

MANATEE COUNTY GOVERNMENT
REQUEST FOR PROPOSAL (RFP) #15-2020JE
CONSTRUCTION MANAGEMENT AT RISK SERVICES FOR
TAX COLLECTOR ANNEX BUILDING

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 the providing Construction Management at Risk Services (CMAR) as described in this Request For Proposal.

DEADLINE FOR CLARIFICATION REQUESTS: **August 3, 2015 at 5:00 P.M.** shall be the deadline to submit all inquiries, suggestions, or requests concerning interpretation, clarification or additional information pertaining to this Request for Proposals to the Manatee County Purchasing Division. This deadline has been established to maintain fair treatment for all potential bidders or Proposers, while ensuring an expeditious transition to a final agreement.

TIME AND DATE DUE: Proposals will be received until **August 14, 2015 at 3:00 P.M.** 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 is in place. Please review paragraph A.17 carefully to avoid violation and possible sanctions.

FOR INFORMATION CONTACT:

Jacob Erickson, Purchasing Division Contract Negotiator
Phone (941) 749-3053, FAX (941)749-3034 Email: jacob.erickson@mymanatee.org
Manatee County Financial Management Department

AUTHORIZED FOR 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 Division, 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

Request For Proposals on <http://www.mymanatee.org>

Request For Proposal documents and the Notices of Intent to Award related to those 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 access 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.

Manatee County collaborates with the Manatee Chamber of Commerce on distributing solicitations using the Chambers website: <http://www.Manateechamber.com>. This step is in addition to the posting on 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 "MyDemandStar". Participation in the DemandStar system is not a requirement for doing business with Manatee County.

Note: The County posts the **Notice of Source Selection** prior to COMMENCING NEGOTIATIONS with the selected firms.

IT IS THE RESPONSIBILITY OF EACH PROPOSER, PRIOR TO SUBMITTING THEIR PROPOSAL, TO CONTACT THE MANATEE COUNTY PURCHASING DIVISION (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 REQUIREMENTS FOR FORMAT AND DELIVERY OF PROPOSALS

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 Division 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 Division. 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.

Proposals must be submitted in the format specified in Section C hereof. The contents of each proposal shall be **separated and arranged with tabs in the same order as listed in the Subsections within Section C** identifying the response to each specific item thereby facilitating expedient review of all responses.

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 Division. The County shall not be responsible for oral interpretations given by any County employee, representative, or agent. The issuance of a written addendum by the Purchasing Division is the only official method whereby interpretation, clarification or additional information can be given.

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

It shall be the responsibility of each Proposer, prior to submitting their proposal, to contact the Manatee County Purchasing Office at (941)748-4501, ext. 3014 to determine if addenda were issued and to acknowledge receipt of same on the Proposal Signature page (Attachment A).

DEADLINE FOR CLARIFICATION: August 3, 2015 at 5:00 P.M. shall be the deadline to submit all inquiries, suggestions, or requests concerning interpretation, clarification or additional information pertaining to this Request for Proposals through writing or electronic mail to the Purchasing Division (jacob.erickson@mymanatee.org).

This deadline has been established to maintain fair treatment for all potential bidders or Proposers, while ensuring an expeditious transition to a final agreement.

A.05 SEALED & MARKED

Manatee County requires a total of seven copies of your proposal to be submitted in one sealed package. The contents of your sealed package shall include: **One signed Original (marked Original) and Five (5) Copies (each marked Copy) and One (1) Electronic copy.** The electronic copy shall be in a pdf format and submitted on a CD or USB flash drive which is non-returnable. ***All seven copies of your proposal shall be identical.***

Your entire proposal package shall be submitted in one sealed package addressed from your company (name and address) and clearly marked on the outside "**Sealed Proposal #15-2020JE Construction Management at Risk for Tax Collector Annex Building**" 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 (company, firm, partnership, individual). 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

Upon receipt, all inquiries and responses to inquiries related to this Request for Proposal become "Public Records" and are subject to public disclosure consistent with Chapter 119, Florida Statutes.

Proposals become subject to disclosure thirty (30) days after the Opening or if a notice of intended award decision is made earlier than this time as provided by Florida Statute 119.071(1)(b). No announcement of review of the offer shall be conducted at the public opening. If the County rejects all offers and concurrently notices its intent to reissue the solicitation, initial offers are exempt until the County provides notice of its intended decision or, thirty (30) days after the opening of the new offers.

Pursuant to Florida Statutes 119.0701, to the extent successful Proposer is performing services on behalf of the County, successful Proposer must:

- a. Keep and maintain public records that ordinarily and necessarily would be required by the County in order to perform the service;
- b. Provide the public with access to public records on the same terms and conditions that the County would provide and at a cost that does not exceed the cost provided in F.S. Chapter 119, or as otherwise provided by law;
- c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law, and;
- d. Meet all requirements for retaining public records and transfer, at no cost, to the County all public records in possession of successful Proposer upon termination of the awarded Agreement and/or PO and destroy any duplicate public records that are exempt or confidential from public records disclosure requirements. All records stored electronically must be provided to the County in a format this is compatible with the County's information technology systems.

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.

A.11 DISQUALIFICATION DUE TO NON-RESPONSIVENESS

Manatee County reserves the right to find that any proposal received which does not contain all of the information, attachments, verification, forms or other information may be considered non responsive and therefore be disqualified from eligibility to proceed further in the RFP process.

A.12 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; and past performance records.

A.13 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 Chapter 2-26.

A.14 CODE OF ETHICS

With respect to this proposal, if any Proposer violates, directly or indirectly, the ethics provisions of the Manatee County Code and/or Florida criminal or civil laws related to public procurement, including but not limited to Florida Statutes Chapter 112, Part II, Code of Ethics for Public Officers and Employees, such Proposer will be disqualified from eligibility to perform the work described in this Request for Proposal, and may also be disqualified from furnishing future goods or services to, and from submitting any future bids or proposals to supply goods or services to, Manatee County.

By submitting a proposal, the Proposer represents to the County that all statements made and materials submitted are truthful, with no relevant facts withheld. If a Proposer is determined to have been untruthful in its proposal or any related presentation, such Proposer will be disqualified from eligibility to perform the work described in this Request for Proposal, and may also be disqualified from furnishing future goods or services to, and from submitting any future bids or proposals to supply goods or services to, Manatee County.

A.15 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;
- 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.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 for a period of 36 months from the date of being placed on the convicted vendor list.

In addition, Manatee County Code Chapter 2-26 Article V prohibits the award of County contracts to any person or entity who/which has, within the past 5 years, been convicted of, or admitted to in court or sworn to under oath, a public entity crime or of any environmental law that, in the reasonable opinion of the Purchasing Official, establishes reasonable grounds to believe the person or business entity will not conduct business in a reasonable manner.

To ensure compliance with the foregoing, the Manatee County Code requires all persons or entities desiring to contract with the County to execute and file with the purchasing official an affidavit, executed under the pain and penalties of perjury, confirming that person, entity, and any person(s) affiliated with the entity, does not have such a record and is therefore eligible to seek and be awarded business with the County. **Proposer is to complete Attachment "B" and submit with your proposal.**

A.17 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 an award 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 Chapter 2-26.

A.18 EQUAL EMPLOYMENT OPPORTUNITY

In accordance with the provisions of Title VI of the Civil Rights Act of 1964 and Title 15, Part 8 of the Code of Federal Regulations, Manatee County hereby notifies all prospective Proposers that they will affirmatively ensure 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 or national origin in consideration for an award of contract.

A.19 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: SCOPE OF SERVICES

B.01 BACKGROUND

The Manatee County Tax Collector wishes to utilize a recently acquired 2.20 +/- ac property, with an existing 6,700 +/- square foot former ABC liquor store building on it to construct a new annex building and parking lot. The site is located at the northwest corner of 904 US 301 Boulevard West and 9th Street extension, Bradenton, FL 34205. The property lies within a flood plain. Existing building demolition and asbestos survey and mitigation is not within the scope of this RFP.

The proposed project scope consists of new construction for a 1 story, 8,500± sq. ft. office building with a 1,200± sq. ft. covered area for automobile inspections. Project scope includes all related site work, utility work, asphalt demolition, drainage, permitting fees, landscaping and irrigation as required by final plans and necessary to achieve building Certificate of Occupancy and final site plan approval.

B.02 PURPOSE

The purpose of this RFP is to solicit the experience and qualifications of firms qualified to provide Construction Management at Risk (CMAR) services for the construction of the proposed Manatee County Tax Collectors Annex New Building.

The intent of this solicitation is to select a firm to provide professional CMAR services as part of a team that includes County representatives and the County's selected design firm.

B.03 SCOPE OF SERVICES

1. CMAR services to be provided shall include, but are not necessarily limited to:
 - a. Services consisting of pre-construction, bidding, and construction phase services. The County will compensate the selected CMAR for these services by a negotiated Construction Manager (CMAR) fee, based on a percentage of the cost of the work.
 - b. A portion of this CMAR fixed fee shall be incrementally paid to the selected CMAR for preconstruction phase services. The remaining fee shall be calculated and paid to CMAR incrementally, as the work progresses, before the Guaranteed Maximum Price (GMP) is established.
 - c. The services to be provided by the CMAR during the design and preconstruction phase may include (but not be limited to) :
 1. Preliminary site investigations
 2. Quality assurance during the design phase
 3. Value Engineering
 4. Recommendations for material and systems alternatives
 5. Constructability and sustainability reviews

6. Code compliance review to ensure permits are attainable
 7. Cost estimating during design to keep design in budget
 8. Ongoing monitoring and controlling of the schedule
 9. Testing
 10. Bidding
 11. Presentation of a Preliminary Guaranteed Maximum Price (GMP) to the County based on 100% plans and specifications.
- d. Preconstruction phase services may also include the oversight of any early preconstruction work deemed beneficial to the project by the County.
2. The GMP shall be inclusive of all elements of construction from the submission of all required upfront documents to final inspection and acceptance by the County as a completed project including all required final close out documents. The CMAR shall be responsible for all elements of work that require subcontractors and shall be held responsible for replacement of subcontractors that fail to perform up to and including the performance of the subcontractor with the CMAR field personnel skilled in the trade required.
 3. The construction phase shall commence upon the County acceptance of the GMP. The CMAR shall become the single point of responsibility for the performance of the construction contract for the project. The selected firm shall be required to provide payment and performance bonds each in a value equal to 100% of the GMP and shall be responsible for having the bonds recorded with the Manatee County Clerk of Circuit Court. The services required for the construction phase shall include, but not be limited to, the following:
 - a. Development and management of all electronic records in a centralized, automated project management information system including project scheduling. The CMAR will provide meeting minutes of all jobsite meetings.
 - b. Project management to ensure performance of the work in accordance with the resulting Agreement.
 - c. Construction supervision to ensure compliance with design documents and permitting conditions.
 - d. Contracting with all sub-contractors, materials suppliers, surveying firms, testing and inspection firms, and equipment suppliers as necessary for the construction of the project.
 - e. Coordination and cooperation with any third party contracts or contractors that the County may provide for this project.
 - f. Development and administration of quality control systems to ensure the work is performed in strict accordance with design requirements, applicable building codes and the County's objectives.
 - g. Process payment requests for approval by the design team and appropriate County representatives.
 - h. Preparation of Owner direct purchase documents.
 - i. Provide construction phase accounting and reporting to the County.

- j. Administration of jobsite safety programs.
- k. Providing temporary facilities for use by others.
- l. Maintenance of on-site and off-site traffic.
- m. Maintenance of all project records.
- n. Scheduling of inspections by authorities having jurisdiction over the project.
- o. Supervision of third-party testing to assure independence and proper conduct.
- p. Oversight of field surveying services.
- q. Administer post construction closeout, final completion, and start-up and warranty periods.

B.04 CONSTRUCTION REQUIREMENTS

1. Site development will include all earthwork, paving, grading, drainage utility distribution and extensions, temporary drives, MOT (maintenance of traffic), permanent drives, sidewalks, parking lots and required roadway improvements. The total area affected by all of the proposed development is estimated to be approximately 2.2 ± acres.
2. The general scope of the project is as follows:
 - a. Construction of an 8,500 ± sq. ft. office and 1200 ± sq. ft. covered parking area for the Manatee County Tax Collector.
 - b. Construction of all site work including: fenced employee parking area, parking, drivers testing track, retention ponds, landscaping and all required utilities.

B.05 ESTIMATED PROJECT COMPLETION DATE

These dates are tentative and may be subject to change:

The tentative contract award shall take place in September 2015.

Final plans are projected to be completed by December 2015.

Projected construction start date shall be January 2016.

The estimated project completion date is June 2016.

B.06 ESTIMATED PROJECT COST

The County has budgeted the project construction cost at approximately \$2.1 Million not including the cost of FFE (Furniture, Fixtures & Equipment). FFE shall not be included in this project.

END OF SECTION B

SECTION C: 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 C.01 through C.04**, identifying the response to each specific item.

The information that you provide shall be used to determine those Proposers with the perceived ability to perform the Scope of Services as stated in this Request for Proposal which may overall best meet the needs of Manatee County. A review with those Proposers reasonably susceptible of being selected for award may be conducted for the purposes of clarification of both ability and benefit to Manatee County, see Section D Selection.

C.01 MINIMUM QUALIFICATIONS (Licensing) TO BE CONSIDERED:

Proposals may be presented by a single business entity, a joint venture, or partnership. To qualify for any consideration, the Proposer(s) must present proof of any licensing or certification which will be required by law to perform the services set out in the scope of services required in this RFP, including but not limited to the additional County **requirements** as listed below:

- a. Proposer whose name appears on the PROPOSAL SIGNATURE FORM must present copies of any active certification and current valid licensing in the State of Florida as a General Contractor or registered building contractor (see section 489.119 Florida Statutes) and must also include the name of their qualifying agent.

C.02 ADMINISTRATIVE SUBMITTAL

- a. Proposal Signature Form. (Attachment A)
- b. Public Contracting and Environmental Crimes Cert. (Attachment B).

C.03 INFORMATION TO BE SUBMITTED

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

- a. Provide a description of Proposer's **background and capabilities**. Provide a general statement of qualifications that includes your firm's professional credentials, legal status, and experience in providing the CMAR service enumerated in this RFP.
- b. 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 key role in providing services. Describe their respective areas of expertise.

For each identified person, provide the following:

- Full Name
- Title

- Professional credentials
 - Area of expertise, individual's roles and duties in providing services
 - Office address
 - Email address
 - Telephone number
 - Personalized resumes which identify the qualifications, training, experience of each key personnel, and length of employment with the company.
- c. Provide a list, with references, of your business entity's **horizontal / vertical construction** projects as a CMAR for the past five (5) years. Specify which key personnel were responsible for each project. References given must specify client employees in senior level management positions with knowledge of the project to confirm the claimed details. Include the name of the entity the work was completed for, a description of the project, the dates of service and the name(s) and telephone number(s) of the contact persons. This list shall be for both Government and Private clients. Also include project budget and actual construction costs.
- d. **Project Approach:** Demonstrate the firm's plan or performing this project, documenting the services to be provided and showing the interrelationship of all parties.
- e. **Scheduling and Cost Control:** The firm's scheduling system and cost control system should be described. Methods for securing subcontractor's adherence to the schedule should be highlighted. Indicate whether the firm uses and provides computer-generated schedules for management of construction. Describe the process used to schedule the submittal and approach of drawings. Describe the firm's experience in cost loading schedules. Attach a sample schedule with your proposal which best illustrates the firm's overall scheduling capabilities. Include in your sample, scheduled anticipated tasks to be performed in providing these services, include the documentation which the County will have to provide and when they would be required. Identify the major tasks and the suggested timeline for completion based on the Scope of Service.
- f. 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.
- g. Submit a list of **subcontractors** and sub-consultants that may be used on this project (with the same level of detail as stated above) and their office location.
- h. Submit a narrative **explaining the direct economic benefit to Manatee County to be realized by selecting Proposer(s)**. Include a discussion of the employment, subcontracting, and support services to be procured within the County.

- i. Provide an **explanation of the Proposers' legal capacity** to perform all parts of the scope of services. Include a description of corporate or other structure and governance, and detail the legal, financial, and technical capabilities of Proposer(s) relevant to performing the scope of services. If more than one Proposer is teaming up to file a proposal, any prior work any two or more joint proposers have done before should be detailed. Include documentation of incorporation by the Florida Secretary of State and current Florida Professional Registration Certificate for general contractor certification.
- j. Disclose **any ownership interest in other entities** involved in these services which might reasonably be selected to perform work under the scope of services set forth in this RFP. This ownership disclosure shall be included, whether such ownership occurs by the Proposer through a parent, subsidiary or holding company or any other form of business entity. Submit entity names and the percent of ownership for each.
- k. **Provide authorization for a Manatee County auditor and/or financial analysts to have access to your financial records at the primary location of the business entity** explained in above response, or such other location as may be agreed, for the purposes of verifying your financial representations, review and assessment of the historical and current financial capacity of your business entity and its expected ability to meet ongoing financial obligations to the County as proposed in this proposal to Manatee County. The County's audit and /or financial analyst agents will report their findings in a summary report to the Manatee County Purchasing Official, which will be placed in the proposal files for subsequent use and review.
- l. **Bond Capacity:** The firm shall provide information with their proposal with regards to their capacity to bond the project. Include a letter of intent from your bonding company which outlines their bonding capacity.

C.04 SUPPLEMENTAL INFORMATION

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

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 C

SECTION D: SELECTION

D.01 EVALUATION FACTORS

Evaluation of proposals will be conducted by an evaluation committee. The committee's goal will be to identify the proposal which will overall best meet the needs of Manatee County as determined from the proposals received and subsequent investigation by the County. The committee will consider the information requested in Section C for each responsive proposal submitted by each Proposer to ascertain the perceived ability of the Proposer(s) to perform the Scope of Services as stated in this Request for Proposal. Once all proposals have been reviewed pursuant to the criterion in Section C, the evaluation committee shall determine from the responses to this Request for Proposal and subsequent investigation as necessary, the Proposer(s) most qualified to be selected to negotiate an agreement.

D.02 RELATIVE IMPORTANCE OF EVALUATION FACTORS

Unless noted, no weight will be assigned to the Evaluation Factors stated above.

D.03 PRELIMINARY RANKING

An evaluation committee shall determine from the responses to this Request for Proposals and subsequent investigation as necessary, the Proposer(s) most qualified to be selected to negotiate an agreement.

D.04 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 evaluation committee, upon reasonable notification from the Purchasing Division. The date(s) and time(s) of any such presentations / interviews shall be determined solely by the County, and may be closed to the public in the discretion of the Purchasing Official, and to the extent permitted by law.

D.05 SELECTION FOR NEGOTIATION

The evaluation committee will make a recommendation to the County Administrator as to the proposer which the County should enter into negotiations. The County Administrator will act upon that recommendation and, if accepted, the successful Proposer will be invited to enter negotiations led by the Purchasing Division.

D.06 **AWARD**

Award of an agreement is subject to the successful negotiations and the approval of either the County Administrator or the Board of County Commissioners (as provided for in Procurement Code.

END SECTION D

SECTION E: NEGOTIATION OF THE AGREEMENT

E.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, but not compel adherence to its terms or conditions.
- 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.

E.02 AGREEMENT

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

Negotiated Agreements may or may not include all elements of this RFP or the resulting successful proposal where alternative terms or conditions become more desirable to the County, and the parties agree to such terms.

The parties will negotiate the term of the agreement, and the circumstances in which it may be renewed, assigned or terminated.

The parties will negotiate matters of record-keeping, auditing, and all other relevant contractual matters.

END SECTION E

ATTACHMENT A: PROPOSAL SIGNATURE FORM

For: RFP #15-2020JE CONSTRUCTION MANAGEMENT AT RISK SERVICES FOR
TAX COLLECTOR ANNEX BUILDING

The undersigned represents that by signing the proposal, that he/she has the authority and approval of the legal entity purporting to submit the proposal, and that all of the facts and responses set forth in the proposal are true and correct. If the proposer is selected by the County to negotiate an agreement, the undersigned certifies that the proposer's negotiators will negotiate in good faith to establish an agreement to provide the services described in the Scope of Services of this Request for Proposal.

Firm Name: _____

Mailing Address: _____

City, State, Zip Code

Telephone No: (____) _____

Email address: _____

Web address: _____

Date: _____

Signature

Print Name and Title of Above Signer

FL Dept of Business Regulation License #: _____ if applicable

Name of Qualifying Agent on the Above License: _____

MBE/WBE/SBE Certification? _____

Addendum# _____ Dated _____

Addendum# _____ Dated _____

Addendum# _____ Dated _____

Addendum# _____ Dated _____

ATTACHMENT B

PUBLIC CONTRACTING AND ENVIRONMENTAL CRIMES CERTIFICATION

SWORN STATEMENT PURSUANT TO ARTICLE V, 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 _____
[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 an entity and pursuant to the direction or authorization of an official thereof (including the person committing the offense, if he is an official of the business entity), the business shall be chargeable with the conduct herein above set forth. A business entity shall be chargeable with the conduct of an affiliated entity, whether wholly owned, partially owned, or one which has common ownership or a common Board of Directors.

For purposes of this Form, business entities are affiliated if, directly or indirectly, one business entity controls or has the power to control another business entity, or if an individual or group of individuals controls or has the power to control both entities. Indicia of control shall include, without limitation, interlocking management or ownership, identity of interests amount family members, shared organization of a business entity following the ineligibility of a business entity under this Article, or using substantially the same management, ownership or principles as the ineligible entity.

Any person or entity who claims that this Article is inapplicable to him/her/it because a conviction or judgment has been reversed by a court of competent jurisdiction, shall prove the same with documentation satisfactory to 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 _____, 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.