



**REQUEST FOR PROPOSAL (RFP) #12-0513DC  
AMERICAN DISABILITY ACT (ADA)  
COMPLIANCE CONSULTING SERVICES**

Manatee County, a political subdivision of the State of Florida, (hereinafter the "County") will receive sealed proposals from individuals, corporations, partnerships, and other legal entities organized under the laws of the State of Florida or authorized to conduct business in the State of Florida for the purpose of review of the County's services and programs for compliance with current regulations implementing Title II of the Americans with Disabilities Act (ADA).

**DEADLINE FOR CLARIFICATION REQUESTS:** **February 2, 2012 at 5:00 P.M.** shall be the deadline to submit all inquiries, suggestions, or requests concerning interpretation, clarification or additional information pertaining to this Request for Proposal to the Manatee County Purchasing Division. This deadline has been established to maintain fair treatment for all potential bidders or proposers, while ensuring an expeditious transition to a final agreement.

**TIME AND DATE DUE:** Proposals will be received until **February 16, 2012 at 3:30 P.M.** at the Manatee County Administrative Building, 1112 Manatee Avenue West, Purchasing Division, Suite 803, Bradenton, Florida 34205.

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FINANCIAL MANAGEMENT DEPARTMENT

AUTHORIZED FOR RELEASE: 

## SECTION A: INFORMATION TO PROPOSERS

PROPOSERS MUST COMPLY WITH THE FOLLOWING INSTRUCTIONS TO BE CONSIDERED FOR SELECTION.

### A.01 OPENING LOCATION

These proposals will be publicly opened at Manatee County Purchasing, 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>

Proposal documents and the Notices of Source Selection related to those Proposals are available for download in a portable document format (.PDF) file on the Manatee County web page on the Purchasing tab under "Bids and Proposals." You may view and print these files using Adobe Acrobat software. You may download a free copy of this software (Adobe) from the County's web page if you do not have it.

**Manatee County collaborates with the Manatee Chamber of Commerce** on distributing solicitations using the RFP Tool web page on the Chambers website: <http://www.ManateeChamber.com> to post Bid and Proposal documents in a portable document format (.PDF) file. This step is in addition to the posting on Manatee County Government web pages.

Manatee County may also use an internet service provider to distribute Bids and Proposals. A link to that service <http://www.DemandStar.com>, is provided on this website under the Tab "DemandStar". Participation in the DemandStar system is not a requirement for doing business with Manatee County.

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

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

### A.03 PROPOSAL FORM DELIVERY REQUIREMENTS

Any proposals received after the stated time and date will not be considered. It shall be the sole responsibility of the Proposer to have their proposal delivered to the Manatee County Purchasing Division for receipt on or before the stated time and date. If a proposal is sent by U.S. Mail, the Proposer shall be responsible for its timely delivery to the Purchasing Division. Proposals delayed by mail shall not be considered, shall not be opened at the public opening, and arrangements shall be made for their return at the Proposer's request and expense.

A.03 PROPOSAL FORM DELIVERY REQUIREMENTS (cont'd)

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 DEADLINE FOR CLARIFICATION REQUESTS

**February 2, 2012 at 5:00 P.M.** shall be the deadline to submit all inquiries, suggestions, or requests concerning interpretation, clarification or additional information pertaining to the Request for Proposals to the Manatee County Purchasing Division. This deadline has been established to maintain fair treatment for all potential proposers, while ensuring an expeditious transition to a final agreement.

A.05 CLARIFICATION & ADDENDA

Each proposer shall examine all Request for Proposals 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 through the Manatee County Purchasing Division. The County shall not be responsible for oral interpretations given by any County employee, representative, or others. The issuance of a written addendum is the only official method whereby interpretation, clarification or additional information can be given.

If any addenda are issued to this Request for Proposal, the County will post the documents on the Purchasing Division's web page at <http://www.mymanatee.org> which can be accessed by clicking on the "Purchasing" button and then clicking on the "Bids and Proposals" button. It shall be the responsibility of each proposer, prior to submitting their proposal, to contact Manatee County Purchasing (see contact on page 1) to determine if addenda were issued and to make such addenda a part of their proposal.

A.06 SEALED & MARKED

**One original and five copies** of your proposal shall be submitted in one sealed package, clearly marked on the outside "**Sealed Proposal #12-0513DC ADA Compliance Consulting Services**" and addressed to:

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

A.07 LEGAL NAME

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

A.08 PROPOSAL EXPENSES

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

A.09 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.10 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 30 days after the proposal opening or if notice of intended award decision is made earlier than this time as provided by Florida Statute 119.071(1)(b). No announcement or review of the proposal documents shall be conducted at the public opening of the proposals. If the County rejects all proposals and concurrently notices its intent to re-issue the solicitation, initial proposals are exempt until the County provides notice of its intended decision on, or 30 days after opening of, the new proposals.

A.11 ERRORS OR OMISSIONS

Once the proposal is submitted, the County shall not accept any request by any proposer to correct errors or omissions in the proposal. No changes shall be allowed until a selection is made and contract negotiations actually begin.

A.12 RESERVED RIGHTS

The County reserves the right to accept or reject any and/or all proposals, to waive irregularities and technicalities, and to request resubmission. Any sole response received by the first submission date may or may not be rejected by the County, depending on available competition and timely needs of the County. The County reserves the right to award the contract to a responsible proposer submitting a responsive proposal, with a resulting negotiated agreement which is most advantageous and in the best interests of the County. The County shall be the sole judge of the proposal, and the resulting negotiated agreement that is in its best interest and its decision shall be final. Also, the County reserves the right to make such investigation as it deems necessary to determine the ability of any proposer to perform the work or service requested. Information the County deems necessary to make this determination shall be provided by the proposer. Such information may include, but shall not be limited to: current financial statements prepared by an independent CPA; verification of availability of equipment and personnel; and past performance records.

A.13 APPLICABLE LAWS

Proposer must be authorized to transact business in the State of Florida. All applicable laws and regulations of the State of Florida and ordinances and regulations of Manatee County will apply to any resulting agreement. Any involvement with any Manatee County procurement shall be in accordance with Manatee County Code of Laws Chapter 2-26, as amended. Any actual or prospective proposer who is aggrieved in connection with the solicitation or award of a contract may protest to the Board of County Commissioners of Manatee County in accordance with the procedures set forth in the Manatee County Purchasing Code of Laws.

A.14 CODE OF ETHICS

With respect to this proposal, if any proposer violates or is a party to a violation of the Code of Ethics of Manatee County per Manatee County Code of Laws, Article III, Ethics in Public Contracting, and/or the state of Florida per Florida Statutes, Chapter 112, Part III, Code of Ethics for Public Officers and Employees, such proposer may be disqualified from performing the work described in this proposal or from furnishing the goods or services for which the proposal is submitted and shall be further disqualified from submitting any future proposals for work or for goods or services for Manatee County.

The County presumes that all statements made and materials submitted in a proposal will be truthful. If a proposer is determined to be untruthful in its proposal or any related presentation, such proposer may be disqualified from further consideration regarding this Request For Proposal.

A.15 COLLUSION

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

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

#### A.16 PUBLIC CONTRACTING AND ENVIRONMENTAL CRIMES

A person or affiliate who has been placed on the State's convicted vendor list following a conviction for a public entity crime, as that term is defined in Florida Statute s. 287.133, may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of 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 Florida Statute s. 287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

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

To ensure compliance with the foregoing, the Code requires all persons or entities desiring to contract with the County to execute and file with the Purchasing Official an affidavit, executed under the pain and penalties of perjury, confirming that person, entity, and any persons(s) affiliated with the entity, does not have such a record and is therefore eligible to seek and be awarded business with the County. In the case of a business entity other than a partnership or a corporation, such affidavit shall be executed by an authorized agent of the entity. In the case of a partnership, such affidavit shall be executed by the general partner(s). A confirming Public Contracting and Environmental Crimes certification affidavit is attached for this purpose.

#### A.17 LOBBYING

After the issuance of any Request For Proposals, prospective proposers, or any agent, representative or person acting at the request of such bidder 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 execution of the final contract or when the request has been canceled. Violators of this prohibition shall be subject to sanctions as provided in the Manatee County Code of Laws.

The County reserves the right to amend or to add to the names listed as persons to contact. All amendments or additions to the names listed as persons to contact shall be issued by Purchasing, in writing.

#### A.18 EQUAL EMPLOYMENT OPPORTUNITY

In accordance with the provisions of Title VI of the Civil Rights Act of 1964 and Title 15, Part 8 of the Code of Federal Regulations, Manatee County hereby notifies all prospective proposers that they will affirmatively ensure minority business enterprises will be afforded full opportunity to participate in response to this advertisement and will not be discriminated against on the grounds of race, color or national origin in consideration for an award of contract.

#### A.19 AMERICANS WITH DISABILITIES ACT

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

## SECTION B: FORM OF PROPOSAL

This section identifies specific evaluation factors which are to be given written responses. 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 Proposers provide shall be used to determine whether the Proposer has the ability to perform the Scope of Services as stated in this Request for Proposal in a way which 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

- a. Proposer shall be a legal entity organized under the laws of the State of Florida to provide the services as specified herein.
- b. Provide proof of certification and any current valid licensing that may be required in and by the State of Florida to provide the services required by this Request for Proposal. Note: The Proposer whose name appears on the Proposal Signature Form must present copies of their active certification and, if applicable, current valid licensing in the State of Florida for accomplishing this work.
- c. Proposals may be submitted by one (1) or more sole proprietorship, corporation, partnership or a joint venture, the entity(ies) submitting the proposal shall be properly registered, certified, and licensed as required by the State of Florida.
- d. Proposers intending to submit a proposal as a Joint Venture are required to have filed proper documents with the Florida Department of State and any other state or local licensing agency prior to submitting the proposal.
- e. Joint Venture Firms must provide an affidavit on the firm's letterhead, signed, witnessed and notarized attesting to the formulation of a joint venture and provide either proof of incorporation or a copy of the formal agreement between all joint venture parties, indicating their respective roles, responsibilities and levels of participation for the project.
- f. If the proposer is relying on any acquisition or merger for meeting the minimum qualifications requirement, the proposer shall clearly disclose such acquisition or merger. The proposer shall clearly explain how the acquisition or merger meets the minimum qualification requirements, including a description of each firm's experience and personnel.
- g. Proposer must have provided this type consulting service to at least one recipient similar in population, size, and structural makeup as Manatee County within the last three (3) years.



**B.02 ADMINISTRATIVE SUBMITTAL**

- a. Proposal Signature Form.
- b. Public Contracting and Environmental Crimes Certification (Attachment B).
- c. Proposer shall submit their firm's policy or program as it relates to maintaining a zero tolerance drug free workplace. This response will be considered with the other criteria described herein.

**B.03 INFORMATION TO BE SUBMITTED**

- a. Provide an explanation of the business entity which you represent.
- b. Specify the business entity which would be bound by a contract, should your firm be selected: company or corporation; subcontractor roles; and if a joint venture, include the specific experience that the joint venture partners have working together on similar projects.
- c. Description of your firm's background and size. Include a statement of qualifications that includes you firm's professional credentials and experience in providing the types of services enumerated in the RFP. Discuss your firm's knowledge as it relates to these services.
- d. Identify each principal of the firm and other "key personnel" who will be professionally associated with the County. Describe their respective areas of expertise. Include personalized resumes which identify the qualifications, training and experience of each person(s).
- e. Submit a narrative explaining the direct economic benefit to Manatee County to be realized by selecting your firm. During the term of this engagement detail the employment, subcontracting, and support services contracting as economic stimulus that your entity may generate that would directly benefit Manatee County.

Submit a list of **Local subcontractors** that may be used. Identify each individual on your team and provide the following information:

- Name
  - Professional credentials; Title; Telephone number
  - Office address
  - Email address
  - Brief description of their role and duties for the project
  - Individual resume
- f. Provide a list of clients for whom your firm has provided similar consulting services within the last three (3) years. Such information should include, but not be limited to: Name, title, address and phone number of the organization(s) or individual(s) provided as references(s), the date (by month and year) when these services were provided.
  - g. Copies of work product of which you give reference.
  - h. Submit any other additional information which would assist the County in the evaluation of your proposal.

## SECTION C: SELECTION

### C.01 EVALUATION FACTORS

Proposals will be evaluated based on cost and the perceived ability of the Proposer to perform the Scope of Services as stated in this Request for Proposal in the most timely and efficient manner, and the proposal(s) which will overall best meet the needs of Manatee County as determined from the responses to this Request for Proposal and subsequent investigation by the County.

It is important for the proposer to provide appropriate detail to demonstrate satisfaction of each criterion and compliance with the performance provisions outlined in this Request for Proposal. The proposer's proposal will be the primary source of information used in the evaluation process. Proposals must contain information specifically related to the proposed services requested herein. Failure of any proposer to submit information requested may result in the elimination of their proposal from further evaluation.

Proposals will be evaluated based on the following criteria:

- a. Proposal demonstrates a clear understanding of the Americans with Disabilities Act of 1990, Title II (particularly 28 C.F.R. Part 35, inclusive of amendments effective March 15, 2011) and the work to be performed, specifically as it relates to review of services and programs, including recreation programs, access to recreational facilities, access to permitting and zoning applications, and to communications platforms such as the County website.
- b. Relevant experience and technical competence of the proposer, the personnel assigned to this project, and the degree of participation in the project by the key personnel. Provide documented attendance of relevant continuing educational courses on Title II compliance offered by the federal government or other qualified training entities.
- c. Recent experience with similar type projects including Title II projects.
- d. References and information from other organizations for which the proposer has provided comparable service. This will include demonstrated history of consulting with and providing written reports to other Florida governmental entities concerning Title II ADA compliance issues.
- e. Ability of the proposer to demonstrate the project in clear terms that articulate in non-technical terms the issues at hand. Proposal shall include the approach and concept for the review of County's services and programs relating to Title II of the 1990 Americans with Disability Act with proposed solutions to all areas found to be non-compliant.
- f. Cost and fee structure proposed.

#### C.02 RELATIVE IMPORTANCE OF EVALUATION FACTORS

No weight has been assigned to the Evaluation Factors stated above. The County Selection Committee will not utilize numerical scoring.

#### C.03 PRELIMINARY RANKING

A Selection Committee may determine from the response to this Request for Proposal and subsequent investigation as necessary, the Proposers most susceptible of being selected for award.

#### C.04 REVIEW OF PROPOSERS AND PROPOSALS

Review shall be conducted with responsible Proposers who may be reasonably susceptible of being selected for award, for the purposes of clarification to assure full understanding of and conformance to the solicitation requirements, the abilities of the Proposer, and the proposal submitted.

Firms responding to this Request for Proposal shall be available for presentation/interviews, to the Selection Committee and/or Board of County Commissioners upon notification from the Purchasing Division at a time and date determined by the County.

#### C.05 SELECTION FOR NEGOTIATION

The Proposer whose ability and proposal is determined to be the most advantageous to the County, taking into consideration the evaluation factors set forth in this Request for Proposal, shall be recommended to the County Administrator for authorization to negotiate an agreement for the stated Scope of Services.

#### C.06 AWARD

Award of an agreement is subject to the successful negotiations and the authorization of the appropriate approval authority to execute an agreement.

## SECTION D: NEGOTIATION OF THE AGREEMENT

### D.01 GENERAL

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

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

### D.02 AGREEMENT

The selected proposer shall be required to negotiate a formal agreement, in a form acceptable to Manatee County.

## SECTION E: SCOPE OF SERVICES

### E.01 PURPOSE

The purpose of this Request For Proposal is to solicit proposals from qualified individuals, corporations, partnerships and other legal entities for selection to provide professional consulting services to conduct a review of the County's services and programs (which have a direct impact on citizens and accessibility) for compliance with current regulations implementing Title II of the 1990 Americans with Disabilities Act, including modification made by amendments. All services shall be provided with appropriate consultation and oversight by the County Attorney's Office and the County Administrator's Office.

The primary focus of the review will be on services and programs including recreation programs, access to recreational facilities, and access to County services such as permit and zoning applications, and the county's expanding communications platforms such as its web presence. If feasible, the County may also include certain programs or services of its constitutional officers.

Manatee County expects that this Request for Proposal will result in an award for a work assignment contract to perform the services described herein on an annual basis. Project size may vary and tasks will be assigned on the basis of individually negotiated work assignments. The Consultant shall perform all the services specified in accordance with generally accepted professional standards. The Consultant shall perform all services as expeditiously as is consistent with professional skill and care and the orderly progress of the work.

### E.02 REQUIREMENTS

The Proposer shall perform, but is not limited to the following ADA consulting services on an as required basis within Manatee County for the Community Services Department.

- a. In order to determine ADA compliance, the Consultant shall meet with, at a minimum, each of the County representatives to discuss programs, services, and activities that may have ADA implications or otherwise fall under Title II requirements.

Includes the County website: [www.mymanatee.org](http://www.mymanatee.org), to identify barriers to accessibility, particularly those which render the site non-compliant. Ascertaining whether the barrier is created by the current content management system or by the site content. Also identifying any challenges with access to, and the use of, applications (i.e., GIS mapping, payment and other citizen service-driven applications).

## E.02 REQUIREMENTS (cont'd)

- b. Compliance Assessment Report (of above services)  
Consultant shall compile a report specifying the areas where the County is not compliant and provide recommendations. The report shall include the most current means of complying with ADA standards. The complete evaluation shall include costs for proposed modifications and priorities for completion of proposed modifications. The final report shall be in Microsoft Excel format. A preliminary report shall be required when approximately 75% of the evaluation for programs is complete.
- c. At the conclusion of the assessment and reporting tasks, the Consultant shall provide a one (1) day review session for County officials and key employees regarding the findings and recommendations on becoming compliant with ADA regulations.

## E.03 PRICING

- a. The County expects to establish a multi-year term contract with its ADA Compliance Consulting Service provider. For purposes of this request, assume an initial term of one year with the County having an option to renew annually.
- b. The Consultant shall provide pricing based on the requirements and terms set forth in this request. Pricing must be all-inclusive and cover every aspect of the contract.
- c. A total fee shall be provided for providing the work as delineated herein.
- d. A per-hour rate for consulting services shall be provided for any additional consulting services not specified herein.

END OF SECTION E

SECTION F: PROPOSAL SIGNATURE FORM

For: RFP #12-0513DC AMERICAN DISABILITY ACT (ADA)  
COMPLIANCE CONSULTING SERVICES

Firm Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_  
City, State, Zip Code

FL Dept of Business Regulation License #: \_\_\_\_\_ if applicable

Federal Employer Identification Number (FEIN): \_\_\_\_\_

Contact Person: \_\_\_\_\_  
Print Name and Title

Telephone No: (    ) \_\_\_\_\_ Fax: (    ) \_\_\_\_\_

Email address: \_\_\_\_\_

The undersigned attests to his (her, their) authority to submit this proposal and to bind the firm herein named to perform as per agreement. If the firm is selected by the County the undersigned certifies that he/she will negotiate in good faith to establish an agreement to provide consulting services according to the requirements of this Request for Proposal.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness Signature

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Name and Title of Above Signer

\_\_\_\_\_  
Name and Title of Above Signer

\_\_\_\_\_  
Address of branch office proposed to service Manatee County other than above

\_\_\_\_\_  
Name and Title of Firm's Representative for Manatee County

\_\_\_\_\_  
Telephone Number and Email Address of Firm's Representative for Manatee County