

**REQUEST FOR PROPOSAL #092745TC
STORMWATER ENGINEERING SERVICES**

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 Engineering Services for Stormwater Projects on an as required basis.

TIME AND DATE DUE: Proposals will be received until **3:00 P.M., OCTOBER 15, 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:

Thomas F. Cook, Contracts Negotiator, Purchasing Division at (941) 749-3039

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 Statute 119.071. **No announcement of pricing or review of the proposal documents shall be conducted at the public opening of the proposals.**

A.02 PROPOSAL INFORMATION AND PROPOSAL DOCUMENTS

Bids and Proposal documents and the Notices of Source Selection related to those Bids or Proposals are available for download in a 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 web site: <http://www.Manateechamber.com> to post Bid and Proposal documents in a PDF file. This step is in addition to the posting on the Manatee County Government web page.

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 "Demand Star". Participation in the Demand Star system is not a requirement for doing business in Manatee County.

Note: The County posts the Notice of Source Selection seven calendar days prior to commencing negotiations with the selected firms.

IT IS THE RESPONSIBILITY OF EACH VENDOR, 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.

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.

October 7, 2009 at 5:00 p.m. shall be the deadline for clarification requests, inquiries, suggestions or interpretations and/or additional information pertaining to this Request for Proposals. This deadline has been established to maintain fair treatment for all potential bidders or proposers.

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 #09-2745-TC**"/ **Stormwater Engineering Services** and addressed to:

Manatee County Purchasing Division
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 **Stormwater Engineering 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, all inquires and responses to inquires related to this Invitation for Bid or Request for Proposal become "Public Records" and are subject to public disclosure consistent with Chapter 119, Florida Statutes.

Bids or 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 or review of the bid or proposal documents shall be conducted at the public opening of the proposals.

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 CONTRACTING AND ENVIRONMENTAL CRIMES

A person or affiliate who has been placed on the State's convicted vendor list following a conviction for a public entity crime, as defined in Florida Statutes 287.133, 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.

In addition, the Manatee County Code prohibits the award of any contract to any person or entity who/which has, within the past 5 years, been convicted of, or admitted to in court or sworn to under oath, a public entity crime or of an environmental law that, in the reasonable opinion of the purchasing official, establishes reasonable grounds to believe the person or business entity will not conduct business in a responsible manner. To ensure compliance with the foregoing, The Code requires all persons or entities desiring to contract with the County to execute and files with the purchasing official an affidavit, executed under the pain and penalties of perjury, confirming that person, entity, and any person(s) affiliated with the entity, does not have such a record and is therefore eligible to seek and be awarded business with the County. In the case of a business entity other than a partnership or a corporation, such affidavit shall be executed by an authorized agent of the entity. In the case of a partnership, such affidavit shall be executed by the general partner(s). A confirming Public Contracting and Environmental Crimes certification affidavit is attached for this purpose.

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.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 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.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.

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 be certified to practice engineering in accordance with Florida Statute 471. The proposer shall have proven professional experience specific to Stormwater Engineering in the areas of preliminary and feasibility investigations, cost studies, planning studies, design and construction phase services, including the coordination of interdisciplinary work of engineering and non-engineering disciplines.

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.

B.02 **ADMINISTRATIVE SUBMITTALS**

- 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 **Background and size of your firm**. Provide a general statement of qualifications that includes your firm's professional credentials, the legal status of your organization and experience in providing the services enumerated in this Request for Proposal including but not limited to:

- a. Design of stormwater systems
- b. Stormwater improvement projects
- c. Channel and/or canal dredging projects
- d. Flood control projects
- e. Environmental considerations/mitigation

2. Provide an **explanation of the business entity which you represent**. Specify the nature of your business (company or corporation; sole proprietor, partnership, joint venture, corporation), and the number of years established. Explain subcontractor roles and relations that may be called upon in the execution of the work assignments that may result from entering in to a contract.

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 qualifications and expertise. Includes resumes which identify qualifications and experience of key staff. Provide a detailed description of your **in house capabilities** (ex: survey, geotechnical, environmental services, CEI, etc)

4. Disclose circumstances in which any of the proposers' officers, directors, executives, partners, shareholders, employees, members or agents who are active in the **management of the proposers firm** and who are also active in any other entity which provides services similar to those requested in this RFP. Provide names of each individual, the position held and the entity's name and circumstances.

Specify the **primary office** (where they key personnel are located) and its location. List the key personnel who are at that location. For remaining staff, describe how they will provide management or service support from their locations and identify where those locations are.

5. 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 employment, subcontracting, and support services contracting as economic stimulus that your firm may generate that directly benefits Manatee County.

6. Provide a list, with references, of your business entity's stormwater engineering projects for the last five years. Specify which key personnel were responsible and active in the project. **References** must specify employees in senior level management positions with knowledge of the project to confirm claimed details. Include the name of the entity the work was completed for, project descriptions, dates of projects and name and phone numbers of contact persons. This list shall encompass both private and public clients.

7. Provide a list of the **current contracts** you have obtained within the past five (5) years, indicating the type of services provided and the locations. Provide a list of the contracts your business entity has lost in the past five (5) years and state the reason for the loss and the location.

8. Describe your experience in conducting potentially controversial **community and special interest meetings**.

9. Present evidence of experience working with grant or other **intergovernmental funding** timetables and requirements. Explain ability to provide assistance in these matters and describe projects/services provided.

10. Submit a **project management plan** from two projects previously completed by your firm for processing stormwater engineering work. Include a statement of actual performance compared to the management of the plan. The plan shall include scheduling all major milestones in a timeline, tracking and report procedures and development strategy that defines deliverables to be supplied.

11. Provide information on pertinent stormwater related **permitting activities and stormwater reports or study activities**. Describe your firm's experience with same in detail for the last five years. Identify the primary office that performed the work.

12. Detail any **assumptions** upon which your proposal is based.

13. Submit any other **additional information** that may assist the county in evaluating 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 stated in 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 cost proposal for the proposed work as determined from the responses to this Request for Proposal and subsequent investigation by the County.

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 Board of Commissioners upon notice from the Purchasing Office at a time and date decided 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, and costs are to be negotiated. Therefore, price shall not be either the sole evaluative factor, or the dominant factor in the making the recommendation.

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 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.

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 will be presented the negotiated agreement as the best and final offer for consideration of award and execution. The Board of County Commissioners 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.

SECTION E: SCOPE OF SERVICES

E.01 BACKGROUND

The Consultant is to provide Professional Services for Stormwater Engineering. Projects may include design, permitting evaluation, land acquisition, and any other services required to complete projects related to the County Stormwater system, to include construction and/or maintenance of ponds, conveyance, canal dredging, etc. Project size may vary and existing base and storm drainage will be used wherever possible. Projects shall be designed in accordance with Florida Department of Transportation (FDOT), Florida Department of Environmental Protection (FDEP), and U.S. Army Corps of Engineers, Southwest Florida Water Management District (SWFWMD) and Manatee County rules and regulations.

E.02 SCOPE

GENERAL SCOPE OF SERVICES

The Consultant shall perform all the services specified in this Agreement in accordance with generally accepted professional standards. The Consultant shall perform all services as expeditiously as is consistent with professional skill and care and the orderly progress of the work. All work of any kind, shall conform to and be in compliance with applicable codes, laws, ordinances, regulations and restrictions. The Consultant's services include the necessary civil, structural, mechanical, electrical, architectural and other engineering services. The following generally describes the "Scope of Services" that will be the successful proposer's responsibility.

a. PRELIMINARY STUDIES/LAYOUTS AND COST ESTIMATES

Provide services to establish the general size and scope of the project, and its location. Perform a field review of existing conditions, collecting, interpreting and reporting information, together with drawing conclusions and making recommendations. Consult with the County to clarify and define the project requirements, review of available data and discussions of general scheduling. Participate in meetings and conferences with approving and regulatory agencies and with affected utilities.

Advise the County of any need for field information to be furnished by the County or obtained from other sources. These special information requirements may include, e.g., reconnaissance surveys, geotechnical information and hydrological data; laboratory tests, zoning, deed and other land-use restriction information; and environmental assessment statements.

Provide the County general economic analyses of the project requirements applicable to various alternatives.

Prepare reports containing schematic layouts, sketches, and conceptual design criteria with appropriate exhibits. The report should include any problems involved and alternative solutions available and state Consultant's findings and recommendations with opinions of probable costs of the project.

b. DESIGN DEVELOPMENT

The Consultant shall prepare from the approved preliminary studies the design development documents. These shall consist of drawings and other documents to fix and describe the size and character of the project. It will address the systems, material and other appropriate essentials. The design development documents shall be submitted to the County for approval. The Consultant shall provide the County with a further statement of probable construction costs.

c. DRAWINGS AND SPECIFICATIONS

The Consultant shall prepare from the approved preliminary studies the design development documents, for approval by the County, working drawings and specifications setting forth in detail the requirements for construction of the entire project, including the necessary bidding information.

The Consultant shall fully complete the construction drawings and specification in time to enable commencement of construction of the project by the date specified in the Agreement.

The Consultant shall advise the County of any adjustments to previous statements of probable construction costs indicated by changes in requirements or general market conditions. The Consultant shall assist the County in obtaining permits and approval of governmental agencies having jurisdiction over the project.

The Consultant shall furnish the County, after acceptance of the completed project by the County, as-built tracings suitable for reproduction, showing all changes made during the construction process (as-built drawings) based on marked up prints, drawings and other data furnished by the Contractor.

d. CONSTRUCTION SERVICES:

The Consultant shall assist in the administration of the construction contract and shall provide the following other services during the construction phase:

- Resident Project Services, as required
- Provide protection for the County against defects and deficiencies in the work of the contractor

e. ADDITIONAL SERVICES

The Consultant may be required to provide additional services in connection with the project not otherwise provided in the Agreement. Following are some additional services that may be required of the Consultant.

- Serve as expert witness for the County in any litigation or other proceeding involving the project.

- Prepare applications and supporting documents for government grants, or for other related services resulting from requirements of governmental agencies exercising administrative jurisdiction over the project as a result of fiscal participation.
- Assist the County in the preparation of documents which may be required for approval by governmental authorities who have jurisdiction over design criteria applicable to the project.
- Additional services in connection with the project not otherwise provided for in the Agreement.

PROPOSAL SIGNATURE FORM
RFP #09-2745TC
STORMWATER ENGINEERING SERVICES

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 Stormwater Engineering Services according to the requirements of this RFP #09-2745TC.

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 _____

Acknowledgement of Addendum # _____ Dated: _____ 2009

Acknowledgement of Addendum # _____ Dated: _____ 2009

Acknowledgement of Addendum # _____ Dated: _____ 2009

Acknowledgement of Addendum # _____ Dated: _____ 2009

Attachment "A"
RESOLUTION R-93-22 and Drug Fee Work Place Certification

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 FREEWORKPLACE; 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 it's 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.
 - e. 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 CLERK'S OFFICE.

ATTACHMENT "B"

Drug Free Work Place Certification

SWORN STATEMENT PURSUANT TO RESOLUTION R-01-36 SECTION 4, E (1) (a)
MANATEE COUNTY PURCHASING POLICIES, ON DRUG FREE WORK PLACES

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
- (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 Resolution R-01-36 Section 4, E (1) (a) 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 Resolution R-01-36 Section 4, E (1) (a).

[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]

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.

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]

My commission expires _____

Notary Public Signature

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

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