

RFP No.
18-R067629JE
ICE VENDING MACHINE SERVICES
10/30/2017

Manatee County BCC
Procurement Division
1112 Manatee Avenue West Ste 803
Bradenton, FL 34205
purchasing@mymanatee.org



**ADVERTISEMENT
REQUEST FOR PROPOSALS
NO. 18-R067629JE
Ice Vending Machine Services**

Manatee County, a political subdivision of the State of Florida (hereinafter referred to as County) will receive proposals from individuals, corporations, partnerships, and other legal entities authorized to do business in the State of Florida (Proposers), to provide ice vending machine services, as specified in this Request for Proposals to include supplying, operating and maintaining an ice vending machine at multiple County locations.

DATE, TIME AND PLACE DUE:

The Due Date and Time for submission of Proposals in response to this RFP is **November 21, 2017 at 3:00 P.M. ET**. Proposals must be delivered to the following location: Manatee County Administration Building, 1112 Manatee Ave. W., Suite 803, Bradenton, FL 34205 prior to the Due Date and Time. Proposals will be opened immediately following the Due Date and Time at the Manatee County Administration Building, Suite 803. Interested parties are invited to attend the opening.

SOLICITATION INFORMATION CONFERENCE:

In order to ensure all prospective Proposers have sufficient information and understanding of County's needs, a non-mandatory Information Conference will be held at: 2:00 P.M. ET on November 9, 2017 at the Manatee County Procurement Division, 1112 Manatee Avenue West, Ste. 803, Bradenton, FL 34205. Attendance is not mandatory, but is strongly encouraged.

DEADLINE FOR QUESTIONS AND CLARIFICATION REQUESTS:

The deadline to submit all questions, inquiries, or requests concerning interpretation, clarification or additional information pertaining to this Request for Proposal to the Manatee County Procurement Division is **November 13, 2017 at 5:00 P.M. ET**. Questions and inquiries should be submitted via email to the Designated Procurement Contact shown below.

Important: A prohibition of lobbying is in place. Review Section A.09 carefully to avoid violation and possible sanctions.

DESIGNATED PROCUREMENT CONTACT: Jacob Erickson, Contracts Negotiator
(941) 749-3053, Fax (941) 749-3034
Email: jacob.erickson@mymanatee.org
Manatee County Financial Management Department
Procurement Division

AUTHORIZED FOR RELEASE:



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SECTION A:

INSTRUCTIONS TO PROPOSERS

To receive consideration, Proposers must meet the minimum qualification requirements and comply with the following instructions. Proposals will be accepted from a single business entity, joint venture, partnership or corporation.

A.01 PROPOSAL DUE DATE

The Due Date and Time for submission of Proposals in response to this Request for Proposals (RFP) is **November 21, 2017 at 3:00 P.M. ET**. Proposals must be delivered to the following location: Manatee County Administration Building, 1112 Manatee Ave. W., Suite 803, Bradenton, FL 34205 prior to the Due Date and Time.

Proposal(s) received after the Due Date and Time will not be considered. It will be the sole responsibility of the Proposer to deliver its proposal to the Manatee County Procurement Division for receipt on or before the Due Date and Time. If a proposal is sent by U.S. Mail, courier or other delivery services, the Proposer will be responsible for its timely delivery to the Procurement Division. Proposals delayed in delivery will not be considered, will not be opened at the public opening, and arrangements will be made for their return at the Proposer's request and expense.

A.02 PUBLIC OPENING OF PROPOSALS

Sealed proposals will be publicly opened at Manatee County Administration Procurement Division, 1112 Manatee Avenue West, 8th Floor, Suite 803, Bradenton, Florida 34205, in the presence of County officials immediately upon expiration of the Due Date and Time. Proposers or their representatives may attend the proposal opening.

Manatee County will make public at the opening the names of the business entities which submitted a proposal and city and state in which they reside. No review or analysis of the proposals will be conducted at the proposal opening.

A.03 SUBMISSION OF PROPOSALS

The contents of the proposal sealed package must include:

- One (1) bound original clearly identifying Proposer and marked "ORIGINAL".
- Three (3) bound copies clearly identifying Proposer and marked "COPY" with all required information and identical to the original.
- Two (2) electronic format copies clearly identifying Proposer.

Electronic format copies should be submitted on separate Universal Serial Bus (USB) portable flash memory drives or compact disc (CD) in MicroSoft Office® or Adobe Acrobat® portable document format (PDF) in one continuous file. Do not password protect or otherwise encrypt electronic proposal copies. Electronic copies must contain an identical proposal to the original.

Submit the proposal package in a sealed container with the following information clearly marked on the outside of the package: RFP No. 18-R067629JE, Ice Vending Machine Services, Proposer's name, and Proposer's address. Proposals must be received by the Manatee County Procurement Division prior to the Due Date and Time at the following address:

Manatee County
Procurement Division
1112 Manatee Avenue West, Suite 803
Bradenton, FL 34205

A.04 ORGANIZATION OF PROPOSALS

Proposals must be organized and arranged with tabs in the same order as listed in the subsections within Section C identifying the response to each specific item.

Proposals must clearly indicate the legal name, address and telephone number of the Proposer. Proposals must be signed by an individual authorized to make representations for the Proposer.

A.05 DISTRIBUTION OF SOLICITATION DOCUMENTS

All documents issued pursuant to this RFP are distributed electronically and available for download at no charge at www.mymanatee.org > *Bids and Proposals*. This link is located on the left side of the County website home page. Documents may be viewed and downloaded for printing using Adobe Reader® software.

At its sole discretion, the County may utilize a third-party provider, such as DemandStar by Onvia® (DemandStar) to distribute proposals. Visit the DemandStar website at www.Demandstar.com for more information regarding this service. Participation in the DemandStar system is not a requirement for doing business with Manatee County.

Additionally, the RFP and all related documents are available for public inspection at the Manatee County Procurement Division, 1112 Manatee Avenue West, Suite 803, Bradenton, FL 34205. Call (941) 749-3014 to schedule an appointment. Documents are available between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, with the exception of County holidays.

As a courtesy, Manatee County notifies the Manatee Chamber of Commerce of all active solicitations, who then distributes the information to its members.

A.06 ADDENDA

Any interpretations, corrections or changes to this RFP will be made by addendua. Addenda will be posted on the Procurement Division's web page of the County website at <http://www.mymanatee.org/purchasing> > *Bids and Proposals*. For those solicitations that are advertised on DemandStar, addenda will also be posted on the DemandStar distribution system on the 'Planholders' link.

All addenda are a part of the RFP and each Proposer will be bound by such addenda. It is the responsibility of each Proposer to read and comprehend all addenda issued. Failure of any Proposer to acknowledge an issued addendum in its Proposal will not relieve the Proposer from any obligation contained therein.

A.07 PROPOSAL EXPENSES

All costs incurred by Proposer in responding to this RFP and to participate in any interviews/presentations/demonstrations, including travel, will be the sole responsibility of the Proposer.

A.08 QUESTION AND CLARIFICATION PERIOD

Each Proposer shall examine all RFP documents and will judge all matters relating to the adequacy and accuracy of such documents. Any questions or requests concerning interpretation, clarification or additional information pertaining to this RFP shall be made in writing via email to the Manatee County Procurement Division to the Designated Procurement Contact or to purchasing@mymanatee.org. All questions received and responses given will be provided to potential proposers via an addendum to this RFP

Manatee County will not be responsible for oral interpretations given by other sources including County staff, representative, or others. The issuance of a written addendum by the Procurement Division is the only official method whereby interpretation, clarification or additional information will be given.

A.09 FALSE OR MISLEADING STATEMENTS

Proposals which contain false or misleading statements or which provide references which do not support an attribute or condition claimed by the Proposer, may be rejected. If, in the opinion of the County, such information was intended to mislead the County in its evaluation of the proposal, and the attribute, condition or capability is a requirement of this RFP. Such Proposer will be disqualified from consideration for this RFP and may be disqualified from submitting a response on future solicitation opportunities with the County.

A.10 WITHDRAWAL OR REVISION OF PROPOSALS

Proposers may withdraw proposals under the following circumstances:

- A. If Proposer discovers a mistake(s) prior to the Due Date and Time. Proposer may withdraw its proposal by submitting a written notice to the Procurement Division. The notice must be received in the Procurement Division prior to the Due Date and Time for receiving proposals. A copy of the request shall be retained and the unopened proposal returned to the Proposer; or
- B. After the proposals are opened but before a contract is signed, Proposer alleges a material mistake of fact if:
 - 1. The mistake is clearly evident in the solicitation document; or
 - 2. Proposer submits evidence which clearly and convincingly demonstrates that a mistake was made in the proposal. Request to withdraw a proposal must be in writing and approved by the Procurement Official.

A.11 JOINT VENTURES

Proposers intending to submit a proposal as a joint venture with another entity are required to have filed proper documents with the Florida Department of Business and Professional Regulation and all other State or local licensing agencies as required by Florida Statute Section 489.119, prior to the Due Date and Time.

A.12 LOBBYING

After the issuance of any solicitation or during renegotiations, prospective Proposers, or their agents, representatives or persons acting on behalf of such Proposer, shall not contact, communicate with or discuss any matter relating in any way to the solicitation with any officer, agent or employee of Manatee County other than the Procurement Official or designee. This prohibition includes copying such persons on written communication, including email correspondence. This requirement begins at the time of advertisement of the RFP and ends upon final execution of the contract or at the time the solicitation is cancelled or the renegotiation efforts are terminated. The prohibition does not apply to presentations made to the evaluation committee or at a County Commission meeting where the Commission is considering approval of a proposed contract. Violators of this prohibition will be subject to sanctions as provided in the Manatee County Code of Ordinances Section 2-26-31 and 2-26-32. Sanctions may include (a) written warning; (b) termination of contracts; and (c) debarment or suspension.

A.13 EXAMINATION OF PROPOSALS

The examination and evaluation of the proposals submitted in response to this solicitation generally requires a period of not less than ninety (90) calendar days from the Due Date and Time.

A.14 ERRORS OR OMISSIONS

Once a proposal is opened, the County will not accept any request by Proposer to correct errors or omissions in the proposal other than as identified in paragraph A.10.

A.15 DETERMINATION OF RESPONSIBLENESS AND RESPONSIVENESS

The County will conduct a due diligence review of all proposals received to determine if the Proposer is responsible and responsive.

To be responsive a Proposer must submit a proposal that conforms in all material respects to the requirements of this RFP and contains all the information, fully completed attachments and forms, and other documentation required. Proposals that are deemed non-responsive will not be considered or evaluated.

To be responsible, a Proposer must meet the minimum qualification requirements and have the capability to perform the Scope of Services contained in this RFP. Proposals submitted by Proposers that are deemed non-responsive will not be considered or evaluated.

A.16 RESERVED RIGHTS

The County reserves the right to accept or reject any and all proposals, to waive irregularities and technicalities, to request additional information and documentation, and to cancel this solicitation at any time prior to execution of the contract. In the event only one proposal is received, the County reserves the right to negotiate with the Proposer. The County reserves the right to award the contract to a responsive and responsible Proposer which in its sole determination is the best value and in the best interests of the County.

The County reserves the right to conduct an investigation as it deems necessary to determine the ability of any Proposer to perform the work or service requested. Upon request by the County, Proposer shall provide all such information to the County. Additional information may

include, but will not be limited to, current financial statements prepared in accordance with generally accepted accounting practices and certified by an independent CPA or official of Proposer; verification of availability of equipment and personnel; and past performance records.

A.17 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 contract. This solicitation process will be conducted in accordance with Manatee County Code of Ordinances, Chapter 2-26.

A.18 TAXES

Manatee County is exempt from Federal Excise and State Sales Taxes. (F.E.T. Cert. No. 59-78-0089K; Florida Sales Tax Exempt Cert. No. 85-8012622206C-6). Therefore, the Proposer is prohibited from delineating a separate line item in its proposal for any sales or service taxes.

The successful Proposer will be responsible for the payment of taxes of any kind, including but not limited to sales, consumer, use, and other similar taxes payable on account of the work performed and/or materials furnished under the award in accordance with all applicable laws and regulations.

A.19 SCRUTINIZED COMPANIES

Pursuant to Florida Statute Section 287.135, as of July 1, 2012, a company that, at the time of submitting a response for a new contract or renewal of an existing contract, is on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, created pursuant to Florida Statute Section 215.473, is ineligible for, and may not submit a response for or enter into or renew a contract with an agency or local governmental entity for goods or services of \$1 million or more.

A.20 COLLUSION

Proposer certifies that its Proposal is made without prior understanding, agreement, or connection with any other corporation, firm or person submitting a Proposal for the same materials, services, supplies, or equipment and is in all respects fair and without collusion or fraud.

Any such violation may result in contract cancellation, return of materials or discontinuation of services and the possible removal of Proposer from participation in future County solicitations for a specified period.

The County reserves the right to disqualify a Proposer during any phase of the solicitation process and terminate for cause any resulting contract upon evidence of collusion with intent to defraud on the part of the Proposer.

A.21 CODE OF ETHICS

With respect to this proposal, if any Proposer violates, directly or indirectly, the ethics provisions of the Manatee County Procurement 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 RFP, and may also be disqualified from submitting any future bids or proposals to supply goods or services to Manatee County.

A.22 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 of Laws 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, Manatee County Code of Laws requires all persons or entities desiring to contract with Manatee 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 Manatee County. Proposer is to complete Attachment "B" and submit with your proposal.

A.23 AMERICANS WITH DISABILITIES

Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of County's functions including one's access to participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation for an information conference or proposal opening should contact the person named on the cover page of this document at least twenty-four (24) hours in advance of either activity.

A.24 EQUAL EMPLOYMENT OPPORTUNITY

In accordance with Title VI of the Civil Rights Act of 1964, Title 15, Part 8 of the Code of Federal Regulations and the Civil Rights Act of 1992, Manatee County hereby notifies all Proposers that it will affirmatively ensure minority business enterprises are afforded full opportunity to participate in response to this Request For Proposal and will not be discriminated against on the grounds of race, color, national origin, religion, sex, age, handicap, or marital status in consideration of award.

A.25 MINORITY AND/OR DISADVANTAGED BUSINESS ENTERPRISE

The State of Florida Office of Supplier Diversity provides the certification process and maintains the database of certified MBE/DBE firms. Additional information may be obtained at <http://www.osd.dms.state.fl.us/iframe.htm> or by calling (850) 487-0915.

A.26 DISCLOSURE

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

Proposals become subject to disclosure thirty (30) days after the opening or if a notice of intent to award decision is made earlier than this time as provided by Florida Statutes § 119.071(1)(b). No announcement or review of the proposals shall be conducted at the public opening.

If County rejects all proposals and concurrently notices its intent to reissue the solicitation, the rejected proposals are exempt from public disclosure until such time the County provides notice of an intended decision concerning the reissued solicitation or until County withdraws the reissued solicitation. A proposal is not exempt for longer than twelve (12) months after the initial notice of rejection of all proposals.

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

- A. Keep and maintain public records required by public agency to perform the service. That information and data it manages as part of the services may be public record in accordance with Chapter 119, Florida Statutes and Manatee County public record policies. Proposer agrees, prior to providing goods/services, it will implement policies and procedures, which are subject to approval by County, to maintain, produce, secure, and retain public records in accordance with applicable laws, regulations, and County policies including but not limited to Section 119.0701, Florida Statutes.
- B. Upon request from the public agency's custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Florida Statutes, 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 for the duration of the contract term and following completion of the contract if the successful Proposer does not transfer the records to the public agency.
- D. Upon completion of the contract, transfer, at no cost, to the public agency all public records in possession of contractor or keep and maintain public records required by the public agency to perform the service. If the successful Proposer transfers all public records to County upon completion of the contract, the successful Proposer shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the successful Proposer keeps and maintains public records upon completion of the contract, the successful Proposer shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to County, upon request from County's custodian of public records, in a format that is compatible with the information technology systems of County.

IF THE SUCCESSFUL PROPOSER HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO ANY RESULTING CONTRACT, CONTACT COUNTY'S CUSTODIAN OF PUBLIC RECORDS AT: (941) 742-5845, DEBBIE.SCACCIANOCE@MYMANATEE.ORG, ATTN: RECORDS MANAGER, 1112 MANATEE AVENUE WEST, BRADENTON, FL 34205.

A.27 TRADE SECRETS

Manatee County is subject to Chapter 119, Florida Statutes. Therefore, all documents, materials, and data submitted as part of a Proposal in response to a Request for Proposal are governed by the disclosure, exemption and confidentiality provisions relating to public records in Florida Statutes.

Except for materials that are 'trade secrets' as defined by Chapter 812, Florida Statutes, ownership of all documents, materials and data submitted as part of a Proposal in response to the Request for Proposal shall belong exclusively to County.

To the extent that Proposer desires to maintain the confidentiality of materials that constitute trade secrets pursuant to Florida law, trade secret material submitted must be segregated from the portions of the Proposal that are not declared as trade secret. In addition, Proposer shall cite, for each trade secret claimed, the Florida Statute number which supports the designation. Further, Proposer shall offer a brief written explanation as to why the cited Statute is applicable to the information claimed as trade secret. Additionally, Proposer shall provide a hard copy of its Proposal that redacts all information designated as trade secret.

In conjunction with trade secret designation, Proposer acknowledges and agrees that:

- A. Trade secret requests made after the opening will not be considered. However, County reserves the right to clarify the Proposers request for trade secret at any time; and
- B. County and its officials, employees, agents, and representatives are hereby granted full rights to access, view, consider, and discuss the information designated as trade secret throughout the evaluation process and until final execution of any awarded purchase order or contract; and
- C. That after notice from County that a public records request has been made pursuant to Proposer's proposal, the Proposer at its sole expense, shall be responsible for defending its determination that submitted material is a trade secret and is not subject to disclosure. Action by Proposer in response to notice from the County shall be taken immediately, but no later than 10 calendar days from the date of notification or Proposer will be deemed to have waived the trade secret designation of the materials.

Notwithstanding any other provision in this solicitation, designation of the entire proposal as 'trade secret', 'proprietary', or 'confidential' is not permitted and may result in a determination that the Proposal is non-responsive.

A.28 CONFIDENTIALITY OF SECURITY RELATED RECORDS

- A. Pursuant to Florida Statutes § 119.071(3), the following records (hereinafter referred to collectively as “the Confidential Security Records”) are confidential and exempt from the disclosure requirements of Florida Statutes § 119.07(1):
1. A Security System Plan or portion thereof for any property owned by or leased to County or any privately owned or leased property held by County.
 2. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by County.
 3. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout or structural elements of an attractions and recreation facility, entertainment or resort complex, industrial complex, retail and service development, office development, or hotel or motel development in the possession of, submitted to County.
- B. Successful Proposer agrees that, as provided by Florida Statute, it shall not, as a result of a public records request, or for other reason disclose the contents of, or release or provide copies of the Confidential Security Records to any other party absent the express written authorization of County’s Property Management Director or to comply with a court order requiring such release or disclosure. To the extent successful Proposer receives a request for such records, it shall immediately contact the County’s designated Contract administrator who shall coordinate County’s response to the request.

A.29 E-VERIFY

Prior to the employment of any person under this contract, the successful Proposer shall utilize the U.S. Department of Homeland Security’s E-Verify system to verify the employment eligibility of (a) all persons employed during the contract term by the successful Proposer to perform employment duties within Florida and (b) all persons, including subcontractors, assigned by the successful Proposer to perform work pursuant to the contract with Manatee County. For more information on this process, please refer to United States Citizenship and Immigration Service site at: <http://www.uscis.gov/>.

Only those individuals determined eligible to work in the United States shall be employed under this contract.

By submission of a proposal in response to this RFP, the successful Proposer commits that all employees and subcontractors will undergo e-verification before placement on this contract.

The successful Proposer shall maintain sole responsibility for the actions of its employees and subcontractors. For the life of the contract, all employees and new employees brought in after contract award shall be verified under the same requirement stated above.

A.27 SOLICITATION SCHEDULE

The following schedule has been established for this Solicitation process. Refer to the County's website (www.mymanatee.org > Online Services > *Bids & Proposals*) for meeting locations and updated information pertaining to any revisions to this schedule.

Scheduled Item	Scheduled Date
Non-Mandatory Solicitation Information Conference at Manatee County Administration Building, Procurement Conference Room, Suite 803, 1112 Manatee Avenue West, Bradenton, FL 34205	November 9, 2017 at 2:00 P.M.
Question and Clarification Deadline	November 13, 2017 at 5:00 P.M.
Final Addendum Posted	November 15, 2017
Proposal Response Due Date and Time	November 21, 2017, no later than 3:00 p.m.
Technical Evaluation Meeting	December 11, 2017

END SECTION A

SECTION B: **SCOPE OF SERVICES**

B.01 Definitions:

- A. "Ice" means food intended for human consumption that is formed from drinking water by freezing to a solid state.
- B. "Vending machine" means a self-service machine that acts as a stand-alone packaged ice plant and packaged ice dealer with no continual on-site personnel.
- C. "Packaged ice" means ice that is enclosed in a container and is offered for sale for human consumption.
- D. "Packaged ice dealer" means any business establishment that sells or offers to sell packaged ice at retail for human consumption, and includes an operator of an ice vending machine.
- E. "Packaged ice plant" means any facility or part of a facility in which packaged ice is manufactured or processed, including an ice vending machine.

B.02 Purpose

Manatee County is seeking proposals from Proposers to supply, operate, maintain and provide an Ice Vending Machine for multiple County locations.

B.03 Background

Manatee County is a full-service local government located adjacent to the Manatee River on the West Coast of Florida. It is a growing, urbanizing community serving an estimated population of 350,000. The County Parks & Natural Resources Department offers nationally recognized programs, parks and facilities and maintains and manages 42 active recreation parks, eight (8) boat ramps and over 30,000 acres of preserve lands and coastal resources that provide opportunities for exercise and passive recreation, social interaction, learning, growth and relaxation.

B.04 Retained Rights and Responsibilities

Manatee County will retain the following rights and responsibilities:

- A. The County reserves the right to negotiate and approve the type/model of equipment to be installed.
- B. The right to correct deficiencies and charge the cost to the Proposer at cost plus 30% in the event vending equipment is not properly maintained by the Proposer.
- C. The County shall have the final say on the suitability of all equipment.
- D. The right to inspect ice vending facilities

- E. If the Proposer has not previously performed the services proposed to the county, the County reserves the right to require a test period to determine if the Proposer can perform in accordance with the requirements of the contract, and to the County's satisfaction. Such test period can be from thirty to ninety days, and will be conducted under all specifications, terms and conditions contained in the contract. This trial period will then become part of the initial contract period. A performance evaluation will be conducted prior to the end of the test period and that evaluation will be the basis for the County's decision to continue with the Proposer or to select another Proposer (if applicable).
- F. The County shall grant the Proposer exclusive rights to operate the ice vending service during the term of the contract and will not permit any similar services to be operated by other entities at the designated locations without notification to the Proposer. The Owner reserves the right to exempt itself from this requirement for special events that are sponsored by the Owner.
- G. The Owner shall review and approve any plan for modifications, physical improvements, signage, or additional fixtures to the vending area that are desired by the Proposer prior to implementation.

B.05 Cash Handling Procedures

Refund Policy: The County requires that each Proposer submit its refund policy in writing. The awarded Proposer shall have a refund website/email address and/or or phone number posted on the machines, where patrons can request a refund rather than contacting County staff. The machine must be labeled, identifying the appropriate point of contact for refunds. Label must include location of the refund office.

B.06 Technical Requirements

Successful Proposer shall meet the following requirements:

- A. Ice shall be manufactured, processed, and packaged using methods that preclude contamination of the ice.
- B. Air used for water agitation shall be filtered or otherwise treated to render it free of oil, dust, dirt, insects, and extraneous material.
- C. Only potable water or water received from a public water system or from a nonpublic system that meets state drinking water quality standards, including any applicable sampling and testing requirements, may be used to manufacture ice that is intended for human consumption. Water from a public water system shall comply with (i) the provisions of the National Primary Drinking Water Regulations set forth in 40 C.F.R. Part 141 and (ii) any drinking water quality standards established by the State of Florida.
- D. Successful Proposer shall comply with the following requirements:
 - 1. The facility in which the ice vending machine is operated shall meet all applicable building, plumbing, electrical, and fire code requirements; including registration and licensing through the Florida Department of Agriculture and Consumer Services.
 - 2. The floors, walls, and ceiling of the facility shall be smooth, nonabsorbent, easily cleanable, and kept clean and free of vermin, mold and other contaminants;

3. Potable water provided at the facility shall be from an approved source;
 4. The ice vending machine shall drain adequately by a floor drain or other system that does not permit water to pool inside the machine;
 5. An adequate system shall be maintained for disposing of wastewater and chemicals used to clean the facility's floor; to wash, rinse, and sanitize the ice machine's ice bin; to clean dispensing devices; and for handwashing and similar purposes. All wastewater shall be drained to a wastewater disposal system approved by the County;
 6. The ice machine shall provide an RP backflow prevention device on the supply side of the unit water filter as required generally pursuant to applicable law for facilities at which food is prepared or sold.
 7. Surfaces of the ice machine that are intended to come in contact with ice or water used to produce ice shall be (i) smooth, nonabsorbent, safe, durable, easily cleanable, and kept clean; (ii) made of corrosion-resistant material; (iii) free of lubricants, gears, bearings, and welds that are not of food grade; (iv) able to withstand repeated washing, rinsing, and sanitizing; and (v) comply with the requirements of the 2013 Food Code issued by the U.S. Food and Drug Administration regarding the protection of delivery tubes, chutes, and orifices used in dispensing self-service bulk ice;
 8. Surfaces of the ice machine that are not intended to come in contact with ice or water used to produce ice shall be constructed of corrosion-resistant, nonabsorbent, easily cleanable and smooth material if exposed to splash, spray, or condensate;
- E. As required by the Florida Department of Agriculture and Consumer Services, the successful Proposer shall conduct microbiological analysis on a sample of each type of finished product sold at the ice vending machine and provides proof of negative results from the analysis conducted within the preceding 30 days with respect to the finished product to be sold at the ice vending machine location. Successful Proposer shall maintain records of such analyses and make the records available to the County and the regulation authority when received, upon request and as required.

B.07 Equipment Requirements – Vending

- A. Successful Proposer shall be solely responsible for providing all necessary equipment (e.g., vending equipment, bill changers) at no cost to the County.
- B. All equipment provided must be new condition. During the course the initial contract or renewal, the Proposer shall maintain the equipment.
- C. Successful Proposer shall have the sole responsibility of stocking, securing, servicing, and maintaining the equipment. All vending machines provided shall accept coins, bills and credit/debit cards. All vending machines shall remain the sole property/responsibility of the successful Proposers. All machines and bill changers shall accept \$1 and \$5 bills.

- D. Vending machines must have non-reset cash meters for reporting sales and accept cashless vending, such as debit cards and/or credit card readers.
- E. All electrically operated vending machines furnished hereunder shall be equipped to provide thermal overload protection. In addition, all machines furnished hereunder shall be equipped with all necessary safety devices which shall be maintained in an operating condition at all times, and shall be listed by the Underwriters' Laboratories, Inc. All product vending machines furnished hereunder must be approved by the National Sanitation Foundation and the National Automatic Merchandising Association.
- F. Proposer shall, at its expense, furnish, install, stock and maintain commercial grade, automatic vending machines in locations designated in Appendix A – Ice Vending Machine Locations for the purpose of selling ice in unattended areas located within Manatee County. These services shall be provided 24 hours per day, 365 days per year.
- G. Decals in a form acceptable to Manatee County shall be affixed to all vending machines providing refund, service request, unit number and comment information.
- H. All instances of damage, theft and/or vandalism shall be reported to the County representative or alternate designee within 24 hours of the incident. The County shall not be responsible for any damages, theft or disappearance from break-in, burglary, or power failure due to hurricane, electrical storm, or any act of God. The Proposer shall be responsible for all slugs (counterfeit monies) and cash shortages.
- I. The successful Proposer must initiate a preventative maintenance program to minimize breakdown. Machines will be maintained on a regular schedule for painting and refurbishing as Proposer deems necessary or sooner if requested by the County representative. The successful Proposer is required to perform emergency service to all machines within 24 hours of notification.
- J. The vending machine as described are to remain the sole property of successful Proposer, and the Proposer shall be financially responsible for obtaining and properly displaying all required insurance permits, licenses and bonding to comply with pertinent health, local board, regulations and municipal, state and federal laws. Further, the successful Proposer shall assume liability for all applicable taxes, including but not restricted to sales, property, and beverages. The County shall not be responsible for paying fees, taxes or other charges of any kind outside the scope of this contract.
- K. Successful Proposer shall be solely responsible to provide a copy of their respective business licenses as required for the vending operations described herein. Copies of any required licenses shall be provided to Manatee County annually.
- L. Vending machines, at the time of installation, shall be new with no dents, scratches, broken or damaged exterior components. Manatee County retains the right to refuse vending machines for any reason.
- M. Installed vending machines must be of an energy efficient design, have industry standard safety features, a positive vend sensor and be UL listed.

- N. All vending machines shall be equipped with, at a minimum, dollar validators and coin operated mechanisms. Vending machines that also offers credit card payment options is preferred.
- O. Proposer will provide proper decal or signage on the machine that contains contact information to patrons if issues arise or refunds are needed due to vending machine malfunction. The County is not responsible to provide vending machine customer refunds.
- P. Successful Proposer shall coordinate with the County staff to appropriately schedule the installation of equipment to accommodate scheduling and any transitional requirements. Installation of the unit must be per manufacturer standards and in accordance with the Florida Building Code.
- Q. Successful Proposer is responsible to obtain all applicable permits required for the operation of the vending machines.
- R. Successful Proposer shall provide a clean bacterial report conducted by the to the County for review and acceptance prior to starting operation of the service.
- S. Successful Proposer shall provide a reduced pressure backflow device on the supply side of the unit water filter as required generally pursuant to applicable law for facilities at which food is prepared or sold.
- T. Successful Proposer shall be responsible for all utility connections; not limited to electrical and plumbing, and must be flood-proofed up to the level of two (2) feet above the flood elevation.
- U. Successful Proposer shall ensure the vending machine is anchored to the ground per FEMA regulations.
- V. The County shall pay all utility bills and provide use of and access to a dumpster for disposal of trash and recyclable materials and be reimbursed by the successful Proposer, through a fee to be negotiated.
- W. Successful Proposer shall be solely responsible for the immediate removal from the County premises of any debris, packaging cartons, etc., resulting from the initial installation process as well as from subsequent repair/replacement processes of installed equipment. Successful Proposer shall also be responsible for pre-cleaning, as necessary, any areas designated for installation.

B.08 Reporting Requirements

Upon award of the contract, the County may require the successful Proposer to supply a surety deposit. This deposit shall be held by the County to guarantee performance of the contract. This deposit will be returned to the Proposer, without interest, at the end of the contract term or any renewal, upon the receipt of a satisfactory final audit. At the sole discretion of the County, any damages, outstanding fees or charges involving the Proposer may be deducted from the surety deposit.

The successful Proposer shall collect, account and maintain complete and accurate records of all monies generated from the vending operations. Counters shall be provided in each machine for audit purposes. The County reserves the right to randomly audit machines for verification of sales figures.

The successful Proposer shall retain all books, records, and other documents relative to this contract for five (5) years after final payment, or until audited by Manatee County, whichever is sooner. The agency, its authorized agents, and/or State auditors shall have full access to and the right to examine any of said materials during said period.

Proposer, during the course of the contract shall provide:

- A. A monthly summary, by machine, of gross revenues due by the 10th day of the month following the month in which the revenue was realized. This should be separated by cash, and debit/credit card.
- B. Commission checks that directly correspond to the revenue reported listed above. Commission checks are also due by the 10th day of the month following the month in which the revenue was realized.
- C. An annual company financial statement completed by a County-approved independent audit firm, showing overall company revenues and expenses, as well as specific Manatee County account revenue and expense statements.

B.09 Service Requirements

- A. The vending machine shall be pulled out and cleaned behind and under at least two (2) times per year, or within 48 hours of a request for maintenance or cleaning from the County
- B. All services and vending machines must comply with the regulations of the Health Department and/or such other governmental agencies having authority in this area.
- C. The successful Proposer shall conduct its vending machine operations in an orderly manner so as not to disturb, annoy, or be offensive to customers, patrons, or other tenants in the building where the vending machine is located. This includes all external lighting, which must comply with the Manatee County Lighting Ordinance.
- D. Successful Proposer shall clean/sanitize and maintain installed vending machines, changers, vending card readers and related components in good working order and shall be solely responsible for the expert maintenance and repair of equipment. Proposer shall furnish, at its own expense, a mechanic to service installed equipment, vending card readers and related components. Service requests shall be available 24 hours / 7 days a week and repairs shall be made within 24 hours of service call.

B.10 Management Requirements

- A. Successful Proposer shall have a route supervisor or marketing representative conduct on site visits/inspections at least monthly for quality assurance purposes. Successful Proposer shall designate a management representative to be the County point of contact. This representative shall schedule a bi-annual visit with the County to review revenue performance and goals.
- B. Successful Proposer shall provide managerial and administrative supervision and oversight of its vending machines and its operation.

- C. Employees of the Proposer shall abide by applicable County policies and procedures while on County property.
- D. Successful Proposer shall generate and submit a quarterly report with results of the monthly inspections to outline the findings, repairs and maintenance efforts and forwarded to the County for review
- E. Any addition, substitution, removal or relocation of the vending machine or any peripheral equipment shall not be undertaken by Proposer without prior written approval of the County.
- F. Proposer shall bear any and all losses sustained due to the theft of monies, products and/or damage to its equipment while housed at the County locations.
- G. Proposer shall not use the name or any logos of Manatee County in connection with any activities not covered by this RFP, or in any marketing or promotional activity, without the prior written consent of the County. Proposer advertising for services, discounts, or special deals rendered at locations other than the County locations are prohibited.

B.11 General Financial Requirements

The commission paid to Manatee County monthly shall be a negotiated amount per bag sold. Commission payments are due monthly and must be paid by the 10th day of the month. The County retains the right to negotiate the guaranteed amount initially prior to contract award and annually with the successful Proposer, at time of contract renewal.

B.12 Pricing

Proposer shall propose price that product shall vend at for one (1) full contract year. Any request for price increases shall be forwarded to the County representative at least 60 days in advance of contract renewal for review and consideration. Requests for price changes must be justified and will not typically be considered except for implementation on the anniversary of the contract.

B.13 Termination

Manatee County may terminate the agreement immediately without prejudice to any right of action or remedy if the successful Proposer, after 5 days written notice, fails to:

- A. Make commission payments when payments are more than thirty days overdue;
- B. Maintain the highest daily standards of sanitation;
- C. Provide adequate personnel to provide efficient service;
- D. Provide proper maintenance of vending machines;
- E. Keep vending machines adequately stocked with fresh product;

F. Maintain the required insurance, or;

G. In any other manner perform the requirements of the Contract Documents:

B.14 Removal of Service Provider

Successful Proposer's vending equipment placed on County property shall be removed within 10 calendar days after expiration of the Agreement. In the event of early termination, successful Proposer shall remove its vending equipment within five business days, exclusive of Saturdays, Sundays and holidays, after written notification of termination of the Agreement has been served to the successful Proposer to remove its property.

END SECTION B

SECTION C:

PROPOSAL RESPONSE

This section identifies specific information which must be contained within the proposal and the order in which such information should be organized. The information each Proposer provides will be used to determine those proposers with the background, experience and capacity to perform the scope of services as stated in this RFP and which proposal best meets the overall needs of the County. For more information on the evaluation process, refer to Section D – Evaluation of Proposals.

C.01 INFORMATION TO BE SUBMITTED

The contents of each proposal will be organized and arranged with tabs in the same order as listed below and with the same TAB numbers. The Proposal should contain sufficient detail to permit the County to conduct a meaningful evaluation. However, overly elaborate responses are not requested or desired.

C.02 PROPOSAL FORMAT

A. TAB 1 – INTRODUCTION

Include the following in Tab 1 of the Proposal:

1. A cover page that identifies Proposer, the RFP by title and the RFP number.
2. An introductory letter / statement that describes your proposal in summary form (limit two (2) pages).
3. A table of contents.

B. TAB 2 – MINIMUM QUALIFICATION REQUIREMENTS

In Tab 2, submit the information and documentation requested that confirms Proposer meets the following minimum qualification requirement(s):

1. Must be registered with the State of Florida, Division of Corporations to do business in Florida.

No documentation is required. County will verify registration.

2. Proposer must possess current occupational/business license to perform the services issued by Manatee County.

Provide a copy of occupational license issued by Manatee County to perform the services.

3. The Proposer shall clearly demonstrate experience in providing ice vending machine services for at least three (3) governmental agencies. Provide the following information for the three (3) qualifying clients:
 - a. Name of Governmental Agency

- b. Location (City/State)
 - c. Client contact name
 - d. Contact phone number
 - e. Contact email
 - f. Service Dates (Start/End)
 - g. Brief description of services provided
4. Proposer is NOT listed on the Florida State Board of Administration, Scrutinized List of Prohibited Companies found at the SBAFLA website at <http://www.sbafla.com/fsb/FundsWeManage/FRSPensionPlan/PFIA/tabid/1478/ItemId/3354/Default.aspx>

No documentation is required. County will verify.

5. If Proposer is submitting as a joint venture, the required documents must be filed with the Florida Department of Business and Professional Regulation as required by Florida Statute Section 489.119, prior to the Due Date and Time.

If Proposer is a joint venture, provide a copy of Proposer's approved filing with the Florida Department of Business and Professional Regulation. If Proposer is not a joint venture, provide a statement to that effect.

6. Proposer has no reported conflict of interests in relation to this RFP.

Disclose the name of any officer, director and agent who is also an employee of the County. Disclose the name of any County employee who owns, directly or indirectly, any interest in the Proposer's firm or any of its branches. If no conflict of interests are present, Proposer must submit a statement to that effect.

C. TAB 3 – FORMS

Provide the completed and executed Attachments included in this RFP in Tab 3.

- 1. Attachment A – Acknowledgment of Addenda
- 2. Attachment B – Proposal Signature Form
- 3. Attachment C – Public Contracting and Environmental Crimes Certification

D. TAB 4 – PROJECT APPROACH

Provide Proposer's project approach to include the following:

- 1. A narrative of the project approach and how this approach meets Manatee County objectives.
- 2. A narrative of the proposed approach and methodology for engaging with County representatives and public in-the-course of performing the duties.
- 3. An explanation of the company's technical ability to implement and perform all facets of the scope of services defined in Section B: Scope of Services. If one or more

proposer is jointly filing a proposal, details must be provided to clearly demonstrate individual roles and responsibilities.

4. Details of the installation plan and schedule.
5. Provide details of Proposer's procedures for handling, depositing, and reporting revenues.
6. Proposer shall explain their methodologies and procedures for providing excellent customer service in conjunction with customer resolutions to issues such as refunds.
7. Proposer's Risk Management Plan that includes a list of risks related to the provision of services, the potential consequences or impact of each (e.g., cost, schedule, technical) and Proposer's proposed mitigation procedures for each item.
8. The County is deeply committed to respecting the environment. Include a detailed description of the Proposer's safety plan to mediate any potential environmental impact during installation and on-site operations.

E. TAB 5 – PROPOSER AND TEAM'S EXPERIENCE

In Tab 5, provide details of Proposer and its team's experience to include the following:

1. Provide a summary of Proposer's background, size and years in business.
2. Provide Proposer's years of experience in ice vending machine services.
3. Describe Proposer's experience in ice vending machine services for other clients (both public and private sector) particularly those within Florida.
4. Identify each the key personnel who will be interacting with Manatee County. Do not include personnel that will not have a key role in providing services. Describe each person's respective area of experience.

For each identified person, provide a personal resume which includes qualifications, training and experience. Resumes shall also include the following information:

- i. Full name and title
 - ii. Professional credentials (if any)
 - iii. Individual's intended role and duties in providing services pursuant to this Request for Proposal
5. Identify any proposed sub-contractors to accomplish the work. Include the company name, the name of the individual(s) to be assigned, and an overview of their experience and qualifications related to ice vending machine services.
 6. Provide a minimum of three client references for services, similar in scope as defined in this RFP, who are agreeable to responding to an inquiry by the County. References should include the following information:

- a. Client name
- b. Client address
- c. Client contact name
- d. Client contact phone and fax numbers
- e. Client contact email address
- f. Brief description of all services provided (1-2 sentences)
- g. Performance period (start/end dates)
- h. Total dollar value of contract

F. TAB 6 – CAPABILITIES AND SUSTAINABILITY

1. Proposer shall provide a narrative overview of the capabilities and sustainability of the ice vending machines. Narrative shall include suitability of product and services and compliance with regulatory requirements among other key defining features.
2. Proposer shall provide a comprehensive schedule of preventative maintenance to be followed during the term of the awarded agreement by which mechanical disruptions to vending efficiency shall be kept to a minimum. The Proposer's policy on spare parts inventory should be included as well.
3. Proposer shall fully describe their systems for insuring safe and proper cash handling. The procedures, checks and balances and transportation methods from vending machine through cash deposit should be described. Proposer should also describe their systems for reconciling and auditing cash sales per machine with collections and sales reports.
4. Proposer shall provide a detailed project schedule for managing the various on-going preventative maintenance tasks as well as other tasks identified in Section B: Scope of Services.
5. Proposer shall provide illustrated brochures indicating the type and model of vending machine proposed.
6. Provide an explanation of the proposer's legal capacity to perform all facets of the scope of services. Include a brief description of corporate or other structure and governance, and detail the legal capabilities of proposer relevant to performing the scope of services.
7. Provide information concerning any prior or pending litigation, either civil or criminal, involving a governmental agency or which may affect the performance of the services to be rendered herein, in which proposer, any of its partners, employees or subcontractors, is or has been involved.
8. Provide an explanation of the proposer's financial capacity to perform all parts of the scope of services.
9. Provide authorization for a Manatee County auditor and/or financial analyst to have access to financial records, including all records prepared by an independent firm, or

the financial records of other entities for which proposer has an ownership interest. Such access will occur at the primary location of the proposer, or such other location as may be agreed, for the purposes of verifying financial representations, and/or to review and assess the historical and current financial capacity of proposer's business entity and its expected ability to meet ongoing financial obligations as proposed to Manatee County.

Manatee County's auditor and/or financial analysts will report their findings in a summary report to the Manatee County Procurement Official, which will be placed in the proposal files for subsequent use and review.

10. 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 Request for Proposal. This ownership disclosure will 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.

H. **TAB 7 – LOCAL OFFICE**

Identify the office location which will be primarily responsible for this proposed project and the office location of the staff that will be assigned to this proposed project if different. If proposed, describe detail plans, policies and goals (as a percentage) which ensure County citizens receive consideration for employment and suppliers located within the County will be used to obtain goods and services needed to perform the scope of services.

I. **TAB 8 – PROPOSED COMMISSION STRUCTURE**

Proposer shall propose a payment structure that includes rent and commission to be paid to the County. Include projections of anticipated net revenues for each location listed in Attachment A and the proposed customer price that product will vend for the period of the first 12 months of the contract. Provide supporting documentation and/or justification of how those revenue and customer price numbers were determined.

END SECTION C

SECTION D:

EVALUATION OF PROPOSALS

D.01 EVALUATION

Evaluation of proposals will be conducted by an evaluation committee. Each evaluation committee member will evaluate, score and rank the proposals for each of the evaluation criteria. The committee may final rank Proposals without conducting interviews, presentations, and/or demonstrations with Proposers. Therefore, each Proposer must ensure that its proposal contains all of the information requested in this RFP and reflects Proposer's best offer.

The committee will consider all information submitted by each responsible and responsive Proposer, clarification information provided by Proposer, information obtained during the interview/presentation/demonstration, feedback received from Proposer's references, and any other relevant information received during any investigation of Proposer, to ascertain the ability of the Proposer(s) to perform the scope of services as stated in this RFP.

D.02 EVALUATION CRITERIA

The following evaluation criteria have been established for this RFP.

Criteria	Maximum Points
Project Approach	35
Proposer and Team's Experience	25
Capabilities and Sustainability	30
Local Office	5
Proposed Commission Structure	5

D.03 CLARIFICATIONS/INTERVIEWS /PRESENTATIONS/ DEMONSTRATIONS

As part of the evaluation process the evaluation committee may request additional information or clarification from Proposers for the purpose of further evaluation of (a) conformance to the solicitation requirements, (b) the abilities of the Proposer, and (c) understanding of the proposal submitted. Additional information and/or clarification must be submitted by Proposer within the requested time-period.

Additionally, interviews, presentations and/or demonstrations may be conducted with Proposers as part of the evaluation process. If conducted, the evaluation committee will make a determination of those proposals that are deemed by the committee as having a reasonable probability of being selected for award. The Proposers for this 'short-list' of proposals will be invited to meet with the committee. Proposers should make arrangements to attend the interviews, presentations and/or demonstrations if invited. The interviews, presentations and/or demonstrations are closed to the public to the extent permitted by law.

The evaluation committee may final rank proposals without conducting clarifications, interviews, presentations and/or demonstrations. Therefore, each Proposer must ensure that its proposal contains all the information requested.

D.04 BEST AND FINAL OFFER (BAFO)

The County may request a BAFO if additional information or modified proposals are necessary for the evaluation committee to complete its evaluation and ranking. The information received from the BAFO will be used by the evaluation committee to re-evaluate and re-rank the Proposers.

D.05 RANKING OF PROPOSALS

The evaluation committee will determine from the responses to this RFP and subsequent investigation as necessary, the Proposer(s) whose proposal(s) best meet the County's requirements and recommend the County enter into negotiations for an agreement.

In its review, the evaluation committee may take some or all of the following actions:

- a. Review all responses pursuant to the evaluation factors stated herein,
- b. Short list proposers to be further considered in oral interview/presentation/product demonstrations,
- c. Recommend commencement of negotiations to County Administrator,
- d. Reject all proposals received and cancel the Request for Proposal,
- e. Receive written clarification of proposal.

D.06 RECOMMENDATION FOR NEGOTIATION

The evaluation committee will make a recommendation as to the Proposer which the County should enter into negotiations, if any. Upon approval, the successful Proposer will be invited to enter negotiations led by the County Procurement Division.

The County will notice the Intent to Negotiate, in the same manner the original Request for Proposals document was noticed prior to commencing negotiations.

D.07 RECOMMENDATION FOR AWARD

Upon successful completion of negotiations, a recommendation for award to the successful Proposer(s) will be presented for approval per County ordinances, policies and procedures.

END SECTION D

SECTION E:

NEGOTIATION OF THE AGREEMENT

E.01 GENERAL

- 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 Manatee 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 during the solicitation process become the property of Manatee County upon termination or completion of the engagement.
- d. To indemnify and hold County, and its officials, employees, agents and representatives harmless from any actions, damages (including attorney's fees and costs), or claims arising from or related to the designation of trade secrets by the Proposer, including actions or claims arising from County's non-disclosure of the trade secret materials.

E.02 AGREEMENT

The selected proposer(s) will be required to negotiate a contract in a form and with provisions acceptable to the County. Negotiated contracts may or may not include all elements of this RFP or the resulting successful proposal where alternatives provide best value, are desirable to the County, and the parties agree to such terms.

E.03 AWARD

County may not make award to a proposer who is delinquent in payment of any taxes, fees, fines, contractual debts, judgments, or any other debts due and owed to County, or is in default on any contractual or regulatory obligation to County. By submitting this solicitation response, proposer attests that it is not delinquent in payment of any such debts due and owed to County, nor is it in default on any contractual or regulatory obligation to County. In the event the proposer's statement is discovered to be false, proposer will be subject to suspension and/or debarment and County may terminate any contract it has with proposer.

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

The parties will negotiate the terms and conditions of the agreement, which may or may not include renewal, assignment, termination, insurance, auditing or any other relevant contractual term and the circumstances in which it may be renewed, assigned or terminated.

END SECTION E

**ATTACHMENT A
ACKNOWLEDGEMENT OF ADDENDA
REQUEST FOR PROPOSAL 18-R067629JE**

The undersigned acknowledges receipt of the following addenda:

Addendum No. _____	Date Received: _____
Addendum No. _____	Date Received: _____
Addendum No. _____	Date Received: _____
Addendum No. _____	Date Received: _____
Addendum No. _____	Date Received: _____
Addendum No. _____	Date Received: _____
Addendum No. _____	Date Received: _____
Addendum No. _____	Date Received: _____

Print or type Proposer's information below:

_____ Name of Proposer	_____ Telephone Number	
_____ Street Address	_____ City/State/Zip	
_____ Email Address	_____ Website Address	
_____ Print Name & Title of Authorized Officer	_____ Signature of Authorized Official	_____ Date

ATTACHMENT B
PROPOSAL SIGNATURE FORM
REQUEST FOR PROPOSAL 18-R067629JE

The undersigned represents that:

- (1) by signing the proposal, that he/she has the authority and approval of the legal entity purporting to submit the proposal and any additional documentation which may be required such as the Joint Venture Agreement or Joint Venture Affidavit, if applicable;
- (2) all facts and responses set forth in the proposal are true and correct;
- (3) if the Proposer is selected by County to negotiate an agreement, that Proposer's negotiators will negotiate in good faith to establish an agreement to provide the services described in the Scope of Services of this RFP;
- (4) by submitting a proposal and signing below, the Proposer agrees to all terms and conditions in this RFP, which incorporates all addenda, appendices, exhibits, and attachments, in its entirety, and is prepared to sign the Contract as written. The Respondent understands that if it submits exceptions to the Contract in its Response, the Respondent's Response may be determined non-responsive; and
- (5) the Proposer, which includes all companies included in a partnership or joint venture, is not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List.

Print or type proposer's information below:

_____ Name of Proposer	_____ Telephone Number
_____ Street Address	_____ City/State/Zip
_____ Email Address	_____ Web Address
_____ Print Name & Title of Authorized Officer	_____ Signature of Authorized Officer Date

ATTACHMENT C
PUBLIC CONTRACTING AND ENVIRONMENTAL CRIMES CERTIFICATION

SWORN STATEMENT PURSUANT TO SECTION 2-26 ARTICLE V,
MANATEE COUNTY PROCUREMENT 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 Manatee County 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 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 proposers or prospective proposers 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 Manatee County's Purchasing Official. Upon presentation of such satisfactory proof, the person or entity shall be allowed to contract with Manatee County.

I UNDERSTAND THAT ANY CONTRACT OR BUSINESS TRANSACTION SHALL PROVIDE FOR SUSPENSION OF PAYMENTS, OR TERMINATION, OR BOTH, IF THE PROCUREMENT DIVISION 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 _____, 201____ by_____.

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

_____ My commission expires _____ . _____ Notary
Public Signature

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

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

Appendix A:
Ice Vending Machine Locations

Boat Ramps	Parks
South Coquina Beach South Gulf Drive Bradenton Beach, FL 34217	Buffalo Creek Park 7550 69 th Street East Palmetto, FL 34219
North Coquina Beach South Gulf Drive Bradenton Beach, FL 34217	Lakewood Ranch Park 5350 Lakewood Ranch Boulevard Bradenton, FL 34211
Fort Hamer Public Boat Ramp 2763 Fort Hamer Road Bradenton, FL 34222	Braden River Park 5201 51 st Street East Bradenton, FL 34203
Kingfish Public Boat Ramp 3020 Manatee Avenue East Holmes Beach, FL 34217	Blackstone Park 2112 14 th Avenue West Palmetto, FL 34221
Warner's Bayou Public Boat Ramp 5800 Riverview Boulevard Bradenton, FL 34209	G.T. Bray Park 5502 33 rd Avenue Drive West Bradenton, FL 34209
Warner's Bayou Kayak Launch 5800 Riverview Boulevard Bradenton, FL 34209	