

**REQUEST FOR PROPOSAL #09-1180BG
Construction Services for the PERICO Cell Tower**

Manatee County, a political subdivision of the State of Florida (hereinafter "Manatee County" or the "County") will receive proposals from individuals, corporations, partnerships, and other legal entities authorized to do business in the State of Florida, for the purpose of providing Construction Services for The Perico Cell Tower

TIME AND DATE DUE: Proposals will be received until **10:00A.M. May 4, 2009**, at which time they will be publicly opened. All interested parties are invited to attend this opening.

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**Important note: A prohibition of Lobbying
has been enacted with the issuance of this Request for Proposal**

Please review paragraph A.18 carefully to avoid violation and possible sanctions.

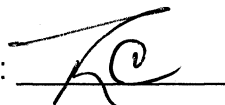
FOR INFORMATION CONTACT:

Blair C. Getz, Contracts Negotiator, Purchasing Division at (941) 749-3053

OR

Darin Cushing, Project Manager, Construction Services Division at (941) 748-4501

Authorized to Release:



SECTION A: INFORMATION TO PROPOSERS

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

A.01 OPENING LOCATION

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

Proposals become "Public Records" ten (10) days after the proposal opening or if an award decision is made earlier than this time as provided by Florida Statue 119.071. **No announcement of pricing or review of the proposal documents shall be conducted at the public opening of the proposals.**

A.02 BID/PROPOSALS- INFORMATION AND DOCUMENTS

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

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

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

Manatee County may also use an internet service provider to distribute Bids and Proposals. A link to that service <http://www.DemandStar.com>, is provided on this website under the Tab "DemandStar". Participation in the DemandStar system is not a requirement for doing business with Manatee County.

Complete individual CD's of the proposal documents for the project and/or products can be obtained from **Property Management Department, Construction Services, Dianne Aiken, Phone number 941-749-3005 between the hours of 8:00 am and 4:00 pm, Monday through Friday at no charge.** Complete set of the proposal documents must be used in preparing proposals. Neither Owner nor Engineer assumes any responsibility for errors of misinterpretations resulting from the use of incomplete sets of proposal Documents.

Note: The County posts the Notice of Source Selection seven calendar days prior to the effective date of the award.

A.02 (CONTINUED)

IT IS THE RESPONSIBILITY OF EACH VENDOR, PRIOR TO SUBMITTING THEIR BID or PROPOSAL, TO CONTACT THE MANATEE COUNTY PURCHASING OFFICE (see contact information on page one of this document) TO DETERMINE IF ADDENDA WERE ISSUED AND TO MAKE SUCH ADDENDA A PART OF THEIR BID or PROPOSAL.

A public internet connection is available during regular business hours in the lobby of the Purchasing Division. If you have questions which cannot be answered by these sources, please contact the individual named on the front page of the bid or proposal.

Please contact the individual named on the first page of this bid or proposal document, if you have questions on this instruction.

A.03 PROPOSAL FORM DELIVERY REQUIREMENTS

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

If a proposal is sent by U.S. Mail, the Proposer shall be responsible for its timely delivery to the Purchasing Office. Proposals delayed by mail shall not be considered, shall not be opened at the public opening, and arrangements shall be made for their return at the Proposer's request and expense.

A.04 CLARIFICATION & ADDENDA

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

If any addenda are issued to this Invitation for Proposals, the County will broadcast the addenda through DEMANDSTAR to "planholders" identified on this web service, however, it shall be the responsibility of each proposer, prior to submitting their proposal, to contact the Manatee County Purchasing Office (see contact information on page 1) to determine if addenda were issued and to make such addenda a part of their proposal.

A.05 SEALED & MARKED

(3) Three signed copies of your proposal shall be submitted in one sealed package, clearly marked on the outside "**Sealed Proposal #09-1180-BG**" / **Perico Cell Tower** and addressed to:

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

A.06 LEGAL NAME

Proposals shall clearly indicate the legal name, address and telephone number of the Proposer which shall be the business entity registered with the State of Florida to provide **Cell Tower Construction and related Services** which you have the authority to bind to directly perform the services and contractual duties to Manatee County. Proposals shall be signed above the typed or printed name and title of the signer. The signer shall have the authority to bind the Proposer to the submitted proposal.

A.07 PROPOSAL EXPENSES

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

A.08 EXAMINATION OF OFFER

The examination of these proposals and the qualifications of the Proposer shall require a period of not less than ninety (90) calendar days from the date of the opening of the proposals.

A.09 DISCLOSURE ...

Upon receipt, responses become "Public Records" and shall be subject to public disclosure consistent with Chapter 119, Florida Statutes. Section 119.071(1)(b)1.a states that sealed bids shall be exempt from inspection or copying until such time as the County provides a notice of a decision or within 10 days after the date the bids are opened, whichever is earlier.

Based on the above, Manatee County will receive bids the Bid or Proposal at the date and time stated, and will make public at the opening the names of the business entities of all that submitted an offer and any amount presented as a total offer without any verification of the mathematics or the completeness of the offer. Upon the expiration of the Statutory term for exemption the actual documents may be inspected or copied.

When County staff has completed a mathematic validation, if required, and inspected the completeness of the offers, a tabulation shall be posted on mymanatee.org.

A.10 ERRORS OR OMISSIONS

Once a proposal is submitted, the County shall not accept any request by any proposer to correct errors or omissions in the proposal. No changes shall be allowed until a selection is made and contract negotiations actually begin.

A.11 RESERVED RIGHTS

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

A.12 APPLICABLE LAWS...

Bidder or Proposer must be authorized to transact business in the State of Florida. All applicable laws and regulations of the State of Florida and ordinances and regulations of Manatee County will apply to any resulting agreement. Any involvement with any Manatee County procurement shall be in accordance with Manatee County Purchasing Code Ordinance 08-43, as amended. Any actual or prospective Bidder or Proposer who is aggrieved in connection with the solicitation or award of a contract may protest to the Board of County Commissioners of Manatee County as required in Section 2-26/61 of the Purchasing Code.

A protest with respect to this Invitation For Bid or Request for Proposal shall be submitted in writing prior to the scheduled opening date of this proposal, unless the aggrieved person did not know and could not have been reasonably expected to have knowledge of the facts giving rise to such protest prior to the scheduled opening date of this proposal. The protest shall be submitted within seven calendar days after such aggrieved person knows or could have reasonably been expected to know of the facts giving rise thereto.

A.13 CODE OF ETHICS ...

With respect to this proposal, if any Bidder or Proposer violates or is a party to a violation of the Code of Ethics of Manatee County per Manatee County Purchasing Code Ordinance 08-43, Article 3, Ethics in Public Contracting, and/or the state of Florida per Florida Statutes, Chapter 112, Part III, Code of Ethics for Public Officers and Employees, such Bidder or Proposer may be disqualified from performing the work described in this proposal or from furnishing the goods or services for which the proposal is submitted and shall be further disqualified from submitting any future bids or proposals for work or for goods or services for Manatee County.

The County anticipates that all statements made and materials submitted in a proposal will be truthful. If a bidder or proposer is determined to be untruthful in its proposal or any related presentation, such bidder or proposer may be disqualified from further consideration regarding this Invitation For Bid or Request for Proposal.

A.14 COLLUSION

By offering a submission to this Request for Proposal the Proposer certifies the Proposer has not divulged to, discussed or compared his proposal with other Proposers and has not colluded with any other Proposer or parties to this proposal whatsoever. Also, 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.15 PROPOSAL FORMS

Proposals must be submitted in the format specified in Section B of this Request For Proposals. The contents of each proposal shall be separated and arranged with tabs in the same order as listed in the Subsections within Section B identifying the response to each specific item to facilitate an expedient review of all responses.

A.16 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 (as of 1/01/2005 is \$25,000) for a period of 36 months from the date of being placed on the convicted vendor list.

A.17 DRUG FREE WORK PLACE

Drug Free Workplace Program: Manatee County Board of County Commissioners adopted a policy regarding maintaining a Drug Free Workplace, Resolution R-93-22. Proposers are asked to review the attached copy of the Resolution and provide either a certification of compliance with the program outlined in this Resolution or describe your firm's policy or program as it relates to maintaining a drug free workplace. This response will be considered with the other criteria described herein.

A.18 LOBBYING

After the issuance of any Request for Proposals or Invitations for Bids, prospective bidders, Proposers or any agent, representative or person acting at the request of such bidder or Proposer shall not contact, communicate with or discuss any matter relating in any way to the Request for Proposals or Invitation for Bids with any officer, agent or employee of Manatee County other than the Purchasing Manager or as directed in the Request for Proposals or Invitation for Bids. This prohibition begins with the issuance of any Request for Proposals or Invitation for Bids, and ends upon execution of the final contract or when the invitation or request has been canceled. Violators of this prohibition shall be subject to sanctions as provided in the Manatee County Procurement Code.

A.18 LOBBYING (CONTINUED)

NOTE: If required Proposers or Bidders may obtain further clarification or explanation of the Drawings, Specifications and Scope of Services by contacting:

**Darin Cushing, Project Manager, Property Management Department
Phone: (941) 748-4501 ext. 3097
Fax: (941) (941) 739-3018
Email: Darin.Cushing@mymanatee.org**

Any inquiries, suggestions or requests concerning interpretation, clarification or additional information pertaining to a REQUEST FOR PROPOSAL shall be made in writing.

DEADLINE FOR CLARIFICATION REQUESTS

April 24, 2009 at 5:00P.M. shall be the deadline to submit all inquiries, suggestions, or requests concerning interpretation, clarification or additional information pertaining to the Invitation for Bids or the Request For Proposals to the Manatee County Purchasing Office.

This deadline has been established to maintain fair treatment for all potential bidders or proposers, while maintaining the expedited nature of the Economic Stimulus that the contracting of this work may achieve.

The County shall not be responsible for oral interpretations given by any County employee, representative, or others.

The issuance of a written addendum is the only official method whereby interpretation, clarification or additional information can be given.

Proposers are hereby notified that all Addendums shall be acknowledged and made a part of the above named proposal documents. Proposals submitted without acknowledgement of any and all Addendums will be considered incomplete.

NOTE: If required Proposers Bidders may obtain further clarification or explanation, exclusive of the drawings, specifications or the Scope of Services by contacting:

**Blair C. Getz, Contracts Negotiator, Purchasing Division
Phone: (941) 749-3053
Fax: (941) 749-3034
Email: blair.getz@mymanatee.org**

The County reserves the right to amend or to add to the names listed as persons to contact and shall be issued in writing by the Purchasing Department .

A.19 PUBLIC CONTRACTING AND ENVIRONMENTAL CRIMES CERTIFICATION ...
County Commissioners adopted a policy prohibiting the award of County contracts to persons, business entities, or affiliates of business entities who have not submitted written certification to the County that they have not been convicted of bribery, attempted bribery, collusion, restraints of trade, price fixing, and violations of certain environmental laws. A Non-Conviction Certification Form is attached for In accordance with Ordinance 08-43, adding Article 5, Manatee County Board of this purpose.

A.20 EQUAL EMPLOYMENT OPPORTUNITY

Manatee County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 and the Regulations of the Department of Commerce (15 CFR, Part 8) issued pursuant to such Act, hereby notifies all prospective Proposers that they will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to participate in response to this advertisement and will not be discriminated against on the grounds of race, color, creed, sex, age or national origin in consideration for an award.

A.21 AMERICANS WITH DISABILITIES ACT

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

SECTION B: FORM OF PROPOSAL

This section identifies specific information which must be contained within each proposal. **The contents of each proposal shall be separated and arranged with tabs in the same order as listed in Sections B.02 and B.03 below, identifying the response to each specific item.**

B.01 MINIMUM QUALIFICATIONS (Licensing) TO BE CONSIDERED: To qualify for any consideration, the Proposer must present proof of certification and current valid licensing in the State of Florida as a General Contractor or registered building contractor as the qualifying agent; or certification and current valid licensing by the State of Florida under §471.023 to practice, or to offer to practice engineering or under §481.219 to practice, or to offer to practice architecture or under §481.31 to practice or to offer to practice landscape architecture.

MINIMUM EXPERIENCE TO BE CONSIDERED: To qualify for any consideration, the Proposer must present proof that they have fully designed and constructed a minimum of three projects that (as closely as possible) matches the specific performance specifications detailed in this Request for Proposals, in the last five years. Further, detail the maintenance/warranty services provided for those facilities.

If subcontractors are included in the agreement given to meet the minimum qualifications, detail the business entities, description of the service provided, and responses in the same level of detail and tabbed order as instructed in this Request For Proposal for the proposer.

For each of the qualifying three (3) facilities, provide the following details:

- a. Name and location of the Client and the facility, the year the construction installation began, the duration of the construction and installation of the equipment, the testing phase of the facility and the date the fully operational Design /Build facility was accepted.

Specify the name and telephone number for the Clients contract manager for the work; and

- b. The names of your firm's key staff and their roles such as project manager, engineers, installers; and
- c. The name and telephone numbers of the persons representing the individual agencies with which the identified key staff directly worked; and
- d. Any state agency which verified compliance with its requirements or standards, and the names and telephone numbers of the key persons with direct knowledge of this process to achieve compliance.

Only upon determination that satisfactory responses have been provided to the preceding Minimum Qualifications and Experience, consideration shall be given to the following information:

B.02 ADMINISTRATIVE SUBMITTALS

The following documents shall be submitted with the proposal:

- a. Proposal Signature Form.
- b. Drug Free Workplace Certification.
- c. Public Contracting and Environmental Crimes Certification.

B.03 INFORMATION TO BE SUBMITTED

1. Identify the **Professional (Architect or Engineer, etc.)** , if other than, proposer proposed to provide services for this cell tower project. Detail the licenses currently held, and the direct experience this individual has with the specific projects similar to the proposed cell tower and with the proposed General Contractor.
2. Identify the **General Contractor** (or Construction Manager), if other than the proposer, proposed to provide services for this cell tower project. Detail the licenses currently held, and the direct experience this individual has with specific projects similar to the proposed cell tower and with the proposed Design Professional.
3. Include a statement of qualifications that includes your firm's credentials and experience in providing fully operational recreation facilities, including the design and construction of the project. Specify the legal status of your firm or organization.
4. Submit a manning level statement for this project, detailing the following professionals and if the named individuals are full-time, or subcontractors. If a subcontractor, detail the history of your firm's specific use of this individual for this specific recreational facility project.

B.03 INFORMATION TO BE SUBMITTED (CONTINUED)

5. Provide a **Schematic Design or general layout drawings** in sufficient detail to depict the Base design for the cell tower proposed to be designed and constructed by your firm.

5A. Provide specific details of your concept to achieve the Base design. This shall include a Schematic design and general layout, with details, of the proposed Facility.

5B. Provide why you feel your firm's design is best suited to meet or exceed the performance requirements of this facility as described in the RFP.

6. Detail the **unencumbered bonding capacity** for your business Entity.

7. Specify the staff proposed to be located within Manatee County. If any the firm's proposed support staff are to be located in another geographic location, detail the responsibilities and manning level separately for each proposed location.

8. Proposed Project Schedule detailing all significant design and construction issues including, but not limited to:

- a. Survey Services
- b. Schematic Design
- c. Detail Design
- d. Equipment Schedule
- e. Permitting including FAA permit if required
- f. Commencement of Construction
- g. Substantial Completion
- h. Commencement of Acceptance Testing
- i. Commencement of Full Operation

9. State your firm's current workload of construction and design projects with the current schedule for completion of each project.

10. Detail all assumptions upon which your proposal is based.

The proposer shall include in their proposal the yearly value they shall remit to Manatee County for the lease of these areas.

See page 15 Section E.01 BACK GROUND for area descriptions

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

NOTE:

The County reserves the right to make such investigation and solicit additional information or submittals as it deems necessary to determine the ability of any proposer to perform the Scope of Services as generally outlined in Section E of this Request for Proposal.

SECTION C: SELECTION

C.01 EVALUATION FACTORS

Evaluation factors shall be the proposals, which will overall best meet the needs of Manatee County, the perceived ability of the proposer to perform the Scope of Services as stated in this Request for Proposal, and the yearly dollar value the proposer shall remit to Manatee County for the lease of this area.

C.02 RELATIVE IMPORTANCE OF EVALUATION FACTORS

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

C.03 PRELIMINARY RANKING

A Selection Committee may determine from the response to this Request for Proposal and subsequent investigation as necessary, the proposers most susceptible of being selected for award.

C.04 REVIEW OF PROPOSERS AND PROPOSALS

Review shall be conducted with responsible proposers who may be reasonably susceptible of being selected for award, for the purposes of clarification to assure full understanding of the abilities of the proposer, and the proposal submitted.

Proposers responding to this Request for Proposal shall be available for presentation/interviews to the Selection Committee and to the Board of County Commissioners upon notification from the Purchasing Office at a time and date determined by the County.

C.05 SELECTION FOR NEGOTIATION

The proposer or proposers whose ability and proposal is determined to be the most advantageous to the County, taking into consideration the evaluation factors set forth in this Request for Proposal, shall be recommended to the Board of County Commissioners for authorization to negotiate an agreement for the stated Scope of Services.

Note that all evaluation factors are considered without assigning a weight factor, and all terms, conditions, costs or remittances are to be negotiated. Therefore, dollar values shall not be either the sole evaluative factor, or the dominant factor in the making the recommendation.

C.05 (CONTINUED)

The recommendation or selection of a proposer for negotiation shall not be construed as vesting any contractual or other rights of any nature in the proposer.

C.06 AWARD

Award of an agreement is subject to the successful negotiations and the vote of the Board of County Commissioners to authorize execution of the agreement.

SECTION D: NEGOTIATION OF THE AGREEMENTD.01 GENERAL

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

- a. The proposal will serve as a basis for negotiating an agreement.
- b. Upon submission, all proposals become the property of the County which has the right to use any or all ideas presented in any proposal submitted in response to this Request for Proposal whether or not the proposal is accepted.

D.02 AGREEMENT

The selected proposer or proposers shall be required to negotiate a formal agreement, in a form acceptable to Manatee County.

The Manatee County Board of County Commissioners and /or the Purchasing Manager will be presented the negotiated agreement as the best and final offer for consideration of award and execution. The Board of County Commissioners and /or the Purchasing Manager shall determine if award of the agreement is to be: considered; rejected and direct further negotiations; rejected and terminate negotiations; or accepted, authorizing the chairman to execute the agreement.

The terms of the Lease Agreement will be an initial 5 year Lease with 3 additional renewals of 5 years each for a total potential Lease of 20 years in length.

SECTION E: SCOPE OF SERVICES

E.01 BACKGROUND

Perico Tower:

Manatee County is interested in leasing County owned property located off Manatee Avenue to a wireless carrier or tower company and said company shall construct, install, maintain and operate a wireless communications facility. The selected proposer will be responsible for all related equipment, cables, accessories and improvements which will include a monopole antenna support structure at least 199' in height. The selected company will be responsible for all permitting requirements and must comply with all applicable federal, state or local laws, rules or regulations.

The RFP will result in the selected proposer entering into a Lease Agreement with Manatee County for lease of County owned property on which the tower will be constructed. **See D.02** for terms of the lease.

The proposer shall include in their proposal the yearly value they shall remit to Manatee County for the lease of this area.

Coquina Beach Bayside: No County Amenities attached.

Manatee County is interested in leasing County owned property located on Coquina Beach to a wireless carrier or tower company and said company will include a monopole or stealth cell tower located on a 60'X60' area with a maximum height of 199'. The selected company will be responsible for all permitting requirements and must comply with all applicable federal, state or local laws, rules or regulations.

The RFP will result in the selected proposer entering into a Lease Agreement with Manatee County for lease of County owned property on which the tower will be constructed. **See D.02** for terms of the lease

The proposer shall include in their proposal the yearly value they shall remit to Manatee County for the lease of this area.

NOTE:

The two locations above may be awarded to one or two proposers, whichever is determined to be in the best interest of the County.

E.02 DESIGN CRITERIA Perico Tower Only

- The tower shall be constructed by the proposer, at the sole cost of the proposer.
- The tower shall be a minimum 199' monopole tower Include 2 BMR6A transmit antenna systems with directional antennas 1 5/8 coax with lightning protection. Antennas must be mounted at a County supplied elevation on the tower.
- Include (1) 10dB omni whip receive antenna system, with directional antenna, 7/8 coax, and lightning protection. The antenna will be mounted at the 180' level on the tower.
- Include a 14' x 26', 2 room, elevated concrete shelter and:
 - A. 25 kw propane generator
 - B. 1000 gallon propane tank
 - C. 18 KVA UPS
- The County will have sole use of the tower from a height of 100' to 199' The County will need to be able to mount a 6' microwave dish at 110' centerline Include a tower top amplifier, just below the 180' level.
- All attachments to the monopole will be completed by the proposer.

E.03 CONSTRUCTION PHASE

The Construction Phase shall be manned by a pre-selected team which prior to construction has attended, if not all, some of the later pre-construction meetings to familiarize themselves not only the project but the owner's representatives they will be closely working with to bring the project to a successful conclusion.

The Construction Phase shall be properly manned to insure that the construction schedule is maintained at all times and any potential delays shall be conveyed to the owner's representatives as soon as they are discovered.

Weekly on site project meetings will be conducted by the Design/ Build provider. These meetings shall have representatives from all entities involved in the Construction Phase including the owner's representatives, when required.

The meetings shall be mandatory.

E.03 (CONTINUED)

The Design/ Build team shall at the end of the Construction Phase bring to the project all the required resources to quickly & efficiently complete all punch list items, provide to the owner instruction as required for all supplied equipment & devices & submit all typical close out documents &/or those the owner may request.

Quality Assurance: All activities, actions, and procedures performed before and during execution of the Work shall guard against defects, deficiencies, and substantiate that proposed construction will comply with requirements.

Applicability of Standards: Unless the Contract Documents include more stringent requirements, applicable construction industry standards have the same force and effect as if bound or copied directly into the contract Documents to the extent referenced. Such standards are made a part of the Contract Documents by reference.

**PROPOSAL SIGNATURE FORM
RFP #09-1180BG
PERICO CELL TOWER**

Firm Name

Mailing Address:

() _____
Telephone Number

City, State, Zip Code

The undersigned attests to his (her, their) authority to submit this proposal and to bind the firm herein named to perform as per agreement. If the firm is selected by the County the undersigned certifies that he/she will negotiate in good faith to establish an agreement to provide Perico Cell Tower, according to the requirements of this RFP #09-1180BG.

Signature

Witness Signature

Name and Title of Above Signer

Name and Title of Above Signer

Date: _____

Date: _____

Address of any branch office
Proposed to service Manatee County other than above

Name and Title of Firm's Representative & phone number for Manatee County

Phone Number _____

ATTACHMENT "A"

RESOLUTION R-93-22

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, IMPLEMENTING §3-101(7)3(1) OF THE MANATEE COUNTY PROCUREMENT CODE (ORDINANCE 84-02 AS AMENDED) TO ESTABLISH MINIMUM REQUIREMENTS FOR BIDDERS WITH RESPECT TO MAINTAINING A DRUG FREE WORKPLACE; REQUIRING WRITTEN CERTIFICATION TO THE COUNTY OF COMPLIANCE WITH THE REQUIREMENTS ESTABLISHED HEREIN; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Manatee County recognizes that substance abuse is a complex societal problem that continues to threaten the welfare of the residents and community; and

WHEREAS, the Board of County Commissioners considers substance abuse on the job to be an unsafe and counter-productive work practice; and

WHEREAS, consistent with its policy to promote a safe work environment and encourage personal health for all citizens of Manatee County, the Commission finds it necessary to combat substance abuse in the workplace by promoting education and awareness; and

WHEREAS, consistent with the Drug Free Workplace Act (§112.0455, Florida Statutes) and policies applicable to Manatee County employees pursuant to Resolution R-93-10, the Board of County Commissioners of Manatee County has determined that it is necessary and in the best interest of the County to adopt the drug free workplace requirements for persons or entities contracting with Manatee County; and

WHEREAS, §3-101(7)B of the Manatee County procurement Code (Ordinance 84-02, as amended) authorizes the adoption of requirements for maintaining a drug free workplace applicable to persons or entities bidding on contracts with Manatee County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee county, Florida, as follows:

1. **Certification Required:** No person or entity submitting a bid pursuant to §3-101 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, unless such person or entity has submitted a written certification to the county that it will provide a drug free workplace by:

- a. Providing a written statement to each employee notifying such employee that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance as defined in §893.02(4), Florida statutes, as the same may be amended from time to time, in the person's or entity's workplace is prohibited specifying the actions that will be taken against employees for violation of such prohibition. Such written statement shall inform employees about:
 - (i) the dangers of drug abuse in the workplace;
 - (ii) the person's or entity's policy of maintaining a drug free environment at all its workplaces, including but not limited to all locations where employees perform any task relating to any portion of such contract, business transaction or grant;
 - (iii) any available drug counseling, rehabilitation, and employee assistance programs; and
 - (iv) the penalties that may be imposed upon employees for drug abuse violations.
- b. Requiring the employee to sign a copy of such written statement to acknowledge his or her receipt of same and advice as to the specifics of such policy. Such person or entity shall retain the statements signed by its employees. Such person or entity shall also post in a prominent place at all of its workplaces a written statement of its policy containing the foregoing elements (i) through (iv).
- c. Notifying the employee in the statement required by subsection 1. that as a condition of employment the employee will:
 - (i) abide by the terms of the statement; and
 - (ii) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such a conviction.
- d. At all times pertinent to the performance of any contract with Manatee County, notify the county within ten (10) days after receiving notice under

subsection c. from an employee or otherwise receiving actual notice of such conviction.

- c. Imposing appropriate personnel action against such employee up to and including termination; or requiring such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.
 - f. Making a good faith effort to continue to maintain a drug free workplace through implementation of sections a. through e. of this subsection.
2. **Severability.** If any part, section, subsection, or other portion of this Resolution, or any application thereof to any person or circumstances declared to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Resolution, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect.
3. **Effective Date.** This Resolution shall take effect ninety (90) days after adoption by the Board of County Commissioners.

ADOPTED in open session by a majority of the duly elected Board of County Commissioners of Manatee County, Florida, this 2nd day of February, 1993.

**ORIGINAL DOCUMENT SIGNED BY BOARD OF COUNTY COMMISSIONERS
CHAIRMAN MS. LARI ANN HARRIS ON FEBRUARY 2, 1993 AND IS ON FILE AT
MANATEE COUNTY CLERKS OFFICE.**

ATTACHMENT "B"

Drug Free Work Place Certification

SWORN STATEMENT PURSUANT TO SECTION 6-101(7)(B),
MANATEE COUNTY PURCHASING CODE

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

This sworn statement is submitted to the Manatee County Board of County Commissioners by _____
[print individual's name and title]

_____ for _____
[print name of entity submitting sworn statement]

whose business address is: _____

and (if applicable) its Federal Employer Identification Number (FEIN) is: _____ (If the entity has no FEIN,

include the Social Security Number of the individual signing this sworn statement: _____.)

I understand that no person or entity shall be awarded or receive a county contract for public improvements, procurement of goods or services (including professional services) or a county lease, franchise, concession or management agreement, or shall receive a grant of county monies unless such person or entity has submitted a written certification to the County that it will provide a drug free work place by:

(1) providing a written statement to each employee notifying such employee that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance as defined by § 893.02(4), Florida Statutes, as the same may be amended from time to time, in the person's or entity's work place is prohibited specifying the actions that will be taken against employees for violation of such prohibition. Such written statement shall inform employees about:

- (i) the dangers of drug abuse in the work place;
- (ii) the person's or entity's policy of maintaining a drug free environment at all its work places, including but not limited to all locations where employees perform any task relating to any portion of such contract, business transaction or grant;
- (iii) any available drug counseling, rehabilitation, and employee assistance programs; and
- (iv) the penalties that may be imposed upon employees for drug abuse violations.

(2) Requiring the employee to sign a copy of such written statement to acknowledge his or her receipt of same and advice as to the specifics of such policy. Such person or entity shall retain the statements signed by its employees. Such person or entity shall also post in a prominent place at all of its work places a written statement of its policy containing the foregoing elements (i) through (iv).

(3) Notifying the employee in the statement required by subsection (1) that as a condition of employment the employee will:

- (i) abide by the terms of the statement; and

ATTACHMENT B (Cont'd.)

(ii) notify the employer of any criminal drug statute conviction for a violation occurring in the work place no later than five (5) days after such a conviction.

(4) Notifying the County within ten (10) days after receiving notice under subsection (3) from an employee or otherwise receiving actual notice of such conviction.

(5) Imposing appropriate personnel action against such employee up to and including termination; or requiring such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

(6) Making a good faith effort to continue to maintain a drug free work place through implementation of sections (1) through (5) stated above.

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

- (1) Such person or entity has made false certification.
- (2) Such person or entity violates such certification by failing to carry out the requirements of sections (1), (2), (3), (4), (5), or (6) or subsection 3-101(7)(B); or
- (3) Such a number of employees of such person or entity have been convicted of violations occurring in the work place as to indicate that such person or entity has failed to make a good faith effort to provide a drug free work place as required by subsection 3-101(7)(B).

[Signature]

STATE OF FLORIDA
COUNTY OF _____

Sworn to and subscribed before me this ___ day of _____, 200__ 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.

Attachment "C"

PUBLIC CONTRACTING AND ENVIRONMENTAL CRIMES CERTIFICATION

SWORN STATEMENT PURSUANT TO ARTICLE 6, MANATEE COUNTY PURCHASING CODE

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

This sworn statement is submitted to the Manatee County Board of County Commissioners by _____
[print individual's name and title]

_____ for _____
[print name of entity submitting sworn statement]

whose business address is: _____

and (if applicable) its Federal Employer Identification Number (FEIN) is _____. If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____

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

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

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

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

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

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

Attachment C (Cont'd.)

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

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

[Signature]

STATE OF FLORIDA
COUNTY OF _____

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

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

Notary Public Signature My commission expires _____

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

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