

## REQUEST FOR PROPOSAL 17-0530WB LEARNING MANAGEMENT SYSTEM

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 a learning management system.

**DATE, TIME AND PLACE DUE:** Proposals will be received until **February 10, 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.

**DEADLINE FOR CLARIFICATION REQUESTS:** **January 27, 2017 at 5:00 P.M.** 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:

William Bryant, Contracts Negotiator  
(941) 749-3062, Fax (941) 749-3034  
Email: [william.bryant@mymanatee.org](mailto:william.bryant@mymanatee.org)  
Manatee County Financial Management Department  
Procurement Division

AUTHORIZED FOR RELEASE: 

# REQUEST FOR PROPOSAL 17-0530WB LEARNING MANAGEMENT SYSTEM

## 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, 8<sup>th</sup> 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 17-0530WB – Learning Management System"** 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](http://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](http://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:** January 27, 2017 at 5:00 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.
- 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**

In accordance with Chapter 119, Florida Statutes, all documents, materials, and data submitted to any solicitation as part of the response 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 Florida public records law, ownership of all documents, materials and data submitted 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 identified by some distinct method that the materials that constitute a trade secret, and proposer shall provide an additional copy of the proposal that redacts all designated trade secrets. By submitting materials that are designated as trade secrets and signature of the proposer on its proposal, proposer acknowledges and agrees:

- a. 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;

- b. That to the extent that the proposal with trade secret materials is evaluated, 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 materials designated as trade secrets through the final contract award;
- c. 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.
- d. 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.

Notwithstanding any other provision in the solicitation, the classification as trade secret of the entire proposal document, line item and/or total proposal prices, the work, services, project, goods, and/or products to be provided by proposer is not acceptable to the County and will result in a determination that the proposal is non-responsive; the classification as trade secret of any other portion of a proposal document may result in a determination that the proposal is non-responsive.

#### **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.

**END SECTION A**

## **SECTION B** **SCOPE OF SERVICES**

### **B.01 BACKGROUND INFORMATION**

Manatee County is located on the Gulf of Mexico in West Central Florida and consists of six incorporated municipalities including:

<b>Municipality</b>	<b>Population</b>
Anna Maria	1,574
Bradenton	59,570
Bradenton Beach	1,190
Holmes Beach	3,746
Longboat Key	2,398
Palmetto	10,603
Unincorporated Areas	243,752
<b>Total</b>	<b>322,833</b>

Manatee County Government has approximately 1,700 employees working in 12 departments in multiple locations. During the summer months, the employee population grows approximately 2% to accommodate seasonal workers.

Training enterprise-wide is primarily instructor-led and focused, almost exclusively, on compliance and/or soft-skills for specific roles. The organization also provides a limited amount of leadership, management, employee engagement and business skills training. As with the compliance and soft-skills offerings, this training is also primarily instructor led and available to only a small percentage of employees each year.

Presently the county's training programs are tracked, in part, via the time and attendance system and scheduled via Lotus Notes. This reduces efficiency and increases the cost of administrative time. A Learning Management System (LMS) will automate these processes and accelerate employee learning while reducing turnover and decreasing costs. The goal of the project is to select an LMS vendor that can provide a robust, easy-to-use system that has exceptional technical support.

### **B.02 GENERAL REQUIREMENTS**

Manatee County Government is seeking proposals from qualified firms capable of providing an integrated, cloud- based learning management system (LMS). A solution is desired that will support enterprise-wide administration, documentation, tracking, reporting, authoring and delivery of training. There is also a need for a repository for e-based content covering the gamut from off the shelf to custom developed solutions addressing enterprise-wide skill building and compliance needs. Support for the integration of eLearning with more traditional classroom content to create blended learning solutions is also highly desirable. The overarching goal is to provide Manatee County Government employees with more qualitative development options as well as control over time, place, path and pace in the delivery of just-in-time learning.

Tangible deliverables include a customizable cloud-based solution with the aforementioned as well as some (or all) of the following features:

- Single sign-on
- Uploading of in-house developed and/or vendor provided content in any or all of the following formats: SCORM, AICC, and Xapi
- Self-enrollment
- Automatic notifications
- Management and tracking of singular and reoccurring delivery of training
- Classroom management
- Certificate of completion generation
- Document library
- Learning compliance paths
- Mobile learning options
- Assessment development and tracking

### **B.03 PROJECT DATA**

Manatee County Government, will provide for the project, all pertinent data developed internally or by others that the County is aware of, has access to and can legally provide for the implementation of the LMS.

### **B.06 TRAINING**

The selected Proposer shall provide training for up to 5 staff. The Proposer should include in the response their approach to training and the training topics covered and the length of time required for successful training.

**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 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.01.2** 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.01.3** Provide a description of Proposers' **general qualifications** and the general qualifications for all parties to the Proposer.

#### **C.02 Corporate Structure**

**C.02.1** Provide a description of your company's **background and size**. Include an organizational chart depicting the structure, lines of authority and communication.

- C.02.2 Identify each **principal of the proposer and other key personnel** who will be interacting with Manatee County. Key personnel will include all partners, managers, seniors, and other professional staff that will perform work and/or services in this project. 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 vital information of all key individuals who will be assigned to this project. Resumes shall also include the following information:

- a. Full name and title
- b. Professional credentials
- c. Experience / Qualifications / Training
- d. Individual's intended roles and duties in providing services pursuant to this Request for Proposal
- e. Relevant experience on previous similar projects
- f. Office address and web address
- g. Email address and telephone number

Please Note: After proposal submission, but prior to contract award, if any, Proposer shall be obligated to advise County of any changes, intended or otherwise, to the key personnel identified in its Proposal.

- C.02.3 Submit a **staffing level statement** for the project detailing how many total employees work for each team at any one time, including temporary and part-time employees.

- C.02.4 Include a **subcontractor plan** if subcontractors are included 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.

- C.02.5 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.02.6 **Recent, Current, and Projected Workload:** List all projects handled by your firm during the past five (5) years and identify the volume of work previously awarded by Manatee County.
- C.02.7 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.02.8 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.02.9 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.02.10 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.03 Project Plan, Scheduling and Timeline**

- C.03.1 Provide your company's **project approach and specific project plan**. 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.
- C.03.3 Describe a comprehensive project timeline, from contract execution through full completion of the project. The timeline shall include milestones from project kickoff to full implementation of the LMS.

### **C.04 FUNCTIONALITY REQUIREMENTS**

Proposer shall provide responses to each of the below functionality requirements. The purpose of the functionality requirements is to help County understand what functionalities can be expected as configurable out-of-the-box options. Proposer shall document any gaps or alternate strategies to achieve each of the below functionality requirements.

#### **A. General**

1. Provide an overview of the learning system's capabilities.
2. What features differentiate Proposer's learning system from their competitor's system?

#### **B. Blended Learning**

1. What methods of course delivery does Proposer's system support? (Web-based, instructor-led, virtual classroom)
2. How does the system support blended learning activities? For example, can the system mix a series of components in different delivery formats (e.g., pre-test, instructor-led course, on-the-job assignment) and roll them up into a single course?
3. Does the system support bookmarking for self-paced learning?
4. What file formats does the system support?
5. Is there sequencing in blended learning activities, for example, to ensure that a pre-test is taken before the course?
6. Does the system have the ability to create checklists?
7. Does the system have the ability to notify users of assigned courses and deadlines?

### C. Learner Experience

1. Does the learning system provide the learner with a dashboard to view all assigned, registered, in progress, and recommended learning at a glance?
2. Does the system allow users to self-register for training?
3. Does the system provide a personalized development plan?
4. Does the system allow the learner to register for a course with a minimum of clicks?
5. How does the system make it easy for users to access learning that is already assigned to them?
6. Can users submit learning requests that are not available in the catalog?
7. How does the system ensure that learners will have quick and easy access to all supported types of content?
8. Does the system provide the learner with access to his/her own training transcript?
9. Does the system allow the learner to print certificates?
10. Does the system have a resource location where PDF's and course related content can be uploaded for easy access?
11. Can the learner easily search and find courses? Does the system allow for Metadata to be added to courses?

### D. Manager Experience

1. How can managers keep track of their team's training?
2. Are there any portals designed specifically for managers?
3. Does the manager have the ability to drill down into the learning activities (to view profile information, transcripts, certifications, and other individual user information) of their employees?
4. Does the system allow for manager notification and approval when certain courses are registered for by users?
5. Does the manager have the capability to deactivate employees?
6. Does the manager have the capability to reset a learner's password?

## E. Instructor Experience

1. What tools does the system provide to help instructors manage their instructor-led training (ILT)?
2. Do instructors have a means for adding users to a class in bulk?
3. Does the system allow a cap on number of attendees to an instructor led course?
4. Does the system email learners when they register for an ILT course with the logistics of the course i.e. location, date, time...
5. Does the system notify instructors when a learner registers for a course?

## F. User Experience

1. Explain how the graphical user interface (GUI) and navigation work.
2. Are there separate interfaces for a learner and administrator?

## G. Certification

1. Describe how the system manages certifications.
2. Does the system track certification deadlines? How does it notify users about missed deadlines?
3. Can certifications have expiration dates?
4. Can certifications be "nested"? That is, can one certification contain other certifications?
5. Can certifications be granted manually?
6. Can the system track external certifications?
7. Describe the system's ability to mark a class complete on or after the last day of the class.
8. Describe the system's ability to define successful completion for ILT classes.

## H. Competency and Skills Management

1. How much flexibility does the system have to handle unique competency models and proficiency level?
2. Can these competencies be categorized or grouped by categories or families?

3. Can employees complete a self-assessment against a competency or group of competencies at any time?
4. Can managers assess their team's competencies? How?
5. Does the system support validation processes, whereby managers can validate before a held level is granted?
6. Does the system allow the assignment of competencies/skills to individuals and teams by their managers/job role?
7. How do individuals monitor competency/skill attainment?

#### I. Course and Curriculum Management

1. Can administrators add, update, reschedule, and remove courses from the course catalog without requiring support from the IT organization?
2. Can an administrator create a curriculum or certification program within the course catalog?
3. Can the administrator customize certificate templates?
4. Describe how the system interprets and manages login, visibility to transcript and certificates, and historical training records for inactive employees.
5. Does the system allow administrators to manage training plans?
6. What happens to enrollments if a course offering in the catalog is modified by an administrator?
7. Can attributes of the user profile (standard or custom) be used to determine learning assignments?
8. Can the person profile store information that originates outside the system, e.g., external certifications?
9. What happens to enrollments if a new version of the course is uploaded?
10. Describe waitlist functionality. Does the system allow administrators to manage waitlists?
11. Does the system support the ability to automatically assign learning (courses, curricula, or certifications) to individuals or groups or enroll them in courses?
12. Can the system assign due dates for course completion?
13. Does the system allow administrators to manage the training calendar and schedule?

14. Does the system allow for the creation of custom catalog categories?
15. Does the system allow for automatic retake after a defined period of time?
16. Does the system allow for courses to be hidden and not viewable in the catalog?
17. If courses can be hidden in the catalog – can these hidden courses also be assigned to learners?
18. Does the system allow administrators to customize the GUI? (i.e. colors, fonts, pages, headers, custom pages)
19. Does the system require that courses be taken in a certain order, or does the system have the flexibility to allow employees to complete courses in whatever order they wish to complete their plan?

#### J. Resource Management

1. Can administrators associate specific types and quantities of inventory to a class including a physical location?
2. Does the system support the ability to require manager approval for course registration?
3. Does the system support the ability to define prerequisites and restrict access to courses until the prerequisites are met?
4. Does the system provide group notifications to all students enrolled in a course?

#### K. Content Management

1. How much content storage does your system provide? Is more available if necessary?
2. Describe the content authoring tools you offer and support.
3. What content standards does the system support?
4. Does the system support third-party content integrations? Can the end-user access this content from within the proposed system without logging in separately to the content provider's system?

#### L. On-the-Job Training

1. Does the system facilitate and track on-the-job training activities via checklists?

2. Who can mark observation checklists and other on-the-job training activities as successful? Must administrators get involved in every task or can managers and/or senior team members perform all management tasks?
3. Describe the system's testing and assessment capabilities.
4. Can the user view detailed results of their test performance?
5. Does the system provide both pre-testing and post-testing capabilities (including reports that compare pre- and post-test performance)?
6. Can grants of credit and/or assignment of courses be triggered from the results of a test? If so, describe how.
7. Does the system support multiple response formats (such as true/false, multiple choice)? Describe the question types the system provides.
8. Does the system support surveys and evaluations? Does it allow for anonymous responses?

#### M. Social and Collaborative Learning

1. Do learners have the ability to rate formal or informal learning content and courses and provide an optional explanation for their rating?
2. Does the system allow users to explore additional recommendation criteria not in their current recommendations based on courses, course tags, topic areas, jobs, roles, etc. (metadata)
3. Does the system support collaborative learning through discussion boards?

#### N. Integration

1. Describe the system's ability to integrate with other enterprise systems, such as a corporate HRIS.

#### O. Person Profile

1. Does the system include a person profile that can be used to track job title, admin rights, county hierarchy, email, ID ...
2. Can attributes of the user profile (standard or custom) be used to determine learning assignments?
3. Does the system include custom fields in the user profile and if so, can reports be run off these fields?
4. Can users access their profile (e.g. personal details, status development plans, goals, training) on demand?

## P. Reporting and Analytics

1. Provide a high-level overview of the reporting capabilities available with the system.
2. Describe the system's capability to create ad hoc reports including ability to combine information from multiple processes.
3. Does the system support graphical reports (bar charts and pie charts) out of the box?
4. What skills does a user need to use the reporting tools?
5. Does the system offer a summary of concurrent sessions by hour?
6. Does the system offer configurable fields by user?
7. Does the system offer preconfigured reports?
8. Does the system offer custom reporting?
9. Describe the system's ability to export data to various formats, including ASCII and Excel.
10. Describe how view access to given reports can be restricted.

## Q. Access Control

1. How does the system support single sign-on?
2. Is access to the system managed through user ID and password authentication? Briefly describe the configuration options for managing user passwords, such as determining the length of the password, expiry time frame, if the user has the ability to reset own password, etc.
3. Describe the ability to manage security by role (employee, manager, delegate, and administrator) and organizational structure.

## R. Roles and Permissions

1. Can system administration be restricted in terms of both functions and user populations?
2. Do administrators have the ability to create new users manually and through a batch load?
3. How can managers keep track of and approve their team's training?
4. Does the system differentiate between Active and Disabled users? Explain.

5. Does the system allow for managers to be an administrator for multiple divisions/departments?

#### S. Technical

1. What are the supported web browsers and operating systems?
2. Is the system 100% web based for all users including administrators?
3. Are there special requirements or settings for mobile devices?
4. Is there a need for any additional software installs?

#### T. Cloud (SaaS) Environment

1. Does Proposer offer a SaaS solution?
2. Describe the physical environment of the data center.
3. Where are the data centers?
4. Are the data centers audited by a third party?
5. Does Proposer have a documented Business Continuity and Disaster Recovery Plan?
6. How does the system scale to support growing user populations?
7. Does the hosting environment support load balancing and redundancy?
8. What is the policy about notifying clients in the event of an outage or security breach?
9. How is system usage and performance monitored?
10. Do you have a standard maintenance window?
11. What is the backup strategy?
12. How does Proposer ensure the confidentiality of a customer's data in a multi-tenant SaaS environment?
13. How does Proposer ensure secure file transfers between the SaaS environment and the client's workstations?

#### U. Support

1. Describe a customer support policy. Include information about response times, escalation policies, and hours of operation.

2. How do users and administrators contact support during non-business hours?
3. Is support available for extended (e.g., 24x7) hours, including support for all global regions?
4. What online resources are available to customers?
5. What Service Management is offered?

#### V. Training

1. What training resources is provided to County staff to get them started?
2. What is the recommended training curriculum for the proposed solution?

#### **C.04 Proposed Cost**

C.04.1 Provide a **proposed cost** using the Cost Proposal Table provided below:

Manatee County has roughly 1800 employees throughout the various departments in the County. The anticipated usage over the next three (3) years is estimated to remain below 2000 active users per year. An active user is defined as someone logging in and registering or launching content. Pricing shall be based on the usage described above.

**COST PROPOSAL TABLE**

	Year 1	Year 2	Year 3
<b>Project Management Costs</b>			
<b>Implementation Costs</b>			
<b>Data Migration Costs</b>			
<b>User Licensing Costs</b>			
<b>Hosting Costs</b>			
<b>Support and Maintenance Costs</b>			
<b>Training Costs</b>			
<b>Other Costs (specify)</b>			
<b>Total Proposed Cost</b>			

**C.06 Other Considerations**

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

- A. Provide detail on any performance guarantees that your firm offers and how the County would monetarily benefit should those performance guarantees not be met.
- B. Submit any other additional information which would assist the 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.

**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.

**END SECTION E**

**ATTACHMENT A**

**PROPOSAL SIGNATURE FORM  
REQUEST FOR PROPOSAL 17-0530WB**

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]

\_\_\_\_\_  
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.