

**REQUEST FOR PROPOSAL #10-3008BG  
FOR  
Segway Tours at Coquina Beach Park / Leffis Key**

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 granting limited rights to operate Segway Tours at Coquina Beach Park / Leffis Key

**TIME AND DATE DUE: Proposals will be received until 1:00 P.M. on October 1, 2010**, at which time they will be **publicly opened**. All interested parties are invited to attend this opening.

**A Pre-Proposal Meeting followed by a site inspection shall take place on September 16, 2010 promptly at 9:00 A.M at The Picnic Shelter just North of the South Boat Ramp at Coquina Beach Park (Bayside) Anna Maria Island, Florida, on U. S. Highway 789 (Ref: B.07,INSPECTION OF SITE). All attendees will be required to provide their own transportation to view the areas. A Site Inspection is a requirement for this Proposal.**

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**Important notice regarding lobbying County Officials or Staff.**

**Please review and comply with paragraph A.18 to avoid violation and possible sanctions for lobbying violations.**

**FOR INFORMATION CONTACT:**

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

Authorized to Release: \_\_\_\_\_

## SECTION A: INFORMATION TO PROPOSERS

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

### A.01 OPENING LOCATION

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.

### A.02 PROPOSAL INFORMATION AND PROPOSAL DOCUMENTS

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

Bid or Proposal documents and the Notices of Source Selection related to those Bids or Proposals are available for download in a portable document format (.PDF) file on the Manatee County web page on the Purchasing 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 CDs of the proposal documents for the project and/or products can be obtained from **Purchasing Division, Karen Betti, by calling 941-749-3054 between the hours of 8:00 am and 4:00 pm, Monday through Friday at no charge.**

A complete set of the proposal documents must be used in preparing proposals. The County does not assume any responsibility for errors or misinterpretations resulting from the use of incomplete sets of proposal Documents.

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

IT IS THE RESPONSIBILITY OF EACH PROPOSER, PRIOR TO SUBMITTING THEIR 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 PROPOSAL.

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

**A.05 SEALED**

**One signed original (marked) and four (4) copies (marked)** of your proposal shall be submitted in one sealed package, clearly marked on the outside "**Sealed Proposal #10- 3008BG**" 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 Segway Tour Operation at Coquina Beach Park/ Leffis Key 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 the proposal and the proposer generally requires a period of not less than ninety (90) calendar days from the date of the opening of the proposals.

**A.09 DISCLOSURE**

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 review of the proposal documents shall be conducted at the public opening of the proposals.**

Manatee County will make public at the opening, the names of the business entities that submitted an offer.

**A.10 ERRORS OR OMISSIONS**

Once a proposal is submitted, the County shall not accept any request by any proposer to correct errors or omissions in the proposal. 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. Negotiated agreements may or may not include all elements of this RFP or the resulting successful proposal where alternative terms and conditions become more desirable to the County, and the parties agree to such terms. Also, the County reserves the right to make such investigation as it deems necessary to determine the ability of any proposer to perform the work or service requested. Information the County deems necessary to make this determination shall be provided by the proposer. Such information may include, but shall not be limited to: current financial statements prepared by an independent CPA; verification of availability of equipment and personnel; and past performance records.

**A.12 APPLICABLE LAWS**

Proposer must be authorized to transact business in the State of Florida. All applicable laws and regulations of the State of Florida and ordinances and regulations of Manatee County will apply to any resulting agreement. Any involvement with any Manatee County procurement shall be in accordance with Manatee County Code of Laws Chapter 2-26, as amended. Any actual or prospective 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 Manatee County Code of Laws.

#### A.12 APPLICABLE LAWS(CONTINUED)

A protest with respect to this 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 (7) 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 proposer violates or is a party to a violation of the Code of Ethics of Manatee County per Manatee County Code of Laws, Article III, Ethics in Public Contracting, 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 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 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 proposer is determined to be untruthful in its proposal or any related presentation, such proposer may be disqualified from further consideration regarding this Request for Proposals.

#### A.14 COLLUSION

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

- a. 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;

**A.14 COLLUSION (CONTINUED)**

- d. the only person or persons interested in this proposal as principal or principals is/are named therein and that no person other than therein mentioned has any interest in this proposal or in the agreement to be entered into; and
- e. no person or agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees.

**A.15 PROPOSAL FORMS**

Proposals must be submitted in the format specified in Section B hereof. 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 thereby facilitating 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 7/1/2000 is \$25,000) for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.

Manatee Code of Laws 2-26 Article V prohibits 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 this purpose. **Proposer is to complete Attachment "B".**

**A.17 DRUG FREE WORK PLACE**

Drug Free Workplace Program: Manatee County Board of County Commissioners adopted a policy requiring Contractors to maintain a Drug Free Workplace. Proposers are asked to 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. **Proposer to complete Attachment "A".**

**A.18 LOBBYING**

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

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**

**September 23, 2010 at 5:00 pm** 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.

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

**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.

**NOTE: If required, Proposers may obtain further clarification or explanation by contacting:**

**Blair C. Getz, Contracts Negotiator, Purchasing Division**

**Phone: (941) 749-3053**

**Fax: (941) 749-3034**

**Email: [blair.getz@mymanatee.org](mailto: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 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 it will affirmatively ensure that in any contract entered into pursuant to this advertisement, women or 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.20 AMERICANS WITH DISABILITIES ACT

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

END SECTION A



## SECTION B: FORM OF PROPOSAL

This section identifies specific evaluation factors which are to be given written responses, arranged with tabs in the same order as listed in this Section B.

### B.01 MINIMUM QUALIFICATIONS

Prior to any consideration of the responses to the criteria in this Request For Proposals, the following experience must be given and verified:

Proposers shall have at least two (2) years of recent proven experience in maintaining a Segway Tours operation as described in this RFP and obtained and concurrently held the required licenses under appropriate state and local laws for this type of operation. Proposer must further provide a minimum of the most recent two (2) years of tax returns.

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

Proposers must have never lost their license for cause.

Proposers must have never been found to have failed to pay all taxes due.

### B.02 ADMINISTRATIVE SUBMITTAL

- a. Proposal Signature Form
- b. Drug Free Work Place Certification (Attachment A)
- c. Public Contracting and Environmental Crimes Certification (Attachment B)
- d. Local Preference Law and Vendor Registration

### B.03 INFORMATION TO BE SUBMITTED REGARDING YOUR BUSINESS ENTITY

Tabs are required to identify each item defined in this Section B.03, YOUR BUSINESS ENTITY

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

**B.03 INFORMATION TO BE SUBMITTED (CONTINUED)**

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

This information must substantiate your ability to develop, furnish, equip, operate and maintain the business of Segway Tours @ Coquina Beach Park / Leffis Key in a high quality manner supporting the operations of Manatee County's Parks and Recreation Department. **Provide with your Proposal, including photos, an inventory list and quantity, quality and age of equipment, i.e., Segways, chargers, repair parts, all safety equipment for patron use, Etc. This list shall further include a list of all business equipment available for this operation. Provide a statement as to where and how the operations equipment shall be stored.**

Include a disclosure of any circumstance in which any of the proposer's officers, directors, executives, partners, shareholders, employees, members or agents who are active in the management of the proposer's firm and who are **also active in any other entity** which provides "public or private Segway Tours" similar to those requested in this Request for Proposals. Provide names of each individual, the position held and the entity's name and the circumstances.

3. Identify each **principal of the firm and other "key personnel"** who will be professionally associated with the County. Do not include personnel that will not have a role in this project. Describe their respective areas of expertise. Include personalized resumes which identify the qualifications, training and experience of each key personnel.

4. Submit a list of **local subcontractors** that may be used. Identify each individual on your team and provide the following information:

- Name
- Professional credentials; Title; Telephone number
- Office address
- Email address
- Brief description of the individual's role and duties for the Segway Tours operation
- Individual resume

5. **Specify the office location of the business entity and the facility from which the Segway Tours operation shall be conducted including the storage location of all Segways and related equipment.** explained in response to item B.03,- 2 which is to be the primary location of the principal and key personnel. List the key personnel at that location. For the remaining key personnel detail at what location(s) they will work from and how they will provide management or service or supply support from the locations that they will work from.

**B.03 INFORMATION TO BE SUBMITTED REGARDING YOUR BUSINESS ENTITY (CONTINUED)**

6. Submit a narrative **explaining the direct economic benefit to Manatee County to be realized by selecting your firm.** During the term of this engagement detail the revenue maximizing activities, employment, subcontracting, and support services contracting as economic stimulus that your entity may generate that would directly benefit Manatee County.
7. Provide a **detailed phased explanation of the steps that you propose to take to accomplish the tasks from the start of the work stated in Section E, Scope of Services,** inclusive of the interaction of any separate service firm for the operation of Segway Tours. Include with your assumptions when you expect the County to provide specific work or others not related to your direct effort and specify when these items would be required. This narrative is to be supplemented with a proposed schedule which gives your proposed duration of each of the key activities.
8. Provide a list, with **references, of your business entity's Segway Tours operation experience.** Specify which key personnel were responsible for operation. References given must specify employees in senior level management positions with knowledge of the operation to confirm the claimed details. Include the name of the entity the operation was provided for, a description of the services provided, the dates of service and the name(s) and telephone number(s) of the contact persons.
9. Provide a list of the **contracts your business entity (response to item 2 in this section B.03) has obtained** within the past two (2) years, indicating the type of services provided and the locations. Provide a list of the contracts your business entity has lost in the past two (2) years and state the reason for the loss and the location.

If your business entity has limited experience, such as a joint venture created for this project, provide a narrative on how you anticipate the new partnerships to manage the work and any prior experience that the individual entities may have had in working together on other projects. If submitting projects as support, include the level of detail on references requested in item 8 in this section B.03.

10. Describe any **changes in the mode of conducting business** your firm has made in the past two (2) years, including any mergers, acquisitions, consolidations, downsizing or bankruptcy proceedings or filings. Disclose any such changes that are currently in progress.

**B.03 INFORMATION TO BE SUBMITTED REGARDING YOUR BUSINESS ENTITY (CONTINUED)**

11. **Provide authorization for a Manatee County auditor to have access to your financial records at a location in Manatee County** explained in response to item B.03,2 for the purposes of review and investigation of the financial capacity of your business entity to meet the financial assertions given in your proposal to Manatee County. The Manatee County Auditor will certify the findings in a summary report to Manatee County which will be public record.
12. Submit a detailed **Quality Assurance statement** to demonstrate the level of quality of the equipment and services being proposed including customer service, cleanliness, safety and atmosphere.
13. Provide information on **any past, current, outstanding, or pending insurance claims or Law Suits related to your Segway operations.**

**B.04 INFORMATION TO BE SUBMITTED REGARDING PROPOSED OPERATION OF THE Segway Tours at Coquina Beach Park / Leffis Key.**

Tabs are required to identify each item defined in this Section B.04

1. Submit a **manning level statement** for this site and proposed service, detailing how many total employees work for your firm at any one time, including temporary, seasonal and part-time employees. List the ratios of full-time employees to part-time, temporary and seasonal employees.
2. **Customer Service Commitment**  
Submit a statement of customer service commitment with demonstration of your business entities experience in successfully implementing an effective customer service program. List prior customer service models that you have had direct responsibility for managing and examples of how customer satisfaction feedback was obtained by survey for those specific programs ~~that~~ you managed.
3. **Community Involvement Commitment**  
Submit a plan and commitment to create added value and benefits to the visitors of Coquina Beach Park/Leffis Key. Detail proposed partnerships with Manatee County to provide special promotions, and service, discount programs, etc. Detail your commitment to modifying the hours of operation to service special events that may be planned at the Coquina Beach Park/ Leffis Key staff and the expertise of your staff to assist with such activities.

**B.04 INFORMATION TO BE SUBMITTED REGARDING PROPOSED OPERATION OF THE Segway Tours @ Coquina Beach Park / Leffis Key. (CONTINUED)**

4. **Products and Services**  
Detail services, methods or actions that you propose to use in the Segway Tour operation that will maximize the impact of your business entity when operating the tours.
5. **Marketing and Advertising**  
Detail your proposed marketing and advertising plans, including methodologies, media to be used, and schedules. The costs of the proposed marketing and advertising are to be shown separately in the projected budget.
6. Submit an **Hours of Operation Plan** describing the standard hours of operation plus expected seasonal variances explicitly describing the commencement and duration of such variances.
7. Detail the **time required from the date of execution of the agreement to the commencement of service.**
8. Submit your firm's **assumptions regarding the budgetary projections** on the volume of tours to be generated in the first contractual year.
9. Submit a **Three Year Projected Budget** with projected sales, revenue to Manatee County, expenses and net income. Include a detailed description of the proposed services to be provided by the Segway Tour operation. The services offered should meet or exceed the expectations the Park users, and be compatible and complimentary to the mission of the Coquina Beach Park and Leffis Key.

Describe your firm's plan for equipping the operation. Include a price schedule for a representative sample of services offered. Provide a statement of your pricing policy to provide visitors to the Parks with quality services at reasonable prices considering the competition of comparable markets for similar services.

Details shall include projected sales by service and provide information on assumptions and projections used in the formulation of the budget. This information should represent the application of sound business principles which provide for continuity of operations, unanticipated expenses, steady cash flow and financial responsibility.

## B.05 COMPENSATION PROPOSED FOR OPERATION OF THE Segway Tours at Coquina Beach Park/ Leffis Key.

Regarding all sales records, expense costs, and business transactions related to this agreement, the following shall be a condition of the Agreement: (See Section E.05.1 for further details)

- Books and Records for this facility must be separately kept, and income and expenses cannot be co-mingled with other enterprises.
- All Books and Records shall be open for the County Auditor to inspect at any time

Respond with the following detail:

1. State the amount due monthly as the base payment to Manatee County.
2. State the percentage of total gross sales up to \$100,000 per annum that is to be paid to Manatee County in addition to the monthly payment stated in B.05,
3. State the percentage of total sales over \$100,000 per annum that is to be paid to Manatee County in addition to the monthly payment stated in B.05, 1.

## B.06 ADDITIONAL INFORMATION

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

## B.07 INSPECTION OF SITE

**A Pre-Proposal Meeting followed by a site inspection shall take place as indicated on page 1 of this Request For Proposal in order for the proposers to become familiar with all conditions that may affect services required by the RFP. All attendees will be required to provide their own transportation to view the areas.**

**All Proposers will be required to sign the Site Inspection Attendance Record.**

**Proposer Note: A Site Inspection is a requirement in order to submit a Proposal. Proposers shall acknowledge Inspection of the Project Site In the cover letter of their proposal.**

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

END SECTION B

## SECTION C: SELECTION

### C.01 EVALUATION FACTORS

Evaluation factors are revenue proposals and demonstrated ability of the proposer(s) to efficiently perform the Scope of Services as generally outlined in Section E of this Request For Proposals. The County will be seeking to identify the proposal which provides the **Highest and Best** solution to operate Segway Tours at Coquina Beach Park & Leffis Key as determined from the responses to this Request For Proposals and subsequent investigation.

### C.02 RELATIVE IMPORTANCE OF EVALUATION FACTORS

While overall compensation will be a significant factor in the County's assessment of proposals, it is conceivable that the proposer with the highest quoted compensation to the County may not be selected for negotiation of an agreement if competing proposals are deemed to provide better overall terms and benefits for the County.

### C.03 PRELIMINARY RANKING

A Selection Committee shall determine from the responses to this Request For Proposals and subsequent investigation as necessary, the proposer(s) most susceptible of being selected for award.

### C.04 IN-PERSON REVIEW OF PROPOSERS AND PROPOSALS

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

Proposers shall be available for presentations to and interviews with the Selection Committee, upon notification from the Purchasing Office. The date(s) and time(s) of any such presentations/interviews shall be determined solely by the County.

### C.05 SELECTION FOR NEGOTIATION

The proposer whose ability and proposal is determined to be the **Highest and Best** proposal that is most advantageous to the County, taking into consideration the Evaluation Factors set forth in this Request For Proposals, shall be selected to negotiate an agreement for the County determined Scope Of Services.

The 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 is subject to the successful negotiation of an agreement and the vote of the Board of County Commissioners to approve and authorize execution of an agreement document.

END SECTION C

## SECTION D: NEGOTIATION OF THE AGREEMENT

### D.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.
- c. All products and papers produced in the course of this engagement become the property of the County upon termination or completion of the engagement.

### D.02 AGREEMENT

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

It is anticipated that the negotiated Agreement will be for an initial term of up to **three (3) years** from the effective date of the Agreement, with the possibility of one (1) or more extensions for such periods and such compensation as may be agreed.

The Board of County Commissioners will be presented the negotiated agreement as a best offer for consideration of award. The Manatee County Board of County Commissioners shall determine whether to (a) accept the recommended award and approve the execution of an agreement, (b) reject the recommended award and direct further negotiations, (c) reject the recommended award and direct the termination of negotiations, or (d) take other appropriate action as may be in the best interests of the County, to include negotiations with lower-ranked proposers.

END SECTION D



## SECTION E: SCOPE OF SERVICES

### E.01 BACKGROUND

The Parks and Recreation Department is interested in permitting qualified vendors through competitive proposals from qualified parties to provide, operate and manage Segway Tours at a designated location at Coquina Beach Park and Leffis Key, as indicated on the attached aerial photograph.

### E.02 SCOPE OF OPERATIONS

Coquina Beach Park and Leffis Key are open to the public from dawn to dusk, 365 days a year. Segway Tour Service shall be offered at least 4 hours per day, a **minimum** of 5 days per week, every week of the year, unless otherwise approved by the County. The County reserves the right to close the park whenever severe storms or other climatic, health, or structural related hazards make human health or safety a concern. If the closure is for an extended period of time, the parties may negotiate a pro-rated reduction in the concessionaire's payment to the County. All prices charged shall be reasonable and representative of those charged elsewhere in the area for similar services. All proposed services and pricing shall be reviewed and approved by the County.

The tour operator shall, as a representative of the County, conduct operations in a professional manner and comply with all applicable health codes, rules and regulations.

The tour operator shall be fully responsible for obtaining all necessary licenses. The tour operator shall not erect or post signs, banners, and promotional equipment without the prior written approval of the County.

### E.03 AUDIT REQUIREMENTS

The tour operator shall be required to keep, at its expense, accurate financial records including revenue and expense reports, Florida State Sales Tax Returns, and Federal Payroll Tax Returns that shall be made available to the County upon request.

### E.04 SITE MAINTENANCE

The tour operator shall keep the tour assembly area, if on County property, clean and presentable at all times and shall operate as not to negatively impact the environment.

### E.05 ADDITIONAL REQUIREMENTS

It shall be the responsibility of the proposer to investigate and insure that there are no existing local laws, rules, ordinances, etc. in any affected jurisdiction that may prohibit this operation.

**E.05 ADDITIONAL REQUIREMENTS (CONTINUED)**

**The successful proposer will be expected to provide the following:**

- Copies of all Licenses
- Copies of all Permits
- All Registration and Liability forms, available for County review upon request.
- Staffing - All staff would have to pass, at the proposers' expense, a background check and be bonded, also at the proposers' expense.
- All insurance coverage normal for any business entity plus any additional insurance requirements for this type of operation and as approved by Manatee County Government.
- Appropriate uniforms would be required clearly identifying the successful proposers staff with name and successful proposers logo.
- Removal of any tour generated trash and litter daily.
- Provide County Parks and Recreation Financial Management staff, monthly sales and expense reports.
- Financial Statement reviewed by a CPA annually

**E.06 CASH HANDLING REQUIREMENTS**

Proposer shall be required to, operate and maintain equipment such as cash registers, or any other electronic or mechanical device used for recording sales. Daily register tapes or electronic transaction detail records shall be dated and number referenced and kept as a permanent record for a period of at least five (5) years. The proper functioning and maintenance of the cash register is the responsibility of the Proposer. Should a cash register machine or any sales recording device need mechanical and/or electronic repair, such repair shall be required to occur within a forty-eight (48) hour period to assure accountability and proper recordkeeping.

All cash registers and devices used in recording sales to customers shall have a non-resettable grand total that accumulates each transaction entered into the device. All transactions devices shall be visibly displayed so that the amount can be viewed by customers from a reasonable distance. No register or device in which cash sales are recorded and deposited may be opened without recording the date and the time of said opening. Cash register or device drawers must be kept closed at all times except when sales are made, change is made, or routine audits are conducted.

Cash registers must have sufficient keys for proper segregation of transactions and meet all accepted standards of accounting systems and cash control. All persons handling sales shall promptly record said sales (cash or credit) in cash registers and other electronic or mechanical devices immediately upon sale to each paying customer and shall not delay or "gang" register or record such sales.

E.07 COUNTY SHALL CONSIDER AND APPROVE THE FOLLOWING:

- Establishment of hours. Regular and convenient hours would be established by the Department Director(see Exhibit "B").
- Establishment of operational days. Regular and convenient days of operation would be established by the Department Director. (See Exhibit "B")
- A Performance Bond may be required of the successful proposer.
- Pricing.
- Additional services offered

E.08 ADDITIONAL ITEMS FOR PROPOSER CONSIDERATION:

- The Successful proposer would be required to conduct tours of Coquina Beach Park on Segway vehicles owned and provided by the vendor and using only the Multi- use Trail and crossing to Leffis Key from the underpass of bridge.
- Proposer would have to provide safe operating instruction to those having paid for taking a tour as provided by the vendor. (See Exhibit "B").
- Only those having been adequately trained by the successful proposers vendor, wearing the appropriate safety gear, also provided by the vendor and being over fourteen (14) years of age and/or 100 pounds in weight, may participate in tours. (See Exhibit "B").
- Reliable customer service and quality service will be paramount in selection of the successful applicant.

E.09 The County will provide:

- Advertising on selected flyers and in the Parks and Recreation Department quarterly brochure.
- Limited outside **advertising space** within the heavily used Coquina Beach Park, advertising copy and all related cost at proposers expense.
- Ample, convenient, free patron and staff parking, if desired at the Park.

E.10 REPORTS, RECORDS, AUDITS

Proposer shall provide a quarterly financial accounting report and gross receipts applicable to the quarter for which payment is being made along with the payment that is being made in accordance with the established due date. This report shall be signed by an officer of the Proposer certifying to the accuracy of the report and gross receipts.

Proposer shall, at their own expense, submit annually to the County, a report in a form approved by County and prepared in accordance with auditing standards adopted by the American Institute of Certified Public Accountants and by an independent accountant licensed by the state of Florida, as to the correctness of quarterly reports and subsequent gross receipts per month arising from the Proposer's operations.

**E.10 REPORTS, RECORDS, AUDITS (CONTINUED)**

Proposer shall provide an Annual Profit and Loss Statement, including a balance sheet and an income statement to the County for each calendar year or portion thereof that the Agreement is in effect. The report shall be submitted by January 31<sup>st</sup> of each calendar year during the term and within ninety (90) calendar days of the termination of any Agreement.

Proposer shall maintain during the term of any Agreement, all books of account, reports, and records customarily used in this type of operation and such records as are necessary to document Proposer's activities and all monies collected by the Proposer's operations, not limited to gross receipts. The form of all such records, cash registers, tapes, books, ledgers, journals, sales slips, and invoices, installed or to be used for recording the operations of the Proposer shall be subject to the written approval of the County prior to commencement of operations. The County reserves the right to reasonably modify reports and records requirements to be provided by Proposer.

The term "gross receipts" means all monies paid or payable to or considerations of determinable value received by the Proposer for sales made, transactions had, or for services rendered from all sources in the operation of the Segway Tours regardless of when or where the order is received or the goods delivered or services rendered, whether paid or unpaid, whether for cash or on a credit basis or in consideration of any other thing of value, provided. However, any sales taxes imposed by law directly are payable by the Proposer to the appropriate taxing authority.

The Proposer shall allow the County or the County's auditors to inspect and examine all documents used in the compilation of the aforesaid reports at such reasonable times as may be required by the County. Records shall be available Monday through Friday between the hours of 9:00 am and 5:00 pm at a location within Manatee County.

All records, including tax returns and tax reports, of the Proposer necessary to verify any report referred to herein shall be available to the County and the County's auditors at a reasonable location in Manatee County for a period of five (5) years after the end of the Agreement including any extensions thereof.

Proposer shall cooperate with and provide the County or its duly authorized representative, with any additional information or reports concerning its activities, income, revenues, expenses, and disbursements on request. The proposer shall keep and maintain an accurate accounting system in accordance with Generally Accepted Accounting Principles.

E.10 REPORTS, RECORDS, AUDITS (CONTINUED)

The Proposer's performance shall be reviewed at least annually by the County at which time a Vendor Performance Report will be completed. Any operational or compliance deficiencies shall be noted in the Report and promptly remedied by Proposer. During this annual review period, Proposer and County shall discuss any operational, policy or service modifications one or both Parties identify as desirable to enhance the benefit and value of the Segway Tours to the public. However, no such modification may be implemented by Proposer without prior County approval as required by Chapter 2-24 of the Manatee County Code.

E.11 AGREEMENT TERMS

A two-party Agreement will be negotiated with the selected business entity and at a minimum shall contain specific terms such as:

**Term:** It is anticipated that the negotiated Agreement will be for an initial term of up to **three (3) years** from the effective date of the Agreement, with the possibility of one (1) or more extensions for such periods and such compensation as may be agreed.

**Termination for Public Convenience:** In addition to other termination clauses, specific text shall be included to allow Manatee County to terminate the agreement for public convenience.

**Disclosure of Ownership** and any change to ownership in excess of 10%.

**Written and fully Executed Amendments required.** No change to the terms of the Agreement shall be enforceable or effected unless the change has been presented in writing, considered by the County, and a written addendum to the Agreement executed by both parties has been completed.

**Prohibition of any assignment, pledging, transferring or encumbrance of any interest that is the responsibility of, or income due to the Proposer in performance of the final agreement.** Termination of the Agreement by Manatee County shall be automatic and irrevocable upon such action by the Proposer.

NOTE: Vendor Operations projected to begin: **October or November, 2010**

END SECTION E

## SECTION F

**MANATEE COUNTY LOCAL PREFERENCE LAW AND VENDOR REGISTRATION****F.01 VENDOR REGISTRATION**

All vendors are encouraged to register with Manatee County using the on-line "Vendor Registration" web page on [www.mymanatee.org](http://www.mymanatee.org).

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

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

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

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

**Quick steps to on line registration:                      [www.mymanatee.org](http://www.mymanatee.org)**

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

This will bring up the Vendor Registration form for on-line input. Please note that the definition of a "Local Business" changed on March 17, 2009. The Web page will be updated to include the current law which has been provided in this section of the **proposal**.

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

## **MANATEE COUNTY LOCAL PREFERENCE LAW AND VENDOR REGISTRATION (CONTINUED)**

### **F.02 Section 2-26-6. Local preference, tie bids, local business defined.**

(a) Whenever a responsible local business bidder and a responsible non-local business bidder are found, upon the opening of bids, to have both submitted the lowest responsive bid, the bid of the local bidder shall be awarded the contract. Should more than one responsible local business bidder match the responsible non-local business bidder's lowest responsive bid, or should not responsible local business bidder match the lowest responsive bid but two or more responsible non-local business bidders submit lowest responsive bids for equal amounts, then the award of the contract shall be determined by a chance drawing, coin toss, or similar tie-breaking method conducted by the purchasing office and open to the public. Any bidders seeking to be recognized as local businesses for purposes of this local business preference provision may be required by the terms of the bid announcement to certify they meet the definition of local business set forth in this section, and to register as a local business with the county in the manner prescribed by the county to facilitate the county's ability to track the award of contracts to local businesses and to allow the county to provide future notifications to its local businesses concerning other bidding opportunities.

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

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

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

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

**F.02 Section 2-26-6. Local preference (continued)**

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

- Goods or services provided under a cooperative purchasing agreement or similar “piggyback” contract;
- Contracts for professional services subject to Florida Statute § 287.055, the Consultants’ Competitive Negotiation Act, except as provided for in subsection (e) above;
- Purchases or contracts which are funded, in whole or in part, by a governmental or other funding entity, where the terms and conditions of receipt of the funds prohibit the preference;
- Purchases or contracts made pursuant to a non-competitive award process, unless otherwise provided by this section;
- Any bid announcement which specifically provides that the general local preference policies set forth in this section are suspended due to the unique nature of the goods or services sought, the existence of an emergency as found by either the county commission or county administrator, or where such suspension is, in the opinion of the county attorney, required by law.

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

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

Ref: Ordinance 09-21 and 09-23 **PASSED AND DULY ADOPTED** in open session, with a quorum present and voting, on the 17<sup>th</sup> day of March, 2009.



**MANATEE COUNTY GOVERNMENT AFFIDAVIT AS TO LOCAL BUSINESS**

***(Complete and Initial Items B-F)***

**A. Authorized Representative**

I, [name] \_\_\_\_\_, am the [title] \_\_\_\_\_  
and the duly authorized representative of: [name of business] \_\_\_\_\_

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

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

\_\_\_\_\_[Initial]\_\_\_\_\_

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

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

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

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

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

Signature of Affiant \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

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

(Notary Seal) Signature of Notary: \_\_\_\_\_

Name of Notary (Typed or Printed) \_\_\_\_\_

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_ Type of Identification Produced \_\_\_\_\_

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

**PROPOSAL SIGNATURE FORM  
REQUEST FOR PROPOSAL  
#10-3008BG**

\_\_\_\_\_  
Firm Name

Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

City, State, Zip Code

( ) \_\_\_\_\_  
Telephone Number

The undersigned attests to his or her authority to submit this proposal and to bind the firm herein named to perform the services offered in a two party agreement. If the firm is selected by the County, the undersigned certifies that he/she will negotiate in good faith to establish **limited Agreement rights** to operate Segway Tours as may be determined by the County which are detailed in this **RFP #10-3008BG / Segway Tours at Coquina Beach Park / Leffis Key**

\_\_\_\_\_  
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 for Manatee County

\_\_\_\_\_  
Telephone Number of Firm's Representative for Manatee County

# ATTACHMENT "A"

## 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 A (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 "B"

## 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 B (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.

EXHIBIT "A"



Black lines above indicate the Coquina Beach Multipurpose Trail and access to Leffis Key as the only areas Seqways are allowed in the Park.

## EXHIBIT "B"

**DEFINITION:** Segway, for the purpose of these rules are termed as being an Electric Personal Assistive Mobility Device (EPAMD)

The use of EPAMDs are hereby prohibited, based upon the interest of safety, in all public and quasi-public areas of unincorporated Manatee County except as specifically authorized by the provisions of this article. Such public or quasi-public areas shall specifically include any and all public roads, streets, sidewalks, bicycle paths and shared use paths within the County not specifically designated for EPAMD use.

**Limited use** of EPAMDs authorized for tour operations with a County conditional use approval.

An EPAMD may be used and operated on a marked bicycle path, shared use path and/or sidewalk or parking lot, and at an intersection to cross a road or street even if the road or street has a posted speed limit of more than 25 miles per hour, provided such EPAMD is operated by the owner or employees of a tour business, or the customers or users of such tour business, where such tour has received a conditional use approval permit issued by the County Parks and Recreation Director, or that receives such approval in the future, and operates under minimum conditions and requirements as set forth in this section. Such minimum conditions and requirements shall be as follows:

- (1) The tour business shall provide an approved site for education and instruction on the operation and use of EPAMDs by its employees and customers. For purposes of this article, customers shall include all tour patrons and users, whether or not consideration is paid for such use.
- (2) The maximum number of EPAMD users that can be included in any single tour is ten, plus tour leaders.
- (3) No rider shall be allowed on any tour under 14 years of age and/or 100 pounds in weight, and/or as limited by the applicant's insurance company requirements, and/or pursuant to the Segway manufacturer's specifications.
- (4) There shall be a minimum of one tour leader for every five users of EPAMDs, and two tour leaders for more than five users.
- (5) Only leaders/operators experienced in the use and operation of EPAMDs shall give tours. Tour leaders or operators shall wear safety reflector vests.
- (6) When two leaders/operators are present on the same tour, they must be able to communicate with each other through the use of private communication devices (two-way radios, cellular phones or similar devices) and have available the use of rearview mirrors.
- (7) No EPAMD shall be used or operated in excess of a maximum speed of eight miles per hour.
- (8) No tour shall use the public streets or roads of the County, except at crossing intersections.

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- (9) All users or customers must be shown a safety video and provided with "hands on" EPAMD training by an experienced operator in a controlled area prior to such user physically operating an EPAMD in any public area of the county.
- (10) No tour will be conducted or operate after dusk.
- (11) Every EPAMD shall be equipped with a sounding device and all customers or users shall be trained in the use of such sounding device.
- (12) An EPAMD user shall yield the right-of-way to pedestrians and shall give an audible signal with a sounding device before overtaking and passing a pedestrian.
- (13) All users or customers shall wear helmets during training and at all other times during the tour or at any time while on or operating an EPAMD.
- (14) Users or customers shall not be permitted to operate an EPAMD while under the apparent influence of alcohol or drugs, including prescription drugs that impair the user's ability to operate machinery, or in the event that the tour operator or employees have actual knowledge of the fact that such user or customer is under the influence of alcohol or drugs, including prescription drugs that impair the user's ability to operate machinery.
- (15) In addition to any police report that may be required, any accident that occurs during the training and/or tour involving any personal injury to a user or customer of the tour or any other person, and/or property damage to the EPAMD, the user or customer, or any other person or entity, must be reported to the office of the County Parks and Recreation Director, in writing, within two business days after such event.
- (16) All of the above requirements and conditions shall be explained and specifically described by the tour operator or employees to each user or customer prior to the use of an EPAMD by such user or customer.
- (17) Tours shall be permitted on or along the Coquina Beach Multipurpose Trail; the parking area immediately east of the Concession building; the Leffis Key north access road; and, those boardwalks in the Leffis Key area only.

**Permitted Hours and Days of Operation:**

June 1 – November 31, Monday – Sunday, 10am till 30 minutes before sundown (except on days that are recognized as national holidays when no tours will be allowed)  
December 1 – May 31, Monday – Friday, 10am – 4pm (except on days that are recognized as national holidays when no tours will be allowed).