

## REQUEST FOR PROPOSAL 17-0433JE FINANCIAL ADVISORY SERVICES

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 Financial Advisory Services.

**DATE, TIME AND PLACE DUE:** Proposals will be received until **January 4, 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:** **December 19, 2016 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:

Jacob Erickson, Contracts Negotiator  
(941) 749-3053, Fax (941) 749-3034  
Email: [jacob.erickson@mymanatee.org](mailto:jacob.erickson@mymanatee.org)  
Manatee County Financial Management Department  
Procurement Division

AUTHORIZED FOR RELEASE: *jc* 12/15

# REQUEST FOR PROPOSAL 17-0433JE FINANCIAL ADVISORY SERVICES

## 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 17-0433JE – Financial Advisory Services**" 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:** December 19, 2016 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 GENERAL DESCRIPTION OF SERVICES**

Manatee County, Florida invites financial advisory firms to submit proposals to serve as financial advisor on future bond issues. The selected Proposer will provide services in the areas of facilitating sale of tax-exempt municipal bonds to finance new projects, coordinating bank loans, and reviewing outstanding debt for potential savings on refundings. The contract period will be for three years, with two (2) one-year renewal options if mutual agreed upon by the County and the selected Proposer.

The County has intentions to issue additional debt for capital based on the current Capital Improvement Program for Transportation and Utilities programs. The County also desires the flexibility for re-analysis based upon needs and market availability.

### **B.02 BACKGROUND INFORMATION**

Manatee County is located along the west coast of Florida bordered on the north by Hillsborough County, on south by Sarasota County, and the west by the Gulf of Mexico. There are six incorporated municipalities within Manatee County; Palmetto, Bradenton, Bradenton Beach, Holmes Beach, Anna Maria, and Longboat Key. The county's population is 363,369 in 2016 based upon estimates from the University of Florida, Bureau of Economics and Business Research (BEBR). The County provides a wide range of services such as social services, public assistance to residents, animal services, emergency medical services, and regional parks and preserves. The County also provides municipal-type services to residents of the unincorporated areas of Manatee County such as road construction and road maintenance, solid waste disposal, parks and recreations, water and wastewater treatment, planning, zoning, building inspections and code enforcement services.

The County is guided by an elected seven-member Board of County Commissioners. The Commissioners represent 5 single member districts and two at large positions for four year terms on staggered terms. The County Administrator is responsible for carrying out all decision, policies, ordinances and motions of the Board. The Administrator manages the operations of the county and reports directly to Commission. With the exceptions of the County Attorney and his employees, all other employees report to the County Administrator.

The present member of the Commissioners and their terms are as follows:

- District 1 – Priscilla Whisenant Trace
- District 2 – Charles Smith
- District 3 – Stephen R Jonsson
- District 4 – Robin DiSabatino
- District 5 – Vanessa Baugh
- District 6 – Carol Whitmore
- District 7 – Betsy Benac

The financial statements of Manatee County include the County and its component units. The County's component units, although legally separate entities, are in substance part of the County's operations and have the same governing boards. The Port Authority (authorized by CH. 315, Florida Statutes and Ch. 67.1681, Law of Florida) is a legally separate entity, but since the County Commission also serves as its governing board and there is a specific benefit or burden relationship between the County and this component unit, it is reported as a blended component unit.

The County also has the Port Manatee Improvement District and the Southwest County Improvement district.

### **BOND RATINGS:**

Manatee County is a highly rated community in the State of Florida. The selected Proposer will be expected to work with the County to develop strategies to maintain and where possible, enhance these bond ratings.

The most recent ratings of the County Bond is shown below:

County's non-ad valorem revenue bonds, Public Utilities revenue bonds

AA+	Fitch's, Inc
Aa2	Moody's

The County's General Obligation refunding bonds although issued as a private placement carries an implied rating of AAA.

### **LONG-TERM DEBT OUTSTANDING**

The County's Budget and Comprehensive Annual Financial Report (CAFR), with information about the County's long-term debt are available online at:

CAFR:

<http://manateeclerk.com/Departments/Finance/FinancialReports/CAFR.aspx>

BUDGET:

<http://www.mymanatee.org/home/government/departments/financial-management/budget-office-administration/budget-downloads.html>

### **LONG-TERM DEBT INFORMATION**

#### **Legal Debt Limits**

There is no limit established by either the County or the State on the amount of debt the County may incur. The CAFR dated September 30, 2015, shows that County had \$323 million of debt outstanding, plus \$2.6 million in outstanding State Infrastructure loans. In 2016, Manatee County issued an additional \$50.9 million of debt outstanding.

### General Obligation Bonds

\$1.8 million – General Obligation Refunding Note, Series 2014 issued to refund the County's General Obligation of 2003 with original issuance of \$7.3 million. Final maturity date September 30, 2018, payable annually.

### Non-Ad Valorem Revenue Bonds

Manatee County has the following non-ad valorem revenue bonds outstanding:

- **\$3.2 million – Public Utilities Revenue Improvement Bonds, Series 2006** issued for Capital Improvements within the Utility System at original issuance of \$44.9 million with partial refunding with the 2015 Revenue Refunding and Improvement Bonds. Final maturity date October 2016.
- **\$17.9 million – Public Utilities Revenue Improvement Bond, Series 2010A** issued for Capital Improvements within the Utility System. Final maturity date October 2025.
- **\$45.3 million – Public Utilities Revenue Improvement Bond, Series 2010B** issued for Capital Improvements within the Utility System. Final maturity date October 2035.
- **\$6.7 million – Public Utilities Revenue Improvement Bonds, Series 2010C** issued for Capital Improvements within the Utility System. Final maturity date October 2019.
- **\$3.6 million – Public Utilities Revenue Improvement Bonds, Series 2010D** issued for Capital Improvements within the Utility System with original issuance of \$8.2 million. Final maturity date October 2017.
- **\$18.8 million – Public Utilities Revenue Refunding Bonds, Series 2011** issued for refunding the Revenue and Improvement Bonds, Series 2003 for the Utility System with original issuance of \$22.7 million. Final maturity date October 2023.
- **\$91.5 million – Public Utilities Revenue Refunding & Improvement Bonds, Series 2015** issued for advance refund of Public Utilities Revenue Improvement Bonds, Series 2006. Final maturity date October 2039.
- **\$5.8 million – Port Authority Revenue Improvement Bonds, Series 2012A** issued with original issuance at \$6.6 million. Final maturity date October 2032.
- **\$32.0 million – Port Authority Revenue Improvement Bonds, Series 2012B** issued with original issuance of \$33.7 million. Final maturity date October 2042.
- **\$4.2 million – Revenue Improvement Bonds, Series 2006** issued for Capital Improvements for General Government with original issuance of \$ 59.6 million. Final maturity date October 2016.
- **\$3.3 million – Revenue Improvement Bonds, Series 2010** issued for refunding of the 1999 & 2000 Revenue Refunding Bonds with original issuance of \$14.2 million. Final maturity date April 2017.

- **\$73.6 million – Revenue Refunding and Improvement Bonds, Series 2013** issued for 2004 and 2006 Revenue Improvement Bonds with original issuance of \$79.6 million. Final maturity date October 2029.
- **\$6.3 million – Revenue Improvement Bonds, Series 2014** issued for Capital Improvements for General Government with original issuance at \$6.5 million. Final maturity date January 2034.

#### Non-Ad Valorem Revenue Notes

Manatee County has the following non-ad valorem revenue note outstanding.

- **\$366,980 – Port Authority Revenue Note 2014A** with original issuance at \$453,480. Final maturity September 2019.
- **\$2.7 million – Port Authority Revenue Note 2014B** with original issuance of \$3 million. Final maturity on September 2024
- **\$5.9 million – Revenue Improvement Note 2013** issued for Capital Improvements for General Government. Final maturity date September 2033.

#### Loans Payable

Manatee County has the following non-ad valorem loan payable

- **\$2.6 million – Port Authority Florida Department of Transportation State Infrastructure Bank Loan** with original issuance of \$4.5 million. Final maturity date October 2025.

#### Debt Issuance within 2016 Not Presented in 2015 CAFR

- **\$32.3 million – Revenue Improvement Bonds, Series 2016**  
Non-ad valorem bond issued for Capital Improvements for General Government. Final maturity date 2025.
- **\$18.6 million – Revenue Improvement Note, Series 2016**  
Non-ad valorem note issued for Capital Improvement for Transportation. Available note issuance \$36 million with \$18.6 million drawn. Maturity date March 2018. Note to be replaced with Transportation bond issuance noted within future plans.

#### Future Plans

Manatee County is currently planning to issue debt for approximately \$92 million in non-ad valorem revenue bonds for Capital Improvement projects for Transportation for 2018 and \$62 million for Capital Improvement projects for the Utility System between 2018 and 2019.



## **B.02 SCOPE OF SERVICES**

The selected Proposer shall provide comprehensive financial advisor services as to the County. Upon written notification from the County, selected Proposer shall perform the following services subject to the conditions, and in consideration of payments, as hereinafter set forth.

### **Debt Issue Development and Sales Services**

The selected Proposer shall perform the following services for debt offering (issue) when authorized by the County.

### **Planning and Development Phase**

1. Prepare and distribute a timetable of events for all concerned leading to the successful sale and delivery of an offering.
2. Research and advise on aspects of tax exemption and arbitrage in cooperation with the County's legal counsel and bond counsel. Assist in obtaining Internal Revenue Service rulings, if necessary.
3. Assist in the preparation and analysis of feasibility studies in cooperation with County Officials and administrative staff, bond attorneys, accountants, architects, engineers and other professionals as requested by the County.
4. Carefully analyze financing options to determine the best methods of strengthening marketability consistent with current economic and capital market conditions and rating agency criteria.
5. Perform a comprehensive analysis to determine the best possible plan to finance, including evaluation of cash flows that may constitute security for obligations.
6. Consult with Moody's and/or Fitch with regard to the proposed financing and assist in obtaining the most favorable rating possible. Prepare the County thoroughly for any necessary rating presentations and participate in those meetings.
7. Assist in the selection of the financing team, including underwriters, trustees, registrar, and printer.
8. Act as liaison with bond counsel and coordinate other professionals providing information in connection with the proposed financing.
9. Attend meetings with council and testify at validation hearings as needed.

### **Marketing Phase**

1. Advise on the appropriate terms and conditions of the sale, including maturity schedule, underwriter discount, redemption provisions, interest rate bidding requirements and basis for award.

2. Advise on the timing of the bond sale, taking into consideration such factors as changing economic conditions, current and projected market trends and convenience to the County.
3. With bond/disclosure counsel, coordinate the preparation of authorizing resolutions and other documents involved in the sale of bonds and other methods of financing. Assist in publicizing the new bond issue with an Official Statement, Notice of Sale, Bid Forms, and such other means necessary and advisable to develop nationwide public and institutional interest.
4. Assist the County in meeting full disclosure requirements and conforming to guidelines in all Official Statements.
5. Distribute the Official Statement to potential purchasers of the County's securities across the nation. Directly contact those lead underwriters most likely to be syndicate managers. Maximize efforts to market the County's debt issuance most effectively.
6. Conduct informational meetings with the investment community, including investment bankers (dealers and dealer banks) and institutional investors (banks, bank holding companies, and insurance companies), if necessary, to establish bidding interest on this offering.
7. Advertise any competitive bid, bond sale in nationally prominent financial publications, in addition to coordinating local publication requirements.
8. In the event of a competitive bid, attend the bid opening to assist with the verification and evaluation of bids and recommend the most favorable bid for award.

### **Bond Closing Phase**

1. Direct bond-closing details, including coordination with bond counsel in order to ensure delivery in the shortest possible time frame.
2. Furnish prompt, complete reinvestment analysis so that the maximum earnings will result from investing bond proceeds, in addition to assisting staff and the architect/engineer with establishing schedule for drawdown of funds, if any.
3. Direct, coordinate and supervise preparation of the transcript and provide the County with bond and interest records showing required semi-annual payments and other information relevant to the completed financing.
4. Solicit bids on investment of idle funds, if requested.

**Review of Outstanding Debt**

As market conditions change, the selected Proposer shall analyze and evaluate potential refunding for current debt and make recommendations to the County. The selected Proposer are expected to make at least annual contact with the Director of Financial Management to advise whether market conditions appear to be changing in a way that could affect the County's debt condition.

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

C.01.4 **Conflict of Interest Statement.** Any proposer must make an affirmative statement to the effect that their retention, if selected, shall not result in a conflict of interest with any party which may be affected under this program. The financial advisor will be precluded by the terms of the agreement from participating as an underwriter or in any

manner other than the financial consultant for bond issues of the County. Should any potential or existing conflict be known by proposer, said proposer must specify the party with which the conflict exists or might arise; the nature of the conflict; and whether proposer would or would not step aside or resign from that engagement or representation creating the conflict. Limited preference will be given to firms which do not engage in underwriting.

- C.01.5 Clearly demonstrate firm's **technical experience**. Include a description of the firm proposing, specifying Florida local government experience. Also include your firm's organizational structure, date founded, number and location of offices, and total number of professional staff. Information should be provided on the scope, diversity, and types of financial advisory experience your firm offers, and the approximate contribution of financial advisory services to total firm revenue.
- C.01.6 Clearly demonstrate firm's **professional competence**. List qualifications, including the most recent financial advisory relationships within the State of Florida specifically related to local government units. Briefly describe the work performed, including the dollar amount of the financings. Describe any innovations the firm has developed or worked on for tax-exempt issues, briefly outlining the problem, your firm's solution, and the results. Outline your firm's experience during the past two years with the major rating agencies. Discuss this experience and its potential applicability to the County.
- 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 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.01.9 Describe any **innovative ideas**. Demonstrate capabilities that present executable innovative ideas for the financing of infrastructure.
- C.01.10 Include at least three (3) **references** who can substantiate proposer's qualifications, credentials and experience. Do not duplicate references used for past performance.
- C.01.11 **Cost of services provided:** Proposer shall include the following information in this section:
1. **Basic Fees:** Manatee County desires to contract for services on a volume of bonds basis. Basic fees should be proposed on the basis of dollars per \$1,000 of bond issue. Basic fee will include services of the Proposer as noted in the Scope of Services and will include word processing, computer time, and reasonable telephone and facsimile transmissions. Please use a format similar to the following format for your proposed fee structure.

Minimum fee per issue:	\$ _____
Up to \$15 Million, per bond	\$ _____
Over \$15 Million, per bond	\$ _____
  2. **Out-of-Pocket Expenses:** Identify what expenses will be paid by the firm but are expected to be reimbursed by the County for costs directly related to bond issues. Note that any travel, lodging and meal reimbursement will be made in accordance with the County's travel policy.
  3. **Special Services:** Unrelated to a specific bond issue, may be requested by the County and contracted for on an hourly rate basis. Proposer must specify hourly rates for individuals assigned to special services projects, such as partner, senior officer, officer, professional staff, junior staff, and support staff.
- C.01.12 **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.01.13 **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.01.14 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.01.15 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.01.16 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.01.17 Provide the proposer's most recent independently prepared annual financial summary statement. Such statements will include balance sheets and profit and loss statements.

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.01.18 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.01.19 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.

**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 17-0433JE**

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.