

REQUEST FOR PROPOSAL #12-1150FL SUBSTANCE ABUSE TESTING SERVICES

Manatee County, a political subdivision of the State of Florida (hereinafter "Manatee County" or the "County") will receive proposals from individuals, corporations, partnerships, and other legal entities authorized to do business in the State of Florida, for the purpose of providing Substance Abuse Testing Services.

DEADLINE FOR CLARIFICATION REQUESTS: **May 4, 2012 at 5:00 PM** shall be the deadline to submit all inquiries, suggestions, or requests concerning interpretation, clarification or additional information pertaining to this Request For Proposals to the Manatee County Purchasing Office. This deadline has been established to maintain fair treatment for all potential bidders or proposers, while ensuring an expeditious transition to a final agreement.

TIME AND DATE DUE: Proposals will be received until **May 23, 2012 at 4:00 P.M.** at which time they will be **publicly opened**. All interested parties are invited to attend this opening.

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NOTE: A prohibition of Lobbying is in place. Please review Section A item A.16 carefully to avoid violation and possible sanctions.

FOR INFORMATION CONTACT:

Frank G. Lambertson, Purchasing Division Contracts Negotiator at (941) 749-3042, FAX (941)749-3034, Manatee County, Financial Management Department, Purchasing Division

AUTHORIZED FOR RELEASE: 

SECTION A: INFORMATION TO PROPOSERS

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 and made available to the its' members. 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 (7) calendar days prior to COMMENCING NEGOTIATIONS with the selected firms.

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

A.03 REQUIREMENTS FOR FORMAT AND DELIVERY OF PROPOSALS

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

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

A.04 CLARIFICATION & ADDENDA

Each proposer shall examine all Request for Proposal documents and shall judge all matters relating to the adequacy and accuracy of such documents. Any inquiries, suggestions or requests concerning interpretation, clarification or additional information pertaining to the Request For Proposal shall be made in writing through the Manatee County Purchasing Division. The County shall not be responsible for oral interpretations given by any County employee, representative, or agent. The issuance of a written addendum by the Purchasing Official's Division is the only official method whereby interpretation, clarification or additional information can be given.

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

It shall be the responsibility of each proposer, prior to submitting their proposal, to contact the Manatee County Purchasing Office at (941)748-4501, ext. 3042 to determine if addenda were issued and to make such addenda a part of the proposal.

DEADLINE FOR CLARIFICATION REQUESTS May 4, 2012 at 5:00 PM shall be the deadline to submit all inquiries, suggestions, or requests concerning interpretation, clarification or additional information pertaining to this Request For Proposals to the Manatee County Purchasing Division.

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

A.05 SEALED & MARKED

One (1) signed Original (marked Original) and Four (4) Copies (marked Copy) of your proposal shall be submitted in one sealed package, clearly marked on the outside "**Sealed Proposal #12-1150FL**" and addressed to:

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

A.06 LEGAL NAME

Proposals shall clearly indicate the legal name, address and telephone number of the proposer (company, firm, partnership, individual, joint venture). Proposals shall be signed above the typed or printed name and title of the signer. The signer shall have the authority to bind the proposer to the submitted proposal.

A.07 PROPOSAL EXPENSES

All expenses for making proposals to the County are to be borne by the proposer.

A.08 EXAMINATION OF OFFER

The examination of the proposal and the proposer generally requires a period of not less than ninety (90) calendar days from the date of the opening of the proposals.

A.09 DISCLOSURE

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

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

A.10 ERRORS OR OMISSIONS

Once a proposal is submitted, the County shall not accept any request by any proposer to correct errors or omissions in the proposal.

A.11 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.12 APPLICABLE LAWS

Proposer must be authorized to transact business in the State of Florida. All applicable laws and regulations of the State of Florida and ordinances and regulations of Manatee County will apply to any resulting agreement. Any involvement with any Manatee County procurement shall be in accordance with Manatee County Code of Laws 2-26, as amended. Procedures and deadlines concerning protests related to this Request For Proposals shall be those which are set forth in §2-26-61 of the County Code.

A.13 CODE OF ETHICS

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

may also be disqualified from furnishing future goods or services to, and from submitting any future bids or proposals to supply goods or services to, Manatee County.

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

A.14 COLLUSION

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

- a. any prices and/or data submitted have been arrived at independently, without consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices and/or cost data, with any other proposer or with any competitor;
- b. any prices and/or cost data quoted for this proposal have not been knowingly disclosed by the proposer prior to the scheduled opening directly or indirectly to any competitor;
- c. no attempt has been made or will be made by the proposer to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition;
- d. the only person or persons interested in this proposal as principal or principals is/are named therein and that no person other than therein mentioned has any interest in this proposal or in the contract to be entered into; and
- e. no person or agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees.

A.15 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 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, the Code requires all persons or entities desiring to contract with the County to execute and file with the purchasing official an affidavit, executed under the pain and penalties of perjury, confirming that person, entity, and any person(s) affiliated with the entity, does not have such a record and is therefore eligible to seek and be awarded business with the County. **Proposer is to complete Attachment "A"**

A.16 LOBBYING

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

A.17 EQUAL EMPLOYMENT OPPORTUNITY

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.18 AMERICANS WITH DISABILITIES ACT

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

END SECTION A

SECTION B: FORM OF PROPOSAL

This section identifies specific information which must be contained within each proposal. The contents of each proposal shall be **separated** and **arranged with tabs** in the same order as listed in **Sections B.01, through B.04**, identifying the response to each specific item.

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

B.01 MINIMUM QUALIFICATIONS TO BE CONSIDERED:

Proposer must be certified and licensed in the State of Florida to provide professional substance abuse testing services to a federal, state or local agency, and Proposer must have no less than three (3) contracts or subcontracts to provide the proposed services, firms and/or individuals qualifications which must be detailed as follows:

References to be given are to be limited to those contacts or subcontracts which include all of the following work elements performed by the proposer:

- a. Each qualifying agreement must have been for the purpose of providing professional substance abuse testing services.
- b. Agreement must be of duration of not less than one (1) year.

B.02 ADMINISTRATIVE SUBMITTAL

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

B.03 INFORMATION TO BE SUBMITTED

If consultants or subcontractors were included in the agreements given to meet the minimum qualifications, detail the business entities and the services provided in the same level of detail as the Proposer is required to respond as follows:

For Each of the THREE (3) contract or subcontracts given as references, meeting all of the preceding minimal standards, provide the following details:

- a. Name and location of the Client and the facility(ies), the year service began, duration of the agreement, and termination date. Specify the name and telephone number for the government's contract manager for the facility.
- b. The names of your business entity's key staff and provide the average length of employment at the facility for each of these staff.
- c. The names and telephone numbers of the persons representing the individual agencies with which the identified key staff worked.

- d. Specify the number of days from commencement of the engagement required for the Transition Plan from the prior service provider to your business entity completely providing all services.

B.04 SPECIFIC MANATEE COUNTY PROPOSAL INFORMATION TO BE SUBMITTED

- a. Provide an explanation of the business entity which you represent. Parent company, relationships to other service providers, and specify the Proposer's business entity, which holds and maintains the required licensing and which proposes to directly provide the services outlined herein to the County, and is registered with the Florida State Bureau of Professional Regulation as required by law.
- b. Identify all consultants or subcontractors which you propose to supplement the expertise of your business entity's staff and the special work which they will contribute to the project. Specify the percentage of work to be performed by the principal (proposer) and the consultant or subcontractor for each special work service that is proposed to be provided from an entity other than the entity known as the Proposer. Identify the "key personnel" from each consultant or subcontractor business entity who will be professionally associated with this specific engagement and describe the tasks that would be assigned to that person.
- c. Experience using the proposed consultants or subcontractors: Provide a summary of the history of the Proposer's business entity as described in item a as it relates to prior projects using the consultants or subcontractors identified in item b.
- d. Detail the number of years the Proposer's business entity as described in item a has been in the business of providing substance abuse testing services.
- e. Provide a brief history of your organization and its capacity to support providing these proposed services.
- f. Provide a listing of similar contracts for required services provided since the year 2011. For each contract specify the dates of service (beginning to end); detail specifically what services and how these services were provided.
- g. Provide a list of at least **five (5) references** with knowledge of your firm's contract performance. References shall be employees in senior level management positions. Include the name of the entity, a description of the contract project, the dates of service and the name(s) and telephone number(s) of the contract persons.
- h. Provide a list of the **contracts your firm has obtained** within the past three (3) years, indicating the type of services provided and the locations. Provide a list of the contracts your firm has lost in the past three (3) years and state the reason for the loss and the location.

- i. Present evidence of experience in working with grant or other intergovernmental funding timetables and requirements. Explain ability to provide County with assistance in grant and other intergovernmental funding matters. Describe projects(s) and services provided.
- j. Provide all inclusive costs for the following items and any other costs associated with the performance of the Scope of Services detailed in Section E.
 1. Drug Urine Specimen Collection
 2. Breath Alcohol Testing
 3. Blood Alcohol Specimen Collection
 4. Blood Alcohol Analysis
 5. Medical Review Office Expert Witness Testimony
 6. Substance Abuse Professional Referral and Case Management
 7. Positive Breath Alcohol Test Review
 8. Breath Alcohol Test Data Collection and Management
 9. Available Education, Training and Informational Materials
 10. Record Retention
 11. Reports
 12. SAP Referral and Case Management (DOT Certified SAP when applicable)
 13. Audit Assistance
- k. Discuss your firm's ability to provide employer authorized (NON-DOT) five (5) panel "NIDA look-a-like" testing programs, as a user agency option.
- l. Discuss your firm's ability to provide employer authorized, customized drug-testing panels, such as urine drug testing panels that include expanded opiates (synthetic opiates).
- m. Please discuss Final Rule that outlines procedures for Transportation Workplace Drug and Alcohol Testing Programs
- n. Acknowledge your ability to meet the following technology requirements:
 1. A toll free contact telephone number
 2. After hour contact procedures that include a response time of no greater than 30 minutes for emergency calls
 3. Secure electronic mail communication
 4. Company website that meets the following standards:
 - Provides user agencies with secure, password-protected access to drug test results and statistical reports as described within the Scope of Services.
 - Provides contract administrator and/or designated representative with access to user agency account data (applicable to the FTA group only)
 - Servers that are able to process large volumes of data without interruption in service
 - Equipped with data encryption software

- Equipped with a fool proof backup system that will retain data in accordance with record retention periods per 49 CFR Parts 40, 655 and 382
- o. Provide any supplemental information which you feel will be valuable to Manatee County in evaluating the qualifications of your business entity. Document the clinical care management system used to determine medical necessity and length of stay criteria.

NOTE (1):

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

END SECTION B

SECTION C: SELECTION

C.01 EVALUATION FACTORS

Evaluation of proposals will be conducted by an evaluation committee. The committee's goal will be to identify the proposal which will overall best meet the needs of Manatee County as determined from the proposals received and subsequent investigation by the County. General factors to be applied will be: (1) the perceived ability of the Proposer to perform the Scope of Services as stated in this Request for Proposal; and (2) price.

C.02 RELATIVE IMPORTANCE OF EVALUATION FACTORS

Unless noted, no weight has been assigned to the Evaluation Factors stated above.

C.03 PRELIMINARY RANKING

A Evaluation Committee shall determine from the responses to this Request For Proposals and subsequent investigation as necessary, the proposer(s) most qualified to be selected to negotiate an agreement.

C.04 REVIEW OF PROPOSERS AND PROPOSALS

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

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

C.05 SELECTION FOR NEGOTIATION

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

C.06 AWARD

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

END SECTION C

SECTION D: NEGOTIATION OF THE AGREEMENT

D.01 GENERAL

The following general terms and conditions apply to the proposal submitted for consideration and the subsequent negotiations:

- a. The proposal will serve as a basis for negotiating an agreement, but not compel adherence to its terms or conditions.
- b. Upon submission, all proposals become the property of the County which has the right to use any or all ideas presented in any proposal submitted in response to this Request for Proposal whether or not the proposal is accepted.
- c. All products and papers produced in the course of this engagement become the property of the County upon termination or completion of the engagement.

D.02 AGREEMENT

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

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

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

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

D.03 Duration

It is the intent of the County to enter into a one (1) year initial term contract, with four (4) additional one (1) year terms. The anticipated start date is September 13, 2012.

END SECTION D

SECTION E: SCOPE OF SERVICES

E.01 PURPOSE

The intent of this Request for Proposal and the resulting contract is to select a PROPOSER to provide Substance Abuse (Drug and Alcohol) Testing Services by administering and managing services required by government (Federal, State and Local) regulation and/or by County substance abuse policy.

The PROPOSER warrants to the County that the PROPOSER is registered in the State of Florida and professionally competent to perform and render the services required.

E.02 SCOPE OF SERVICE

a. Drug Testing Services - Specimen Processing by a Certified Laboratory

1. The PROPOSER shall ensure that all specimens are analyzed at a laboratory that is certified by the Department of Health and Human Services under the National Laboratory Certification Program (NLCP) for testing of urine specimens collected under the authority of the Manatee County.
2. The PROPOSER shall ensure that the processing of incoming specimens, the analysis of specimens and the reporting of laboratory results is conducted in accordance with 49 CFR Part 40- Subpart F, as amended, and Florida Drug Free Workplace Act 112.0455.
3. The PROPOSER shall ensure that at least one (1) qualified forensic toxicologist are available upon request, to provide litigation assistance to include expert witness testimony and depositions.
4. The PROPOSER shall ensure that documentation of laboratory certifications are provided to the user agency, a federal or state auditor, the contract administrator or a designated representative acting on behalf of the contract administrator, upon request.
5. The PROPOSER shall ensure that all Medical Review Officers assigned to review laboratory reports and results for user agencies, do not have, or will not enter into, a relationship, partnership or affiliation with any laboratory that could create a conflict of interest or the appearance of a conflict of interest.
6. The PROPOSER shall ensure that in the event of an issuance of a Public Interest Exclusion (PIE) involving a laboratory that analyzes specimens for a user agency, the contract administrator will be notified and an alternative laboratory will be immediately assigned.
7. Specimens collected for substance abuse testing purposes from County's employees and County employment applicants shall be processed by a certified laboratory as stated above.
8. The laboratory shall be responsible for providing the collection sites with specimen collection kits and chain of custody forms.
9. The laboratory shall maintain a quality control program in accordance with U.S. Department of Transportation, hereinafter referred to as DOT Regulations and the Florida Drug

Free Workplace Act.

10. All specimens shall be received by the laboratory via overnight air shipment from collection sites unless other modes of transportation are deemed to be equal to, or better than, overnight air shipments.
11. Specimens received by the laboratory shall initially undergo a screening process that is designed to detect drugs or drug metabolites at detection cutoff levels consistent with DOT Regulation 49 CFR Part 40.
12. The substances to be tested for under the terms of this agreement are: marijuana; cocaine; phencyclidine; opiates; and amphetamines. (Subject to change: Non DOT Reasonable Suspicion Tests are subject to an expanded 12 panel test to include synthetic opiates).
13. The laboratory shall conduct an adulteration panel on each specimen as a means of detecting a specimen adulteration and/or dilution by analyzing specimen creatinine level and specific gravity.
14. Specimens screened positive for a drug or drug metabolite shall undergo Gas Chromatography/Mass Spectrometry (GC/MS) confirmation testing. If confirmed as positive, the laboratory shall report positive to the Provider.
15. Specimens screened as negative during initial screening process and specimens not confirmed positive during GC/MS testing shall be reported as negative to the Provider by the laboratory.
16. The laboratory shall report negative drug test results to the Provider within twenty-four (24) hours of receipt of the specimens by the laboratory.
17. The laboratory shall report confirmed positive drug test results to the Provider within forty-eight (48) hours of receipt of the specimens by the laboratory.
18. The PROPOSER shall ensure that the specific urine drug test result reporting procedures are performed in accordance with the requirements of 49 CFR Part 40.163 and DFWP Act).
19. The County will establish a local pricing structure for use by the Proposer with certified laboratories in the area.

b. Specimen Collection

1. The Provider shall provide collection sites that are mutually acceptable by both the County and the Provider to be used as collection sites throughout the contract period.
2. The Provider shall offer collection sites conducting both drug and breath alcohol tests and provide service Monday through Friday, five days per week, for a minimum of eight (8) consecutive hours per day between the hours of 7:00 a.m. and 7:00 p.m. The Provider shall provide after hours telephone numbers to accommodate any need for after hour emergency collection of specimens.
3. The Provider must ensure that all urine specimen collectors and breath alcohol

technicians are trained in accordance with 49 CFR Part 40.33 and conduct specimen collections in accordance with 49 CFR Part 40 and the USDOT Specimen Collection Guidelines.

4. Collection sites shall be advised and expected to conduct all specimen collections in accordance with guidelines for specimen collection as defined in DOT Regulation 49 CFR Part 40 and FL Statute 112.0455 Drug Free Workplace Testing.

5. DOT 49 CFR Part 40 and FL DFWP Testing guidelines for specimen collection at the collection sites shall be followed while conducting specimen collection.

c. Collection Site Locations

1. The County and the Provider shall mutually agree on the collection sites for the collection of drug testing specimens and breath alcohol.

d. Blind Specimen Proficiency Testing

1. Provider shall establish a blind proficiency testing program pursuant to the requirements of the DOT Regulation 49 CFR Part 40.

2. As the County's blind specimen program manager, the Provider shall provide the following:

Procurement of certified specimens to be used in the blind specimen testing from a laboratory certified by DHHS under the National Laboratory Certification Program SAMHSA certified laboratory facilities.

Packaging and labeling of all specimens into the Provider's specimen collection kits.

Preparation of chain-of-custody documents to be included in shipment of specimens to the Providers laboratory facility.

Transportation of specimens to the Provider's laboratory via overnight courier.

Testing of specimens by the Provider's laboratory and with results transmitted by the laboratory to the Provider's Medical Review Officer, hereinafter referred to as the MRO.

The Provider shall take appropriate action if the laboratory test results differ from what the Provider knew the results to be prior to the time specimen is analyzed by the Laboratory.

Provide the County with quarterly reports summarizing blind specimen activity during past quarter and year-to-date.

3. The Provider shall submit blind specimens to the laboratory at a rate of 3% per every 100 specimens collected from County employees and job applicants and at a ratio of 80% negative and 20% positive.

e. Medical Review Officer Test Review Services

1. The PROPOSER shall ensure that user agencies are provided with the services of a

Medical Review Officer (MRO) that has met the qualification requirements per 49 CFR Part 40.121 and has been certified by the American Association of Medical Review Officers.

2. The PROPOSER shall ensure that all laboratory results undergo a medical review verification process that is conducted in accordance with 49 CFR Part 40- Subpart G.

3 The PROPOSER shall ensure that a minimum of five (5) percent of the negative laboratory results generated by this contract are reviewed personally by a Medical Review Officer that has met the qualification requirements per 49 CFR Part 40.121 and has been certified by the American Association of Medical Review Officers.

4. The PROPOSER shall ensure that when MRO staff members review custody and control forms associated with negative laboratory results, the review is conducted under the supervision of a qualified and certified MRO as described.

5. The PROPOSER shall ensure that the Medical Review Officer is accessible to the donor, by means of a toll-free telephone number, a minimum of twelve (12) hours per day; seven (7) days per week, excluding national holidays.

6. The PROPOSER shall ensure that the Medical Review Officer or an MRO staff member reports non-negative results verbally to the user agency's primary or secondary contact on the same day, or next business day, following the MRO verification of the result and in accordance with 49 CFR Part 40.163, 165, 167.

7. The PROPOSER shall ensure that the Medical Review Officer and MRO staff members implement a means of secure identification prior to communicating verified non-negative results to user agency contacts. (Example: password or account number verification).

8. The PROPOSER shall ensure that the Medical Review Officer is accessible to the user agency to provide consultation services on topics such as shy bladder or shy lung medical evaluations and the use of medications that may present a safety concern. Consultations of this type are inclusive of the unit cost per test.

9. The PROPOSER shall ensure that the Medical Review Officer is available to assist user agencies with expert testimony or depositions should an MRO verified result become the focus of litigation brought against the user agency.

10. The PROPOSER shall ensure that in the event of an issuance of a Public Interest Exclusion (PIE) involving a Medical Review Officer, whose services are assigned for use under this contract, the contract administrator will be notified and an alternative Medical Review Officer will be immediately assigned.

11. Negative drug test results information shall be entered into the Provider's computer along with information from the MRO copy of the chain-of-custody document.

12. The Provider shall report negative drug test results to the County within two (2) hours from the time results are received by the Provider from the laboratory.

13. Negative drug test results can be provided from the Provider to the County in any of the following ways:

Automatic facsimile wherein negative drug test results are automatically sent to County's secured facsimile machine as the results become available.

Facsimile from the Provider to the County's unsecured facsimile machine following a telephone call from the County's designated representative to the Provider's Ademand facsimile@ system where County's representative enters specific code numbers and then authorizes release of stored test result information.

Direct computer to computer download from the Provider to the County.

Electronic telephone test result reporting.

U. S. Mail.

Overnight air shipment at an additional cost to the County.

14. Negative drug test result paperwork shall be kept by the Provider for a period of one (1) year unless the County specifically requests, in writing, that the Provider retain it longer than the one (1) year period.

15. Positive drug test results received by the Provider shall be immediately distributed to the Provider's MRO's.

16. Positive review and reporting procedures shall be in accordance with DOT 49 CFR Part 40 Regulation and FL Drug Free Workplace Act.

17. After the MRO verifies a drug test result as positive to the County, a hard copy MRO Report shall be dispatched to the County's designated representative.

18. Positive drug test result paperwork shall be kept by the Provider for a period of five (5) years unless the County specifically requests, in writing, that the Provider keep the paperwork longer.

f. Breath Alcohol Testing Services

1. The PROPOSER must establish and maintain a network of USDOT qualified alcohol testing technicians throughout the state of Florida that are regularly and actively engaged in the business of conducting alcohol tests for DOT covered employers. Alcohol testing must be conducted in accordance with 49 CFR Part 40, as amended and Florida Drug Free Workplace Act 112.0455. Alcohol test technicians must utilize approved equipment that is listed on the National Highway Traffic Safety Administration's conforming products list found in the Federal Register. Alcohol Test technicians must ensure that routine calibration and maintenance of the equipment is performed per manufacturer's instructions. Alcohol test technicians must utilize the US Department Of Transportation Alcohol Testing Form (OMB No. 2105-0529).

2. The PROPOSER must also approve and assign each user agency a minimum of one (1) mobile alcohol test technician that is equipped with an evidential breath testing device for the purpose of conducting both screening and confirmatory DOT alcohol tests. A mobile alcohol test technician must be available twenty-four (24) hours per day, seven (7) days per week, including national holidays. The PROPOSER is not authorized to invoice user agencies for an amount greater than the mobile collector's normal after-hours charge, plus the unit price per

test.

3. In the rare event that alcohol-testing resources are extremely limited and the terms of paragraph 1 cannot be met, the PROPOSER must provide on-site mobile collection services to the user agency at no additional charge beyond the unit cost per test.

4. The PROPOSER shall maintain training qualification documentation for all alcohol test technicians that are approved and assigned for use. The training qualification documentation must be provided to the user agency, a federal or state auditor, the contract administrator or a designated representative acting on behalf of the contract administrator upon request.

5. The PROPOSER must ensure that alcohol test technicians maintain documentation of testing and all pertinent maintenance records, in accordance with 49 CFR Part 40, as amended and Florida Drug Free Workplace Act 112.0455.

6. The PROPOSER must obtain, from the alcohol test technician, documentation of all completed alcohol tests for the purpose of maintaining accurate testing records and statistical reports for each user agency.

7. This contract provides specific written authorization for the PROPOSER to act as an intermediary in the transmission of MRO verified drug test results, in accordance with 49 CFR Part 40.345.

8. The PROPOSER shall ensure that MRO verified negative results are reported to user agencies as soon as possible following verification. Non-flawed, negative urine specimens should be analyzed, verified and reported within 24-36 hours of specimen arrival at laboratory.

9. The PROPOSER shall ensure that the MRO provides a written report following MRO verification of all results that includes the following:

- Full name of donor (as indicated on CCF)
- Specimen identification number
- Donor identification number
- Reason for testing (test type)
- Date of the collection
- Date MRO received copy 2 of the CCF
- Result of the test
- Date result was verified by the MRO
- If canceled, the reason for cancelation
- If deemed a Refusal to Test, the reason for the refusal determination

10. The PROPOSER shall ensure that user agencies are provided the option to have results reported to the user agency's primary or secondary contact in all of the following ways:

- Via a secure, password protected website
- Via a secure and confidential electronic mail system
- Via a secure and confidential fax machine

11. The PROPOSER shall ensure that all result reports and associated records are not released to, or cannot be accessed by, any party other than the user agency's primary or secondary contact or contract administrator, where applicable.

12. The PROPOSER shall ensure that all reasonable procedures to protect personal data from unauthorized access, misuse, alteration or disclosure by unauthorized parties are executed at all times, and must include the use of data encryption software and secure servers.

13. The Provider shall provide testing sites that are mutually acceptable by both the County and the Provider to be used as testing sites throughout the contract period.

14. The Provider shall offer collection sites that provide service Monday through Friday, five (5) days per week, for a minimum of eight (8) consecutive hours per day between the hours of 7:00 a.m. and 7:00 p.m. The Provider shall provide after hours telephone numbers to accommodate any need for after hour emergency testing.

15. The Provider shall implement a quality assurance plan to ensure that equipment used by collection sites is inspected, calibrated and maintained, including maintenance by the manufacturer, in order to meet 49 CFR Part 40 Regulations..

16. The Provider shall maintain pertinent records on behalf of the County, in compliance with U.S. DOT Regulations and FL DFWP Act, for the appropriate time period.

17. Breath alcohol detection limits shall be consistent with 49 CFR Part 40/L/FMCSA/FTA Regulations.

18. The Provider shall receive breath alcohol results from testing sites via data communication link. Testing Site Operator (BAT) shall immediately contact and inform the County's designated representative, subject to confirmation by the Provider, that a County employee's test has exceeded the maximum breath alcohol level of .02 or higher.

19. The Provider shall format breath alcohol test data to conform to U.S. DOT statistical reporting requirements.

20. The County shall require all of its breath alcohol test subjects to sign a consent form that allows release of test results to the Provider.

21. Positive breath alcohol test results shall be immediately reported by the Provider to the County's designated representative by telephone or by electronic means in a confidential manner. The initial transmission of positive test results shall be followed by written results in a manner consistent with 49 CFR Part 40 Regulations.

g. Random Selection Process

1. The Provider shall conduct a monthly or tri-monthly computer selection of the County's employees who are to be randomly tested.

2. The PROPOSER shall generate random selections individually (no pools) for each user agency in accordance with the user agency's applicable non-DOT Safety Sensitive/DOT modal rule (FTA or FMCSA) and at the appropriate rate or higher if requested by user agency (60% for drugs and 20% for alcohol for all accounts) to ensure that minimum annual random testing percentages are met.

3. The PROPOSER shall use a scientifically valid method of determining the randomly selected employees so that each employee must have an equal chance of being selected for each testing period, in accordance with 49 CFR Part 655.45 and 382.305

4. The PROPOSER shall provide instruction to user agencies to facilitate the submission of each user agency's list of safety-sensitive employees to be included in the random testing program.

5. The PROPOSER shall allow for the submission of updated employee lists up to five (5) days prior to the first day of a new testing period. If the user agency has not submitted an updated list of current safety-sensitive employees five (5) days prior to a new testing period, the PROPOSER shall generate selections using the employee database on record from the previous testing period.

6. The PROPOSER shall prepare and deliver random selections to each user agency's primary or secondary contact a minimum of one week prior to the new testing period by means of a secure and password protected website, secure electronic mail, or secure fax; whichever is the user agency's preferred method.

7. The PROPOSER shall ensure that the transmission of the random selection lists to the user agency's primary or secondary contact must be conducted in a manner that will provide documentation of user agency's receipt of the selection list to include the date and time the list was transmitted and received by the user agency.

8. In the event that the user agency's primary or secondary contact is a safety-sensitive employee whose name appears on the random selection list, the PROPOSER shall ensure that the transmission of the list is conducted at an appropriate time of day to allow for the recipient to proceed immediately for testing, in accordance with applicable regulations.

9. The PROPOSER shall provide, upon request by the contract administrator, or a designated representative, the random testing selection lists for previous testing periods, for the purpose of compliance monitoring.

10. The PROPOSER shall generate "alternate selections" as requested by user agencies when a selected employee will be unavailable for testing throughout the entire testing period.

11. The Provider shall assign a random number to each County employee eligible for random testing. Actual random selection shall identify who has been selected by that number.

12. Random selection shall not be done by employee name.

13. Pursuant to Federal Workplace Drug and Alcohol Testing Regulations, the random selection program shall select a number of persons for drug and alcohol testing that would equal at least 50% of the County's covered employees to be drug tested and 10% of County's employees to be alcohol tested.

h. Administrative Support Services

1. The Provider shall provide the County with the following administrative support services:

- Single Source Billing
- Record Retention
- Program Statistical Summary Reports
- Toll Free Number for Management Support

- Comprehensive Program User Manual and Training
- Administrative Contact Person (one person)
- Customer Service / Accounts Representative (one person)
- Postage – U. S. Mail Service
- SAP Referral and Case Management meeting 49 CFR Part 40 Regulations
- Toll Free Number for DOT Audit Assistance
- Regulatory Update
- Supervisory Training on the Recognition of Potential Substance Abuse
- Follow-Up Test Scheduling
- Consolidated Billing
- Employee Informational Materials on the Hazards of Substance Abuse
- Supervisory / Employee Training Materials
- Breath Alcohol Testing Forms

2. In the event that a user agency becomes the subject of a drug and alcohol testing program compliance audit by a state or federal authority, the PROPOSER shall lend support to the user agency to include, at a minimum, the following functions:

- Gathering and/or producing copies of testing records, custody and control forms, alcohol testing forms, memorandums, result certificates, service provider qualifications, statistical reports, and all other documents requested by auditors for the purpose of evaluating compliance to drug and alcohol testing regulations
- Cooperation and coordination in responding to state and federal audit questionnaires directed at PROPOSER approved and assigned collection sites and/or mobile collectors
- Cooperation and coordination in responding to state and federal audit questionnaires directed at the PROPOSER
- Cooperation and coordination in responding to state and federal audit questionnaires directed at the Medical Review Officer
- Cooperation and coordination in responding to state and federal audit questionnaires directed at the laboratories used to analyze urine specimens
- Assistance in developing corrective action plans and responses to negative audit findings that are related to any of the services provided as part of this Scope of Services.

END SECTION

SECTION F

MANATEE COUNTY LOCAL PREFERENCE LAW AND VENDOR REGISTRATION

F.01 Vendor Registration

All vendors are encouraged to register with Manatee County using the on-line "Vendor Registration" web page on www.mymanatee.org.

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

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

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

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

Quick steps to on line registration: **www.mymanatee.org**

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

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

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

MANATEE COUNTY LOCAL PREFERENCE LAW AND VENDOR REGISTRATION

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

(a) Whenever a responsible local business bidder and a responsible non-local business bidder are found, upon the opening of bids, to have both submitted the lowest responsive bid, the bid of the local bidder shall be awarded the contract. Should more than one responsible local business bidder match the responsible non-local business bidder's lowest responsive bid, or should no responsible local business bidder match the lowest responsive bid but two or more responsible non-local business bidders submit lowest responsive bids for equal amounts, then the award of the contract shall be determined by a chance drawing, coin toss, or similar tie-breaking method conducted by the purchasing office and open to the public. Any bidders seeking to be recognized as local businesses for purposes of this local business preference provision may be required by the terms of the bid announcement to certify they meet the definition of local business set forth in this section, and to register as a local business with the county in the manner prescribed by the county to facilitate the county's ability to track the award of contracts to local businesses and to allow the county to provide future notifications to its local businesses concerning other bidding opportunities.

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

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

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

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

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

1. Goods or services provided under a cooperative purchasing agreement or similar "piggyback" contract;
2. Contracts for professional services subject to Florida Statute § 287.055, the Consultants' Competitive Negotiation Act, except as provided for in subsection (e) above;

F.02 Section 2-26-6. Local preference, (CONTINUED)

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

3. Purchases or contracts which are funded, in whole or in part, by a governmental or other funding entity, where the terms and conditions of receipt of the funds prohibit the preference;

4. Purchases or contracts made pursuant to a non-competitive award process, unless otherwise provided by this section;

5. Any bid announcement which specifically provides that the general local preference policies set forth in this section are suspended due to the unique nature of the goods or services sought, the existence of an emergency as found by either the county commission or county administrator, or where such suspension is, in the opinion of the county attorney, required by law.

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

1. Has not within the five years prior to the bid announcement admitted guilt or been found guilty by any court or state or federal regulatory enforcement agency of violation of any criminal law, or a law or administrative regulation regarding fraud;

2. Is not currently subject to an unresolved citation or notice of violation of any Manatee County Code provision, except citations or notices which are the subject of a current legal appeal, as of the date of the bid announcement;

3. Is not delinquent in the payment of any fines, liens, assessments, fees or taxes to any governmental unit or taxing authority within Manatee County, except any such sums which are the subject of a current legal appeal.

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

MANATEE COUNTY GOVERNMENT AFFIDAVIT AS TO LOCAL BUSINESS

(Complete and Initial Items B-F)

A. Authorized Representative

I, [name] _____, am the [title] _____

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

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

_____ [Initial] _____

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

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

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

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

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

Signature of Affiant _____

STATE OF FLORIDA
COUNTY OF _____

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

(Notary Seal) Signature of Notary: _____

Name of Notary (Typed or Printed) _____

Personally Known ____ OR Produced Identification ____ Type of Identification Produced _____

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

PROPOSAL SIGNATURE FORM
RFP #12-1150FL

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

Print or type name of proposer

Signature of authorized officer

Print or type street address,
telephone number(s) and
web and e mail addresses
of proposer below:
officer

Print name and title of authorized

Date signed: _____

ATTACHMENT "A"

PUBLIC CONTRACTING AND ENVIRONMENTAL CRIMES CERTIFICATION

SWORN STATEMENT PURSUANT TO
MANATEE COUNTY CODE OF LAW

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.