

**REQUEST FOR PROPOSAL #09-3283FL
PARKS AND TRANSPORTATION
ARCHITECTURAL/ENGINEERING CONSULTING SERVICES
FOR PROJECTS FUNDED BY DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
(HUD) COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG)**

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 Parks and Transportation Architectural/Engineering Consulting Services. This RFP is for projects that are funded by a Housing and Urban Development, Community Development Block Grant (CDBG). Federal and State guidelines for this acquisition shall apply.

NON-MANDATORY PRE PROPOSAL CONFERENCE: In order to insure that all prospective Proposers have sufficient information and understanding of the County's needs, an **Pre Proposal Conference** will be held **September 14, 2009 at 10:00A.M** at the Manatee County Administration Center, 5th Floor, Suite 502, Manatee Room, 1112 Manatee Avenue West, Bradenton, FL. All interested Proposers are encouraged to attend – attendance is **not mandatory** to submit a Proposal.


TIME AND DATE DUE: Proposals will be received until 4:00 p.m., Wednesday, September 30, 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. Please review paragraph A.17 carefully to avoid violation and possible sanctions.

FOR INFORMATION CONTACT:
Frank G. Lambertson, Contract Negotiator
PHONE (941) 749-3042, FAX (941) 749-3034
Manatee County, Financial Management Department, Purchasing Division

AUTHORIZED FOR RELEASE: _____


REQUEST FOR PROPOSAL #09-3283FL
Parks and Transportation Architectural/Engineering Consulting Services

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.

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.

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

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

A.03 PROPOSAL FORM DELIVERY REQUIREMENTS

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

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

A.04 CLARIFICATION & ADDENDA

Each proposer shall examine all Request For Proposal documents and shall judge all matters relating to the adequacy and accuracy of such documents. Any inquiries, suggestions or requests concerning interpretation, clarification or additional information pertaining to the Request For Proposal shall be made in writing through the Manatee County Purchasing Office. The County shall not be responsible for oral interpretations given by any County employee, representative, or others. The issuance of a written addendum is the only official method whereby interpretation, clarification or additional information can be given. If any addenda are issued to this Request For Proposal, the County will attempt to notify all prospective proposers who have secured same, however, 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. 3042 to determine if addenda were issued and to make such addenda a part of the proposal.

A.05 SEALED & MARKED

Six (6) signed copies of your proposal shall be submitted in one sealed package, clearly marked on the outside "**Sealed Proposal #09-3283FL**" 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 (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, responses become "Public Records" and shall be subject to public disclosure consistent with Chapter 119, Florida Statutes.

A.10 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.11 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 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 Chapter 2-26-61 of the Manatee County Code of Laws. 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 calendar days after such aggrieved person knows or could have reasonably been expected to know of the facts giving rise thereto.

A.12 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 the state of Florida per Florida Statutes, Chapter 112, Part III, 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.

A.13 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.14 PROPOSAL FORMS

Proposals must be submitted in the format specified in Section B hereof. Additional support information may be included. Tabs are required to identify each item defined in Section B, Form of Proposal, and thereby facilitating expedient review of all responses.

A.15 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 36 months from the date of being placed on the convicted vendor list.

A.16 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.17 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 Director or as directed in the Request For Proposals or Invitation For Bids. This prohibition begins with the issuance of any Request For Proposals or Invitation For Bids, and ends upon execution of the final contract or when the invitation or request has been canceled. Violators of this prohibition shall be subject to sanctions as provided in the Manatee County Procurement Code.

A.18 PUBLIC CONTRACTING AND ENVIRONMENTAL CRIMES CERTIFICATION

In accordance with 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.

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 included with each response. Each proposal shall be arranged with tabs identifying the response to each specific item. Proposals must contain:

B.01 MINIMUM QUALIFICATIONS

Proposer must be certified to practice engineering in accordance with Chapter 471, Florida Statutes and/or architecture in accordance with Chapter 481, Florida Statutes and must have proven professional experience in the areas of Parks and Transportation Architectural/Engineering Consulting Service for at least three (3) years, and must provide substantiating information.

Note: Submittal of competitive proposals shall be deemed to have met the requirements of the competitive proposal process under the Consultant's Competitive Negotiation Act (CCNA), adopted by the State Legislature in 1973 (Florida Statue 287.055).

B.02 ADMINISTRATIVE SUBMITTAL

- a. Proposal Signature Form.
- b. Drug Free Work Place Certification (Attachment B).
- c. Public Contracting and Environmental Crimes Certification (Attachment C).

B.03 INFORMATION TO BE SUBMITTED

- a. Provide an executive summary describing the firm's background and size, include a statement of qualifications that includes the firm's professional credentials and experience in providing the types of services enumerated in this RFP, use Standard Form 330. Also include a summary of the firm's current workload and evidence to reflect they satisfy the County's requirement.
- b. Identify each principal of the firm and the other "key personnel" who will be professionally associated with the County. Describe their respective area of expertise. Include personalized resumes which identify the qualifications, training and experience of each key personnel.
- c. 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 services 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.

- d. Describe any **changes in the mode of conducting business** your firm has made in the past five (5) years, including any mergers, acquisitions, consolidations, downsizing or bankruptcy proceedings or filings. Disclose any such changes that are currently in progress.
- e. Submit audited financial statements for the past three (3) years, including an income statement, a profit and loss statement, a balance sheet and a cash flow statement. In lieu of audited financial statements, proposers may submit other evidence, acceptable to the County, of financial responsibility. Such evidence may include, but is not limited to letter(s) of credit with a financial institution indicating the proposer's line of credit and the level of financing the institution will offer the proposer for capital procurement, and certified copy(ies) of federal income tax return(s) or acceptable equivalents.
- f. Submit a **manning level statement** for your organization, 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.
- g. Provide a reference list of organizations or individuals within the State of Florida for which similar services have been provided. Such information should include; name, title, address and phone number of the organization or individuals provided as reference. Also include the dates when the services were provided. **Indicate if any of these services were performed as a Housing and Urban Development, Community Development Block Grant Project.**
- h. Provide a plan detailing how you would approach an assigned project and what area's of the effort you consider to be most important. Also describe how you will address the following priorities.
- Pre-Design Topographic and As-built Survey
 - Design
 - Development of Construction Plans and Specifications
 - Local, State and Federal Permitting
 - Construction Phase Services
 - Grant Compliance and Documentation
 - Certification of Construction Completion
- i. If claiming MBE or Section 3 status, submit a copy of your certification in your response to this RFP.
- j. Provide a listing of your current and projected workload as it exists at the time your firm submits a response to this RFP.

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

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

SECTION C: SELECTION

C.01 EVALUATION FACTORS

A point assessment evaluation process has been mandated by the Housing and Urban Development (HUD), Community Development Block Grant (CDBG) which is providing the Grant funding for this services. To comply with this mandate the evaluation factors and weight of each evaluation factor shall be:

<u>Evaluation</u>	<u>Maximum Raw Points</u>
1. Professional Qualifications	25
2. Parks and Transportation Experience	20
3. References from Previous Clients	15
4. Ability to meet deadlines/budgets	10
5. Current/Projected Workload	10
6. Key Personnel	10
7. CDBG Previous Experience	5
8. Certified MBE or Section 3 Status	5
<u>Maximum Total Raw Points</u>	<u>100</u>

C.02 RANKING:

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 and conformance to the solicitation requirements. Firms responding to this RFP shall be available for presentation/interviews to the Selection Committee and/or Board of County Commissioners upon notification from the Purchasing Office of the time and date determined by the County

Individual Selection Committee Members shall determine raw points for each proposer based on the evaluation factors listed in paragraph C.01. Only whole points will be assessed, and no more than the maximum raw points afforded to each evaluation factor.

To balance any extremes in the assignment of raw points by any Individual Selection Committee Member, the sum of the raw points will be used to determine a score as follows:

- highest raw point score = 10 points
- 2nd highest raw point score = 9 points
- 3rd highest raw point score = 8 points
- 4th highest raw point score = 7 points

and shall continue in similar progression for the number of proposers to be ranked.

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and shall continue in similar progression for the number of proposers to be ranked.

The sum of the scores from each Individual Selection Committee Member shall be totaled. The Selection Committee's ranking shall be from the highest total score to the lowest, based on the sum of these scores. Ranking forms shall be recorded to document this process.

C.03 SELECTION FOR NEGOTIATION:

The proposers whose ability and proposals are 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 for authorization to negotiate an agreement for the stated Scope Of Services.

C.04 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.
- 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. The Housing and Urban Development (HUD), Community Development Block Grant (CDBG) have mandated certain terms and conditions be included in the agreement. Attachment D, Compliance with Federal Laws, contains regulations and forms that apply to CDBG funded projects.

D.02 AGREEMENT

The selected proposer 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

Manatee County expects that this Request for Proposals will result in an award of contract(s) to provide Parks and Transportation Architectural/Engineering Services for various Housing and Urban Development (HUD) Community Development Block Grant (CDBG) projects, as required by Manatee County. Terms of the Agreement(s) will be for a period of two (2) years from the effective date of the Agreement(s), with the possibility of extensions of three (3) one year periods up to an aggregate total of five (5) years at the sole discretion of the County, providing Parks and Transportation Architectural/Engineering services.

It should be noted that Parks and Transportation Architectural/Engineering Services and Construction are being funded through a Community Development Block Grant (CDBG) and shall include all services required to assist the County in compliance with the Grant Documents and in accordance with Housing and Urban Development (HUD) regulations.

E.02 GENERAL SCOPE

The following generally describes the Scope of Services that will be the successful proposer's responsibility:

The Proposer shall perform, on an as required basis, all of the necessary professional services necessary for Parks and Transportation Architectural/Engineering Services projects for Manatee County. Types of projects covered under this RFP may include but is not limited to infrastructure (roads, sidewalks, street lighting, water, sewer, electric, cable, telephone, stormwater ponds/drainage), and parks (restrooms, pavilions, concession stands, stadiums, equipment, splash pads, ball fields/courts, fencing, parking lots, landscaping, irrigation, lighting). Proposer shall conduct studies and prepare reports regarding maintenance and operation of existing facilities, systems and connections: perform rate studies; provide technical assistance on utility, operational, technical, engineering and financial issues, including, but not limited to, grant funding, loans and bond issues. Proposer may also be required to provide site planning and development, design and specifications, services during bidding, services during construction, record drawings, permits for construction of parks projects and performance of feasibility studies. Additional services may be required for operational analysis, modeling, assessments and plan evaluation. Engineering service specialties shall include but are not limited to, civil, structural, mechanical, electrical/instrumentation, environmental, industrial, geological and biological.

The Proposer shall be responsible for all Parks and Transportation Architectural/Engineering Services functions as defined in this Request for Proposal. All Parks and Transportation Architectural/Engineering projects shall be performed in

accordance with all applicable guidelines, standards, procedures and directives, including CDBG and HUD regulations, as well as other grant related requirements/regulations.

Project size may vary and task will be assigned on the basis of individually negotiated work assignments. The Proposer shall perform all the services specified with generally accepted professional standards. The Proposer's services shall the necessary architectural/engineering and other professional services that consist of record services for design and specification, services during bidding, services during construction, preparation of as-build drawings and permits for construction, value engineering and operation of parks and recreation and related facilities. Services may include renovations/additions to existing facilities, asbestos surveys, buildings, special project analysis and studies.

1. Project Control

The Proposer shall:

Develop and maintain a project reporting system for tracking all critical events, both scheduled and actual, for the projects and submitting required reports to granting/regulating agencies, as required. Said reports shall also be submitted to the Contract Manager for review, prior to submittal to the various Agencies, on an as required basis.

As a minimum, participate in project meetings on an as required basis with the Contract Manager to relate current status of overall project schedule; noting exceptions and suggesting actions required to correct schedule exceptions and recording and distribution of meeting minutes.

2. Quality Control

The Proposer shall:

Provide quality assurance and performance tracking of each project.

Insure delivery schedules and the integrity of the products.

The Proposer shall be responsible for errors and omissions to the plans and specifications.

3. Personnel

The Proposer shall provide a full cadre of qualified personnel as necessary to effectively carry out its responsibilities under this Request for Proposal. The Consultant shall utilize only competent personnel, who are qualified by experience and education, and who are acceptable to the Contract Manager. The Consultant shall not make changes in the professional personnel working on activities pursuant

to the Contract without the written approval of the County's Contract Manager.

Where applicable and to the greatest extent feasible, all contractors and subcontractors must attempt to provide training and employment opportunities, as prioritized below, for at least thirty (30) percent of newly created positions required for the project:

- i. Section 3 residents residing in the service area or neighborhood in which the section 3 covered project is located (category 1 residents); and
- ii. Participants in HUD Youthbuild programs (category 2 residents).
- iii. Homeless persons residing in the service area or neighborhood in which the section 3 covered project is located
- iv. Other section 3 residents

Section 3 employment opportunities must be documented on the Section 3 Summary Report, Economic Opportunities for Low- and Very Low-Income Persons; Form HUD-600002 (Attachment H).

The Proposer's agent shall be present for project decision meetings as requested by the Contract Manager.

E.03 SPECIFIC SCOPE

Basic engineering services on projects, where both design and representation of the County during construction are required, are accomplished in distinct and sequential phases, as follows:

1. Conceptual Phase (Studies and Reports)

Prior to commencement of the Preliminary Design Phase for a project, the Consultant may be required to submit to the County for approval, a Design Memorandum (or Report) which shall include, but not be limited to, the following information:

- a) Recommendations regarding the advisability of undertaking the project.
- b) Design parameters and criteria.
- c) Engineering constraints and limitations.

- d) Soil exploration, material testing and foundation evaluations.
- e) Alternatives evaluation (concept design)
- f) Stormwater modeling/conceptual drainage design.
- g) Pre-application meetings with regulatory agencies.
- h) Investigations and analyses of probable construction, right-of-way and engineering costs.
- i) Projected scheduling.
- j) Evaluation of utility impacts.
- k) CADD support services.
- l) Assist the County in the preparation of proceedings and conducting public workshops and hearings.
- m) Construction Cost Estimating

Based on the needs of a particular project, the Proposer shall serve as the County's professional engineering representative for projects designed under this Scope of Services. The Proposer shall provide other professional consulting engineering services as the situation dictates. Services provided shall comply with Manatee County's Comprehensive Plan and Capital Improvement Program (CIP). The Proposer shall, if required, assist the County in obtaining grants and other funding sources.

Deliverables:

The Proposer will be expected to submit, as a minimum, five (5) copies of the Design Memorandum (or Report) together with the necessary single line diagrams, maps, sketches and other descriptive information.

2. Preliminary Design Phase (0-30% Complete)

Based on the approved Design Memorandum (or Report), Proposer shall establish the general size and scope of the project, and its location on the site. The Preliminary Design Services may include, but not be limited to, the following tasks:

- a) Design Survey, right-of-way surveys, easements.

- b) Soil exploration, material testing and foundation evaluations.
- c) Coordination with utility companies.
- d) Definition of utility locations.
- e) Possible environmental impacts and mitigation alternatives.
- f) Coordination with the approving and regulatory agencies.
- g) Preliminary cross sections.
- h) Evaluate maintenance of traffic requirements.
- i) "Best Management Practices" alternatives evaluation.
- j) Preparation of technical specifications.
- k) Preliminary designs for special crossings and identity of potential conflicts.
- l) Preparation of plan and profile sheets.
- m) Definition of existing right-of-way and easements.
- n) Landscape architecture concept plans.
- o) Architectural Design
- p) Design criteria.
- q) Typical section(s).
- r) Preliminary Site Planning

Deliverables:

- a) 4 sets of preliminary plans and details.
- b) 2 copies of the geotechnical report
- c) 2 copies of the design calculations.
- d) 2 copies of correspondence with regulatory agencies.
- e) 2 copies of correspondence with power company.
- f) 2 copies of correspondence with utility companies.
- g) 2 copies of environmental monitoring plan proposals.

3. Intermediate Design Phase (30-75% Complete)

Following County review and concurrence of Preliminary Design Phase deliverables, the Proposer shall, based on input from the County and regulatory agencies, continue preparation of the bid plans, technical specifications and estimates for bidding and construction.

The Proposer shall include in the bid documents, the measurement and payment section and schedule of bid items specifically for the project, including an opinion of probable costs. All right-of-way and easement requirements shall be finalized.

Design services shall include, but not be limited to, the following tasks:

- a) Completed drainage design, including stormwater collection, conveyance, retention, detention, treatment and outfall facilities design.
- b) Drainage map.
- c) Permit applications, as required.
- d) Completed mitigation plan.
- e) Completed roadway/parking lot design including typical section sheets, alignment sheets, plan/profile sheets and cross sections.
- f) Preliminary technical specifications.
- g) Completed right-of-way and easement mapping.
- h) Preliminary utility relocation plan.
- i) Preliminary construction phasing plans.
- j) Preliminary signage design/placement
- k) Conduct public workshops or hearings.
- l) Preliminary Architectural Design
- m) Preliminary landscape architecture plans.
- n) Final Site Plan

Deliverables

- a) 4 sets of intermediate design phase plans and details
- b) 4 copies of draft technical specifications.
- c) 4 copies of probable construction costs
- d) 4 copies of permit applications.
- e) 2 copies of design calculations.
- f) 2 copies of correspondence with regulatory agencies.
- g) 2 copies of correspondence with power company.
- h) 2 copies of correspondence with utility companies.
- i) 2 copies of any pertinent reports prepared in this phase.

4. Final Design Phase (75-100% Complete):

Following review of 75% deliverables, the Proposer shall finalize the bid documents (plans, technical specifications, cost estimate and front-end documents) for bidding and construction based on input from County and regulatory agencies. Permit applications and supporting documentation shall be prepared and submitted prior to the 100% completion stage. The Proposer shall finalize the coordination efforts with the utility companies and regulatory agencies in this phase.

The Proposer shall complete the measurement and payment section and schedule of bid items specifically for the project, and update and revise the probable construction cost estimate. All construction details and other construction requirements shall be finalized and readied to let for construction bidding by the County.

The final design phase shall include, but not be limited to, the following tasks:

- a) Final roadway/parking lot plans.
- b) Final drainage design and plans.
- c) Final utility relocation plans.
- d) Final construction phasing
- e) Final signage design/location plans.
- f) Final Architectural Plans
- g) Final landscape/irrigation plans.
- h) Final technical specifications.
- i) Field utility requirements.

- j) Field testing requirements.
- k) Bid assistance.
- l) Final set of bid documents.

Deliverables

- a) All required regulatory permits.
- b) 7 sets of final plans
- c) 7 copies of final technical specifications and front end documents.
- d) 2 copies of the geotechnical report.
- e) 2 copies of the final design calculations.
- f) 2 copies of correspondence with regulatory agencies
- g) 2 copies of correspondence with the power company.
- h) 2 copies of correspondence with utility companies.
- i) 2 copies of mitigation maintenance plans and requirements.
- j) 2 copies of environmental monitoring plans with quality centered/quality assurance procedures.
- k) 2 copies of the updated and revised probable construction cost estimate.

5. Construction Phase:

The Proposer shall provide the following services during construction:

- a) Participate in pre-bid conferences and assist in the preparation of addenda as necessary.
- b) Assist in securing bids, tabulation and analyses of bid results, and furnishing recommendations on the award of construction contracts.
- c) Participate in pre-construction conferences after award of construction contracts.
- d) Check detailed construction drawings and shop drawings submitted by the Contractor or Contractors for compliance with design concepts and approve if in conformance with the design of the project and information provided in the technical specifications.
- e) Review maintenance and operating instructions, schedules, guarantees and certificates of inspection provided by the Contractor as required by the contract documents. Provide a copy of all

approved submittals to the County.

- f) Provide the County or notification of defects or deficiencies of work by the contractor which does not conform to the contract documents. Prepare a written notice describing any apparent non-conforming work, make recommendations to the County, and request the Contractor to carry out the acceptable corrective measures, if authorized to do so by the County.
- g) Issue instructions from the County to the contractor, announcing necessary interpretations and clarifications of contract documents. Review requirements by contractor or County and prepare required change orders.
- h) Make a final inspection and report on completion of the project, including recommendations concerning final payments to contractors and release of retained percentages, if any. Prepare certification of construction completion for County acceptance.
- j) Should the County require more extensive representation at the project site during construction, the Proposer may be required to furnish resident project services. Project representation may require one or more full-time or part-time project representatives, depending upon the requirements of the project. The extent of resident project services will be clearly defined in the engineering Work Assignment. The project representative shall observe the work of the contractor, prepare daily observation reports, identify the location of work installed that significantly differ from the location shown on the plans, communicate with the Proposer, Contractor and the County staff and shall work under the direction of the Proposer's construction engineer.
- k) Review the contractor's applications for progress payments and recommend issuance of such payments by the County. Such recommendations of payment will constitute a representation to the County that work has progressed to the point indicated and that, to the best knowledge, information and belief of the Proposer, the quality of the work is in substantial accordance with the contract documents.
- l) Respond to project representative complaints and maintain a record of complaints and action taken. Proposer with County personnel, as required.
- m) Prepare and furnish to the County a final set of reproducible certified

record drawings from data provided by the contract and the project representative. Any and all information gathered by the Consultant shall be field verified and a set of certified record drawings shall be submitted to the County. The Proposer shall be responsible for supplying the County certified record drawings to all state agencies.

In coordination with the County, provide contractor with interpretations and clarifications of the contract documents, as required.

- n) Conduct frequent project site visits and prepare punch list of items to be corrected or completed at substantial and final completion stages of the work.
- o) Conduct project site visit 45 to 60 days prior to the end of the one year warranty period and prepare a punch list of items under warranty provided by the construction contract to be corrected by the warranty expiration date.
- p) Prepare change orders requested by the County.
- q) Provide engineering services to County in cases of acts or omissions of contractor or any other persons at the project site or otherwise performing any of the work of the project.
- r) Provide engineering services in situations where construction means, methods, techniques, sequences or procedures selected by the contractor are remiss, or for any safety precautions and programs incidental to the work of contractors or for any failure of the contractor to comply with any laws, ordinances, rules or regulations applicable to the construction work or for any failure of the contractor to perform the construction work in accordance with the contract documents.
- s) Provide professional services made necessary by the default of the contractor or by major defects in the work of the contractor in the performance of the construction contract.
- t) Provide additional services as required, after the termination of the construction phase.
- u) Provide additional services in connection with the project not otherwise provided in the agreement.
- v) Serve as expert witness for County in any litigation or other proceeding involving the project.

- w) Review and recommend approval of contractor's maintenance of traffic plans.
- x) Assume responsibility for the adequacy of design prepared by others under contract to the Proposer.

PROPOSAL SIGNATURE FORM
RFP #09-3283FL

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 Parks and Transportation Architectural/Engineering Consulting Services according to the requirements of this RFP #09-3283FL.

Signature

Witness Signature

Date: _____

Date: _____

Name and Title of Above Signer

Name and Title of Above Signer

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
Manatee County Resolution R-93-22

ATTACHMENT "A"

RESOLUTION R-93-22

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

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

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

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

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

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

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

- 1 **Certification Required:** No person or entity submitting a bid pursuant to ¶3-101 shall be awarded or receive a county contract for public improvements, procurement of goods or services (including professional services) or a county lease, franchise,

concession or management agreement, unless such person or entity has submitted a written certification to the county that it will provide a drug free workplace by:

- a. providing a written statement to each employee notifying such employee that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance as defined in §893.02(4), Florida statutes, as the same may be amended from time to time, in the person's or entity's workplace is prohibited specifying the actions that will be taken against employees for violation of such prohibition. Such written statement shall inform employees about:
 - (i) the dangers of drug abuse in the workplace;
 - (ii) the person's or entity's policy of maintaining a drug free environment at all its workplaces, including but not limited to all locations where employees perform any task relating to any portion of such contract, business transaction or grant;
 - (iii) any available drug counseling, rehabilitation, and employee assistance programs; and
 - (iv) the penalties that may be imposed upon employees for drug abuse violations.
- b. Requiring the employee to sign a copy of such written statement to acknowledge his or her receipt of same and advice as to the specifics of such policy. Such person or entity shall retain the statements signed by its employees. Such person or entity shall also post in a prominent place at all of its workplaces a written statement of 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.**

<R93-22>

ATTACHMENT B
Drug Free Work Place Certification

ATTACHMENT "B"

Drug Free Work Place Certification

SWORN STATEMENT PURSUANT TO RESOLUTION R-93-22, 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:

_____ for _____
[print individual's name and title] [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 _____, 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]

ATTACHMENT C
Public Contracting and Environmental
Crimes Certification

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]

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 D
Compliance with Federal Laws

ATTACHMENT D: COMPLIANCE WITH FEDERAL LAWS

D.01 GENERAL PROVISIONS

- a. Equal Employment Opportunity-Contractor is required to comply with E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."; and
- b. Copeland "Anti-Kickback" Act (18 U.S.C. 874 and 40 U.S. 276c) Contractor is required to comply with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled; and
- c. Rights to Inventions Made Under a Contract or Agreement- Contractor is required to comply with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by HUD; and
- d. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)- Contractor is required to file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award; and
- e. Debarment and Suspension (E.O.s 12549 and 12689)-No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension," as set forth at 24 CFR part 24. This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees; and

- f. Drug-Free Workplace Requirements-The Drug-Free Workplace Act of 1988 (42 U.S.C. 701) requires grantees (including individuals) of federal agencies, as a prior condition of being awarded a grant, to certify that they will provide drug-free workplaces. Contractor is required to comply with drug-free workplace requirements in accordance with the Act and with HUD's rules at 24 CFR part 24, subpart F; and
- g. Section 3 Requirements-The work to be performed under this contract is a project assisted under a program providing direct Federal financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to low- and very low-income residents of the project area and contracts for work in connection with the project being awarded to business concerns that provide economic opportunities for low- and very low income persons residing the metropolitan area in which the project is located.

D.02 FEDERAL REQUIREMENTS FOR CONSTRUCTION PROJECTS

- a. Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7)- Contractor is required to comply with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR part 5, "Labor Standards Provisions Applicable to Contracts governing Federally Financed and Assisted Construction"). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. (*See Attachment E For Current Federal Wage Decision*); and
- b. Contract Work Hours and Safety Standards Act (40 U.S.C. 327 through 333) Contractor is required to comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by Department of Labor regulations (29 CFR part 5). Under Section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workweek of 40 hours. Work in excess of the standard workweek is permissible provided that the worker is compensated at a rate of not less than 1 1/2 times the basic rate of pay for all hours worked in excess of 40 hours in the workweek. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous; and
- c. Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended- Contractor is required to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.); and

d. BONDING REQUIREMENTS (PROJECTS OVER \$100,000)

1. A bid guarantee equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified; and
2. Performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract; and
3. A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

e. LABOR STANDARDS (PROJECTS OVER \$2,000)

The following Federal Labor Standards provisions are in effect and must be complied with by all Contractors and Sub-Contractors. As before mentioned in E.01, b, c. it is mandatory that these legislative acts are complied with. Specific reporting requirements include, but shall not be limited to the following:

1. Federal Wage Decision for Manatee County in Florida. Per the Davis-Bacon Act, these are the applicable prevailing federal wage rates for this project. There are no State prevailing wage rates. These wage rates will be compared against those posted by the U.S. Department of Labor 10-days prior to the opening of the RFP's. In the event that the Federal Wage Decision has been updated, proposers will be notified in writing, in accordance with A.04. *See Attachment E for the current Federal Wage Decision;* and
2. United States Department of Labor, Payroll, Form WH-347 (OMB Approval No. 1215-0149) with accompanying Statement of Compliance. Per the Davis-Bacon Act and the Copeland Act, the awarded contractor and its subcontractor's are required to submit weekly payrolls, being accompanied by the Statement of Compliance, bearing an original signature. *See Attachment F for the current Payroll Form WH-347 with accompanying Statement of Compliance;* and
3. United States Department of Housing and Urban Development and the Office of Labor Relations, Record of Employee Interview, form HUD-11 (OMB Approval No. 2501-0009). Employees of the General Contractor

and its Sub-Contractor's will be interviewed at different intervals for public recording purposes only and is used to measure compliance with Federal labor Standards. *See Attachment G for the Record of Employee Interview, form HUD-11.*

and its Sub-Contractor's will be interviewed at different intervals for public recording purposes only and is used to measure compliance with Federal labor Standards. *See Attachment G for the Record of Employee Interview, form HUD-11.*

ATTACHMENT E
Section 3 Summary Report,
Form HUD-600002

Form HUD-60002, Section 3 Summary Report, Economic Opportunities for Low- and Very Low-Income Persons.

Instructions. This form is to be used to report annual accomplishments regarding employment and other economic opportunities provided to low- and very low-income persons under Section 3 of the Housing and Urban Development Act of 1968. The Section 3 regulations apply to any public and Indian housing programs that receive: (1) development assistance pursuant to Section 5 of the U.S. Housing Act of 1937; (2) operating assistance pursuant to Section 9 of the U.S. Housing Act of 1937; or (3) modernization grants pursuant to Section 14 of the U.S. Housing Act of 1937 and to recipients of housing and community development assistance in excess of \$200,000 expended for: (1) housing rehabilitation including reduction and abatement of lead-based paint hazards; (2) housing construction; or (3) other public construction projects, and to contracts and subcontracts in excess of \$100,000 awarded in connection with the Section 3-covered activity.

Form HUD-60002 has three parts, which are to be completed for all programs covered by Section 3. Part I relates to employment and training. The recipient has the option to determine numerical employment/training goals either on the basis of the number of hours worked by new hires (columns B, D, E and F). Part II of the form relates to contracting, and Part III summarizes recipients' efforts to comply with Section 3.

Recipients or contractors subject to Section 3 requirements must maintain appropriate documentation to establish that HUD financial assistance for housing and community development programs were directed toward low- and very low-income persons. A recipient of Section 3 covered assistance shall submit one copy of this report to HUD Headquarters, Office of Fair Housing and Equal Opportunity. Where the program providing assistance requires an annual performance report, this Section 3 report is to be submitted at the same time the program performance report is submitted. Where an annual performance report is not required, this Section 3 report is to be submitted by January 10 and, if the project ends before December 31, within 10 days of project completion. Only prime recipients are required to report to HUD. The report must include accomplishments of all recipients and their Section 3 covered contractors and subcontractors.

1. HUD Field Office: Enter the Field Office name.
2. Recipient: Enter the name and address of the recipient submitting this report.
3. Federal Identification: Enter the number that appears on the award form (with dashes). The award may be a grant, cooperative agreement or contract.
4. Dollar Amount of Award: Enter the dollar amount, rounded to the nearest dollar, received by the recipient.
5. Contact Person/Phone: Enter the name and telephone number of the person with knowledge of the award and the recipient's implementation of Section 3.
6. Reporting Period: Indicate the time period (months and year) this report covers.
7. Date Report Submitted: Enter the appropriate date.

8. Program Code: Enter the appropriate program code as listed at the bottom of the page.
9. Program Name: Enter the name of HUD Program corresponding with the "Program Code" in number 8.

Part I: Employment and Training Opportunities
 Column A: Contains various job categories. Professionals are defined as people who have special knowledge of an occupation (i.e. supervisors, architects, surveyors, planners, and computer programmers). For construction positions, list each trade and provide data in columns B through F for each trade where persons were employed. The category of "Other" includes occupations such as service workers.

Column B: (Mandatory Field) Enter the number of new hires for each category of workers identified in Column A in connection with this award. New hire refers to a person who is not on the contractor's or recipient's payroll for employment at the time of selection for the Section 3 covered award or at the time of receipt of Section 3 covered assistance.

Column C: (Mandatory Field) Enter the number of Section 3 new hires for each category of workers identified in Column A in connection with this award. Section 3 new hire refers to a Section 3 resident who is not on the contractor's or recipient's payroll for employment at the time of selection for the Section 3 covered award or at the time of receipt of Section 3 covered assistance.

Column D: Enter the percentage of all the staff hours of new hires (Section 3 residents) in connection with this award.

Column E: Enter the percentage of the total staff hours worked for Section 3 employees and trainees (including new hires) connected with this award. Include staff hours for part-time and full-time positions.

Column F: (Mandatory Field) Enter the number of Section 3 residents that were trained in connection with this award.

Part II: Contract Opportunities

Block 1: Construction Contracts
 Item A: Enter the total dollar amount of all contracts awarded on the project/program.
 Item B: Enter the total dollar amount of contracts connected with this project/program that were awarded to Section 3 businesses.

Item C: Enter the percentage of the total dollar amount of contracts connected with this project/program awarded to Section 3 businesses.

Item D: Enter the number of Section 3 businesses receiving awards.

Block 2: Non-Construction Contracts

Item A: Enter the total dollar amount of all contracts awarded on the project/program.

Item B: Enter the total dollar amount of contracts connected with this project awarded to Section 3 businesses.

Item C: Enter the percentage of the total dollar amount of contracts connected with this project/program awarded to Section 3 businesses.

Item D: Enter the number of Section 3 businesses receiving awards.

Part III: Summary of Efforts - Self-explanatory

Submit one (1) copy of this report to the HUD Headquarters Office of Fair Housing and Equal Opportunity, at the same time the performance report is submitted to the program office. The Section 3 report is submitted by January 10. Include only contracts executed during the period specified in item 8. PHAs/IHAs are to report all contracts/subcontracts.

* The terms "low-income persons" and "very low-income persons" have the same meanings given the terms in section 3 (b) (2) of the United States Housing Act of 1937. Low-income persons mean families (including single persons) whose incomes do not exceed 80 percent of the median income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that

The Secretary may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the Secretary's findings such that variations are necessary because of prevailing levels of construction costs or unusually high or low-income families. Very low-income persons mean low-income families (including single persons) whose incomes do not exceed 50 percent of the median family income area, as determined by the Secretary with adjustments or smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

Part II: Contracts Awarded

1. Construction Contracts	
A. Total dollar amount of all contracts awarded on the project	\$
B. Total dollar amount of contracts awarded to Section 3 businesses	\$
C. Percentage of the total dollar amount that was awarded to Section 3 businesses	%
D. Total number of Section 3 businesses receiving contracts	
2. Non-Construction Contracts	
A. Total dollar amount all non-construction contracts awarded on the project/activity	\$
B. Total dollar amount of non-construction contracts awarded to Section 3 businesses	\$
C. Percentage of the total dollar amount that was awarded to Section 3 businesses	%
D. Total number of Section 3 businesses receiving non-construction contracts	

Part III: Summary

Indicate the efforts made to direct the employment and other economic opportunities generated by HUD financial assistance for housing and community development programs, to the greatest extent feasible, toward low- and very low-income persons, particularly those who are recipients of government assistance for housing. (Check all that apply.)

- Attempted to recruit low-income residents through: local advertising media, signs prominently displayed at the project site, contracts with the community organizations and public or private agencies operating within the metropolitan area (or nonmetropolitan county) in which the Section 3 covered program or project is located, or similar methods.
- Participated in a HUD program or other program which promotes the training or employment of Section 3 residents.
- Participated in a HUD program or other program which promotes the award of contracts to business concerns which meet the definition of Section 3 business concerns.
- Coordinated with Youthbuild Programs administered in the metropolitan area in which the Section 3 covered project is located.
- Other, describe below

Public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB number.

Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u, mandates that the Department ensure that employment and other economic opportunities generated by its housing and community development assistance programs are directed toward low- and very-low income persons, particularly those who are recipients of government assistance housing. The regulations are found at 24 CFR Part 135. The information will be used by the Department to monitor program recipients' compliance with Section 3, to assess the results of the Department's efforts to meet the statutory objectives of Section 3, to prepare reports to Congress, and by recipients as self-monitoring tool. The data is entered into a database and will be analyzed and distributed. The collection of information involves recipients receiving Federal financial assistance for housing and community development programs covered by Section 3. The information will be collected annually to assist HUD in meeting its reporting requirements under Section 808(e)(6) of the Fair Housing Act and Section 916 of the HCDA of 1992. An assurance of confidentiality is not applicable to this form. The Privacy Act of 1974 and OMB Circular A-108 are not applicable. The reporting requirements do not contain sensitive questions. Data is cumulative, personal identifying information is not included.