evaluation of Proposals.

C.01 INFORMATION TO BE SUBMITTED

To qualify for consideration, the proposer(s) must present proof of any licensing or certification which will be required by law to perform the services set out in Section B, Scope of Services. If no licensing or certification is required, proposer shall indicate same.

All proposals found to be responsive will be considered by an evaluation committee.

The contents of each proposal will be **separated** and **arranged with tabs** in the same order as listed below and with the same subsection number beginning with C.01.1 in order to organize the response to each specific subsection.

C.01.1 Provide a **cover page**, general introductory statement and table of contents. Provide proof of any licensing or certification required by law to perform the services and generally describe your proposal in summary form, or if no licensing or certification is required, indicate same.

C.01.2 **Forms.** Provide the completed and executed Attachments included in this Request for Proposal.

- a. Proposal Signature Form (Attachment A)
- b. Public Contracting and Environmental Crimes Certification (Attachment B)
- c. Joint Venture Agreement (Section A.08 and Section C.01.12), if applicable

C.01.3 TRADE SECRETS

Pursuant to RFP Section A.24 Trade Secrets. Proposer shall cite, per below table, for each trade secret being claimed on each relevant page, the Florida Statute number which supports the designation. Further, Proposal shall offer a brief written explanation why information claimed as trade secret fits the cited statute number.

Trade Secret Description	Page #	FL Statue #	Brief Rationale

C.01.4 Provide a description of your company's **background and size**. Include an organizational chart depicting the structure, lines of authority and communication.

C.01.5 Clearly demonstrate your company's **experience**.

- a. Proposers must provide the following details to demonstrate past relevant experience and performance:
 - i. Name of the client.
 - ii. Specific details about the services provided, including location.
 - iii. Value of the contract.
 - iv. Duration of the contract, including inception and completion dates
 - iv. Specify the name, title, telephone, and email for the client's contract manager for the specified experience.
- b. Names of proposer's staff and their direct involvement in the services; and names of proposer's subcontractors and their role in the services.
- c. Governmental agency, if any, which verified compliance with its requirements or standards, and the names and telephone numbers of the key persons with direct knowledge of the compliance.
- d. Provide any other governmental or municipality experience if not previously specified.

C.01.6 Provide your company's **project approach**. Provide a narrative of the project approach and how this approach meets Manatee County objectives. Include an explanation of your company's technical ability to perform all facets of the scope of services. If more than one proposer is jointly filing a proposal, details must be provided to clearly demonstrate individual roles and responsibility for all components of the project.

C.01.7 Identify each **principal of the proposer and other key personnel** who will be interacting with Manatee County. Do not include personnel that will not have a key role in providing services. Describe each person's respective area of expertise.

For each identified person, provide a personal resume which includes qualifications, training and experience. Resumes shall also include the following information:

- a. Full name and title
- b. Professional credentials
- c. Individual's intended roles and duties in providing services pursuant to this Request for Proposal
- d. Office address and web address
- e. Email address and telephone number

- C.01.8 Submit a **staffing level statement** for your organization, detailing how many total employees work for your firm at any one time, including temporary and part-time employees. List the ratio of full-time employees to part-time, and temporary employees.
- C.01.9 Include a **subcontractor plan** detailing how subcontractors will be used and to what extent. County reserves the right to request additional information in the same level of detail and tabbed order as the proposal for each subcontractor.
- C.01.10 **Location and Local Office:** Identify the office location which will be primarily responsible for this proposed project and the office location of the staff that will be assigned to this proposed project if different. Include the year both locations were established. Proposer(s) should describe whether the managing office will be located within the County.
- C.01.11 **Local Employment.** If proposed, describe detail plans, policies, and goals (as a percentage) which ensure County citizens receive preferential consideration for employment and vendors located within the County will be used as suppliers of goods and services needed to perform the scope of services. Include your approach to providing periodic reporting to monitor success in maintaining the percentage. If available, provide examples of reports.
- C.01.12 **Recent, Current, and Projected Workload:** List all projects handled by your firm during the past five (5) years, current and projected future years identifying the volume of work previously awarded by Manatee County.
- C.01.13 Provide an **explanation of the proposers' legal capacity** to perform all facets of the Scope of Services. Include a description of corporate or other structure and governance, and detail the legal capabilities of proposer(s) relevant to performing the scope of services. If more than one proposer is teaming up to file a proposal, any prior work any two or more joint proposers have performed before should be detailed.
- Joint venture firms must provide an affidavit attesting to the formulation of a joint venture and provide either proof of incorporation as a joint venture or a copy of the formal joint venture agreement between all joint venture parties, indicating their respective roles, responsibilities, and levels of participation in the project.
- C.01.14 Provide any and all information concerning any **prior or pending litigation**, either civil or criminal, involving a governmental agency or which may affect the performance of the services to be rendered herein, in which the proposer, any of its partners, employees or subcontractors is or has been involved within the last three years.

- C.01.15 Provide an **explanation of the proposers' financial capacity** to perform all parts of the scope of services. If more than one proposer is jointly filing a proposal, details must be provided to demonstrate financial capacity of all proposers.
- C.01.16 Provide authorization for a Manatee County auditor and/or financial analysts to have **access to your financial records, including any and all records prepared by an independent firm**, or the financial records of other entities for which you have ownership interest. Such access will occur at the primary location of the proposer, or such other location as may be agreed, for the purposes of verifying financial representations, and/or to review and assess the historical and current financial capacity of your business entity and its expected ability to meet ongoing financial obligations as proposed to Manatee County.
- Manatee County's audit and /or financial analysts will report their findings in a summary report to the Manatee County Purchasing Official, which will be placed in the proposal files for subsequent use and review.
- C.01.17 Disclose **any ownership interest in other entities** involved in these services which might reasonably be selected to perform work under the scope of services set forth in this Request for Proposal. This ownership disclosure will be included, whether such ownership occurs by the proposer through a parent, subsidiary or holding company or any other form of business entity. Submit entity names and the percent of ownership for each.
- C.01.18 Include at least three (3) **references** who can substantiate proposer's qualifications, credentials and experience. Do not duplicate references used for past performance.
- C.01.19 Submit a summary of proposer's **environmental sustainability** initiatives. All proposers are encouraged to use as many environmentally preferable "green" products, materials, supplies, etc. as possible in order to promote a safe and healthy environment. Environmentally preferable are products or services that have a reduced adverse effect on the environment.
- C.01.20 Submit any other additional information which would assist County in the evaluation of your proposal.

END SECTION C

SECTION D: EVALUATION OF PROPOSALS

D.01 EVALUATION FACTORS

Evaluation of proposals will be conducted by an evaluation committee. The evaluation committee's goal will be to identify the proposal(s) which will overall best meet the needs of Manatee County as determined from the proposals received and subsequent investigation by the County. The committee will consider the information requested in Section C for each responsive proposal submitted to ascertain the perceived ability of the proposer(s) to perform the scope of services as stated in this Request for Proposal. Once all proposals have been reviewed pursuant to the criterion in Section C, the evaluation committee will 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.

Unless noted, no weight is assigned to the evaluation factors.

D.02 REVIEW OF PROPOSERS AND PROPOSALS

In-person reviews may be conducted with proposers who are deemed reasonably susceptible of being received 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 will be available for presentations to and interviews with the evaluation committee, upon reasonable notification from the Procurement Division. The date(s) and time(s) of any such presentations/interviews will be determined solely by County and may be closed to the public by the discretion of the Purchasing Official and to the extent permitted by law.

D.03 PRELIMINARY RANKING

An evaluation committee will 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.

In its review, the evaluation committee may take some or all of the following actions:

- a. review all responses pursuant to the evaluation factors stated herein,
- b. short list proposers to be further considered in oral interview/presentation/product demonstrations,
- c. recommend commencement of negotiations to County Administrator,
- d. Reject all proposals received and cancel the Request for Proposal,
- e. Receive written clarification of proposal.

The evaluation committee's overarching goal is to identify the proposal which will best meet the overall needs of Manatee County as determined from the proposals received and subsequent investigation by the County.

D.04 RECOMMENDATION FOR NEGOTIATION

The evaluation committee will make a recommendation to the County Administrator as to the proposer which Manatee County should enter into negotiations, if any. The County Administrator will act upon that recommendation and if accepted, the Successful Proposer will be invited to enter negotiations led by Manatee County Procurement Division.

Manatee County will post the Intent to Negotiate, in the same manner the original RFP document was posted (refer to Section A.03) prior to commencing negotiations with the selected proposer(s).

END SECTION D

**SECTION E:
NEGOTIATION OF THE AGREEMENT**

E.01 GENERAL

- a. The proposal 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 Manatee 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 Manatee County upon termination or completion of the engagement.
- d. That after notice from the County that a public records request has been made for the materials designated as a trade secret, the Proposer shall be solely responsible for defending its determination that submitted material is a trade secret that is not subject to disclosure at its sole cost, which action shall be taken immediately, but no later than 10 calendar days from the date of notification or Proposer will be deemed to have waived the trade secret designation of the materials;
- e. To indemnify and hold the County, and its officials, employees, agents and representatives harmless from any actions, damages (including attorney's fees and costs), or claims arising from or related to the designation of trade secrets by the Proposer, including actions or claims arising from the County's non-disclosure of the trade secret materials.

E.02 AGREEMENT

The selected proposer(s) will 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 Request for Proposal or the resulting successful proposal where alternative terms or conditions become more desirable to Manatee County, and the parties agree to such terms.

E.03 AWARD

County may not make award to a proposer who is delinquent in payment of any taxes, fees, fines, contractual debts, judgments, or any other debts due and owed to the County, or is in default on any contractual or regulatory obligation to the County. By submitting this solicitation response, proposer attests that it is not delinquent in payment of any such debts due and owed to the County, nor is it in default on any contractual or regulatory obligation to the County. In the event the proposer's statement is discovered to be false, proposer will be subject to

suspension and/or debarment and the County may terminate any contract it has with proposer.

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

The parties will negotiate the terms and conditions of the agreement, which may or may not include renewal, assignment, termination, insurance, auditing or any other relevant contractual term and the circumstances in which it may be renewed, assigned or terminated.

This paragraph will be used for the contract negotiator to provide any additional terms not previously mentioned.

END SECTION E

ATTACHMENT A

PROPOSAL SIGNATURE FORM

**REQUEST FOR PROPOSAL 17-2573GD
MANAGEMENT SERVICES for SAND VOLLEYBALL**

The undersigned acknowledges receipt of the following addendum:

Addendum No. _____ Date Received: _____ Initials: _____

Addendum No. _____ Date Received: _____ Initials: _____

Addendum No. _____ Date Received: _____ Initials: _____

The undersigned represents that:

- (1) by signing the proposal, that he/she has the authority and approval of the legal entity purporting to submit the proposal and any additional documentation which may be required such as the Joint Venture Agreement or Joint Venture Affidavit, if applicable;
- (2) all facts and responses set forth in the proposal are true and correct;
- (3) if the proposer is selected by County to negotiate an agreement, that the proposer's negotiators will negotiate in good faith to establish an agreement to provide the services described in the Scope of Services of this Request for Proposal;
- (4) the proposer which includes all companies included in a partnership or joint venture, is not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List.

Print or type proposer's information below:

_____	_____
Name of Proposer	Telephone Number

Street Address	
_____	_____
Email Address	Web Address
_____	_____
Print Name & Title of Authorized Officer	Signature of Authorized Officer Date

ATTACHMENT B

PUBLIC CONTRACTING AND ENVIRONMENTAL CRIMES CERTIFICATION

SWORN STATEMENT PURSUANT TO SECTION 2-26 ARTICLE V,
MANATEE COUNTY PROCUREMENT 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 Manatee County by _____,
[print individual's name and title]

For _____
[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 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 proposers or prospective proposers 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 an 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 amount family members, shared organization of a business entity following the ineligibility of a business entity under this Article, or using substantially the same management, ownership or principles as the ineligible entity.

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 Manatee County's Purchasing Official. Upon presentation of such satisfactory proof, the person or entity shall be allowed to contract with Manatee County.

I UNDERSTAND THAT ANY CONTRACT OR BUSINESS TRANSACTION SHALL PROVIDE FOR SUSPENSION OF PAYMENTS, OR TERMINATION, OR BOTH, IF THE PROCUREMENT DIVISION 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 _____, 201____ by_____.

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

_____ My commission expires _____
Notary Public Signature

[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.