

**REQUEST FOR PROPOSAL #12-32228BG
ENGINEERING CONSULTING SERVICES FOR BEACH RENOURISHMENT**

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 to provide ENGINEERING CONSULTING SERVICES FOR BEACH RENOURISHMENT in accordance with Florida Statute Chapter 287, Section 055 The Consultants Competitive Negotiation Act and as described in this Request For Proposal.

DEADLINE FOR CLARIFICATION REQUESTS: January 9, 2013 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. 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 **January 16, 2013 at 1:00 P.M.** at which time they will be **publicly opened**. All interested parties are invited to attend this opening.

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Important note: A prohibition of lobbying is in place. Please review paragraph A.17 carefully to avoid violation and possible sanctions.

FOR INFORMATION CONTACT:

Blair C. Getz, Contracts Negotiator @ (941) 749-3053, Fax (941)749-3034
Manatee County, Financial Management Department, Purchasing Division
Email: bgetz.getz@mymanatee.org

AUTHORIZED FOR RELEASE: 

**REQUEST FOR PROPOSAL #12-32228BG
ENGINEERING CONSULTING SERVICES FOR BEACH RENOURISHMENT**

SECTION A: INFORMATION TO PROPOSERS

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

A.01 OPENING LOCATION

These proposals will be publicly opened at Manatee County Purchasing Division, 1112 Manatee Avenue West, 8th Floor, Suite 803, Bradenton, Florida 34205, in the presence of County Officials at the time and date stated on the cover sheet. All proposers or their representatives are invited to attend.

A.02 PROPOSAL INFORMATION AND PROPOSAL DOCUMENTS

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.

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 page.

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

Note: The County posts the **Notice of Source Selection** 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 DIVISION (see contact information on page one of this document) TO DETERMINE IF ADDENDA WERE ISSUED AND TO MAKE SUCH ADDENDA A PART OF THEIR PROPOSAL.

A.03 REQUIREMENTS FOR FORMAT AND DELIVERY OF PROPOSALS

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

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

A.04 CLARIFICATION & ADDENDA

Each proposer shall examine all Request For Proposal documents and shall judge all matters relating to the adequacy and accuracy of such documents. Any inquiries, suggestions or requests concerning interpretation, clarification or additional information pertaining to the Request For Proposal shall be made in writing through the Manatee County Purchasing Division. The County shall not be responsible for oral interpretations given by any County employee, representative or agent. The issuance of a written addendum 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 Division at 941-748-4501, Ext. 3053 to determine if addenda were issued and to acknowledge Addendum(s) where indicated on the Proposal Signature Form.

DEADLINE FOR CLARIFICATION REQUESTS:

January 9, 2013 at 5:00 P.M. shall be the deadline to submit all inquiries, suggestions, or requests concerning interpretation, clarification or additional information pertaining to this Request For Proposals to the Manatee County Purchasing Division.

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

A.05 SEALED & MARKED

One (1) signed Original (marked Original) and Five (5) copies (marked) marked copies of your proposal shall be submitted in one sealed package, clearly marked on the outside with the **name ,address and phone number of the proposer** and as follows:

"Sealed Proposal #12-32225BG ENGINEERING CONSULTING SERVICES FOR BEACH RENOURISHMENT and addressed to:

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

A.06 LEGAL NAME

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

A.07 PROPOSAL EXPENSES

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

A.08 EXAMINATION OF OFFER

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

A.09 DISCLOSURE

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

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

A.10 ERRORS OR OMISSIONS

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

A.11 DISQUALIFICATION DUE TO NON-RESPONSIVENESS

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

A.12 RESERVED RIGHTS

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

A.13 APPLICABLE LAWS

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

A.14 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,

A.14 CODE OF ETHICS (CONTINUED)

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

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

A.15 COLLUSION

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

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

A.16 PUBLIC ENTITY CRIMES

In accordance with Section 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal on a contract to provide any goods or services to a public entity, may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit proposals on leases or real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

In addition, Manatee 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 "C" and submit with your proposal.

A.17 LOBBYING

After the issuance of any Request for Proposal, 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 Proposal with any officer, agent or employee of Manatee County other than the Purchasing Official or as directed in the Request for Proposal. This prohibition begins with the issuance of any Request for Proposal 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.18 EQUAL EMPLOYMENT OPPORTUNITY

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

A.19 AMERICANS WITH DISABILITIES ACT

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

END SECTION A

SECTION B: SCOPE of WORK

B.01 GENERAL PROJECT DESCRIPTION

Manatee County has a requirement for consulting engineering services to provide consultation, investigations, environmental studies and reports; design; construction and additional services for the Anna Maria Island Beach Restoration Project and other shorelines within Manatee County under tidal influences.

The Anna Maria Island Project is a Federal shore protection project with a 50-year lifespan. The initial restoration was constructed between December 1992 and February 1993, with the first periodic renourishment completed in June 2002. Approximately 2.3 million cubic yards of sand were placed on the beach along 5 miles of Anna Maria Island in 1991, and approximately 1.8 million cubic yards along 5.1 miles in the cities of Bradenton Beach and Holmes Beach, and .6 miles are within the City of Anna Maria. While federally authorized, the City of Anna Maria portion was not federally funded, but cost-shared with the State of Florida.

Manatee County expects the second periodic renourishment to be completed in 2019 to last through the design period of eight years; however, the complete range of services identified in B.02, Scope, will be required to prepare for the third periodic renourishment expected on or before 2022.

Professional engineering consulting services are needed to assist Manatee County with all aspects of the project for Anna Maria Island and any other coastal or tidally influenced shoreline in Manatee County.

B.02 SCOPE

I. PRELIMINARY SERVICES PHASE

A. Engineering Consulting Services Requirements

The Consultant shall be required to provide field studies, planning, conceptual design, cost estimates and permitting of the beach renourishment project or other tidally influenced shorelines in Manatee County. The services required may include but are not limited to the following:

1. Conduct surveys and studies necessary to identify a sediment (sand) source for the project. Services may include assisting the County with Federal coordination issues related to permits, funding acquisition and reimbursement, preliminary project investigations, cost studies and economic comparisons, plan comparisons and modifications as appropriate.
2. Conduct environmental studies and be familiar with habitats of concern.
3. Shall assist County in applying for the State of Florida permits and approvals for beach nourishment, possibly including extension of the Erosion Control Line for the project.

B.02 SCOPE (continued)

Coastal and hydrographic survey services may be required for design, monitoring, funding and emergency assistance services.

Environmental services may be required to conduct the studies and surveys necessary to obtain the appropriate permits and approvals. The specific tasks which may be required are as follows:

B. Identification of a Beach Renourishment Sediment Source

The Consultant may be required to conduct studies and evaluations necessary to identify a sediment source for the Anna Maria Island Beach Renourishment Project. Services shall include but are not limited to:

1. Performance of seismic and side sonar surveys to locate potential borrow area sites.
2. Bathymetric survey to determine water depths over the potential sites with the production of a bathymetric chart.
3. Probing and vibracoring of potential borrow areas to evaluate the sediment depth and characteristics of the potential sites. Candidate borrow sites may require a magnetometer survey to locate potential historical resources. The selected borrow area(s) should provide beach-compatible sediment with the greatest economical advantage and least environmental impact. The consultant may be required to coordinate with the Department of Environmental Protection (DEP) or U.S. Army Corps of Engineers (USACE) to provide planning details and/or study results. The appropriate charts, drawings, legal descriptions, sediment data, logs and reports of the study effort shall be provided to the aforementioned agencies.

C. Environmental Services

The Consultant may be required to map, using side scan sonar, previously unmapped hardbottom areas for further investigation to meet regulatory requirements. The investigation may include:

1. Characterization of benthic communities associated with the hardbottom areas.
2. Fish population studies for newly identified hardbottom areas or previously mapped hardbottom formations.
3. Sediment sampling, infaunal analysis and diversity evaluations.

B.02 SCOPE (continued)

4. Miscellaneous other environmental services may include water quality issues, sea turtle protection and habitat enhancement, and artificial reef mitigation. Water quality issues may include the procurement of a mixing zone variance for the project and preliminary services water quality monitoring.

Sea turtle protection may include the development of a sea turtle protection plan, sea turtle monitoring studies, beach sediment compaction studies and sediment tilling, as required by the State of Florida or Federal Government. Artificial reef mitigation may include the setting of an artificial reef, determination of the appropriate acreage of the reef, selection of appropriate materials, design of the artificial reef to maximize its environmental potential, permitting and follow up monitoring. The Consultant may be required to investigate Sarasota Bay habitat, sea bird nesting, dune habitat or any other environmental issue as required by State and/or Federal regulatory agencies. This shall include meeting with the Department of Environmental Protection or U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service or other regulatory agencies to address environmental issues.

D. Coastal and Hydrographic Surveying Services

The Consultant may be required to provide hydrographic surveying preparatory to coastal evaluations, project design and monitoring. The surveys may include sled and/or fathometer surveys integrated with a differential GPS system, taking into consideration environmental circumstances such as the presence of hardbottom habitat. Survey data may be used in the evaluation of erosional trends, hot spot identification, shoreline and volumetric computations, as needed for project processing. Aerial photography may be required, concurrent with the surveying to document existing conditions. Surveys may be required, with coastal evaluation, response to emergencies created by storm activity. The Consultant may be required to establish the location of the Coastal Construction Control Line or the existing Erosion Control Line (ECL). The Consultant may also be required to provide temporary construction easement surveys.

E. Erosion Control Line Extension

Prior to the construction of the Anna Maria Island Beach Nourishment Project, an ECL was established within the project area. The renourishment project may be expanded an additional distance northward to incorporate additional shoreline within the City of Anna Maria renourishment project segment. The Consultant may be required to provide services required to extend the ECL. If required, a survey will be performed utilizing State of Florida approved methods for establishing an ECL. The appropriate ECL documents shall be prepared, including a legal description of the mean high water survey intended for ECL establishment. The Consultant shall assist the County with obtaining State of Florida approval of the ECL and entry in to County records.

B.02 SCOPE (continued)**F. Federal Coordination and Processing of the Beach Renourishment Project**

Utilizing all available information, the Consultant may be required to provide an evaluation of the beach renourishment design prepared by the USACE. The Consultant shall be familiar with and experienced in conducting shoreline and wave modeling procedures and analyzing accretion and erosional trends for the design of a renourishment project and for acquisition of project permits.

The Consultant should have knowledge and experience in designing and processing federally authorized beach renourishment projects. The Consultant may be required to assist the County and the USACE in preparing and evaluating a General Reevaluation Report or a General Design Memorandum Addendum and/or Limited Re-evaluation Report for the originally authorized project. The Consultant may be called upon to address issues related to the Local Cooperation Agreement which exists for the project, including a possible addendum to the agreement to address increasing the renourishment project size, cost, or cost sharing based on economic evaluations. The Consultant may assist the County in preparing documents and attending meetings with the USACE and Congressional members to secure approval for a locally constructed, reimbursable funded project. The Consultant may be required to design the beach renourishment project and provide construction services, as required. The Consultant should have experience with and be prepared to assist the County in addressing Public Law 84-99 studies related to emergency funding in the event of a storm striking the Anna Maria Island project.

G. Project Permitting

Project permits shall be required from the DEP, USACE and local cities within the project area. The Consultant shall participate in pre-application meetings with these agencies and other organizations to make necessary presentations and determine the concerns of the regulatory and advisory agencies. The Consultant shall assist the County in applying for the Joint Coastal Permit, consent of use easements, wetlands permit, mixing zone variance, coastal compliance approval and all other required approvals for the project. The Consultant shall be prepared to address issues related to environment, threatened and endangered species, coastal erosion, previous project performance, borrow areas, sediment characteristics, project need, design details, water quality concerns and other issues which must be addressed to secure permits. The Consultant shall be prepared to respond to a series of questions from agencies, providing the required information, analysis, evaluation, models, studies and field investigations needed in response to regulatory agency questions. The Consultant shall review the permit and other approval conditions imposed by agencies. The Consultant shall interact with regulatory agencies to meet requirements and permitting parameters acceptable to the County. The Consultant may provide suggested conditions to the agencies to expedite the permitting process.

B.02 SCOPE (continued)

If required, the Consultant shall travel to regulatory agencies to resolve issues of concern or the share information.

H. Beach Renourishment Dredge Contract Acquisition

The Consultant shall, as required, assist the County in identifying qualified contractors and provide consulting services during bidding services to construct the beach renourishment project or to build or relocate coastal structures, mitigation, dunes and dune over walks or any other facilities or structures related to the beach nourishment project.

I. Additional Coordination and Funding Assistance

The Consultant shall, if required, provide additional assistance to the County in coordinating with governmental or other agencies, or the public. Additional services may include attendance at meetings, review of materials, preparation of studies or any other issues related to the beach and renourishment of the beach and pass maintenance. Additional services required of the Consultant may include funding assistance for beach renourishment, dune restoration, mitigation, monitoring studies and other services related to beach renourishment and the operation and maintenance of the beach. This may include development of a ten (10) year funding cycle and appropriate planning/design elements and quarterly status reports, as part of the Capital Improvement Planning effort by DEP.

II CONSTRUCTION SERVICES PHASE

Consultant shall provide engineering construction services to inspect construction of beach fill, structures, dune habitat and over walks, habitat mitigation and other facilities, features or structures related to the beach renourishment project or permit requirements. The Consultant shall address water quality monitoring requirements, environmental monitoring and other permitting issues. The Consultant may be required to provide coordination with agencies and interact with the public on beach renourishment issues. Specific tasks may include:

A. Project Construction Engineering Services

During the construction phase, the Consultant shall provide construction services that include, but are not limited to:

1. Monitoring the mobilization and demobilization of the equipment to and from the project area.
2. Review design, specifications and permit modifications.
3. Review contractor change order requests.
4. Construction inspection services.

B.02 SCOPE (continued)

5. Provide final certification of project completion to appropriate regulatory agencies.

B. Water Quality Monitoring Services

The Consultant shall provide water quality monitoring and reporting, as required by the DEP Permit, during the construction phase of the project. The County shall, in turn, as permitted, comply with State of Florida Water Quality Standards and provide reports to the DEP. The Consultant shall be required to:

1. Prepare a proposed water quality monitoring program for County review, acceptance and submittal to DEP. Assist County in negotiating acceptance of the program by DEP.
2. Provide field sampling and analysis.
3. Provide daily analysis and reports regarding the water quality monitoring results of the program.
4. Submit reports required by DEP, in compliance with permit requirements. Water quality monitoring may also be a part of the environmental monitoring report, if water quality is monitored by the Consultant at stations other than near shore beach sites or the borrow area. Such stations may include locations over the hardbottom (natural reefs), artificial reefs, at passes or within the bay.

C. Environmental Monitoring Services

The Consultant shall provide environmental monitoring services, as required, subject to DEP permit requirements, as follows:

1. Conduct a thorough review of previous monitoring results of the Anna Maria Island area.
2. Provide as a minimum, hardbottom (natural reef) monitoring, artificial reef monitoring, bay monitoring, sea bird nesting monitoring, marine turtle monitoring and other habitats in the project area. Hardbottom monitoring may include environmental station establishment, transect establishment, photography, sedimentation and water quality monitoring. Similar monitoring may be required over artificial reef sites. Bay monitoring may address water quality, sedimentation and habitat (such as seagrass bed) monitoring. If nesting sea birds are a permit consideration, nesting sites may be monitored to avoid disturbance.
3. Prepare and submit all environmental monitoring reports required by state and federal permits and approvals.

B.02 SCOPE (continued)**E. Agency Coordination**

Permits, easements and other approvals will be issued by the State of Florida, Federal Government and other governmental agencies. The Consultant shall:

1. Coordinate all permitting requirements with the County and the respective governmental agencies.
2. Assist County and other affiliated local government agencies relative to local ordinances and resolutions.

III. POST-CONSTRUCTION SERVICES

- A. The Consultant may be required to provide following post-construction services which include beach, borrow area and environmental monitoring as required by project permits. The Consultant shall assist the County with any federal coordination efforts, including compliance with operations and maintenance requirements. The Consultant may be required to assist the County in addressing issues such as hot spot development, dune restoration, beach tilling, drifting sand, and other beach renourishment project issues.
- B. Environmental Monitoring Services, to include:
 1. Continuing environmental monitoring services in the post-construction phase.
 2. Compare monitoring analyses with pre-nourishment, initial nourishment, pre-renourishment and renourishment construction project phases.
 3. Conduct monitoring in accordance with permits requirements and other approvals and meet all environmental monitoring reporting requirements. Services may include hardbottom, water quality, artificial reef, sea turtle nesting, sea bird nesting, bay habitats or other habitat identified in the permits/approvals.
- C. Beach and Borrow Area Monitoring Services, to include:
 1. Conduct topographic and hydrographic surveys of the beach, near shore zone and borrow area for the project area and adjacent shorelines.
 2. Compare survey analyses with pre-nourishment, initial nourishment, pre-renourishment and post renourishment construction project phases.
 3. Integrate the survey information into an evaluation of the beach renourishment project performance assessment and borrow area infilling rate.

B.02 SCOPE (continued)

4. Obtain sand samples from the beach profile lines identified in the permit and analyze to determine changes in grain size characteristics.
- D. Operation and Maintenance Services, may include assisting the County, on an as required basis in meeting its requirement to USACE to provide operation and maintenance services for the beach renourishment project. Services may include, but are not limited to, observations of beach changes, infrastructure issues, right-of-way encroachment and evaluation of walkways on public lands.
- E. Other Post-Construction Services
1. Assist the County with issues related to beach renourishment, beach changes, stormwater drainage and ponding, changes in shell content and issues requiring technical or environmental input.
 2. Incorporate data into an annual report for review and approval by County and further distribution to the State and USACE, in accordance with permit requirements. Upon approval, prepare report in accordance with State format for resubmittal.
- F. Other preliminary phase services the Consultant may be required to conduct field studies, planning, design and construction services of beach renourishment projects on an as required basis within Manatee County related to pre and post storm damage assessments requested by state and federal agencies and preparation of documentation required to obtain funding assistance following storm declarations by state and federal entities including the Federal Emergency Management Agency and Army Corps of Engineers. It is projected that work will include a variety of tasks associated with beach renourishment for the Anna Maria Island Beach Restoration Project.

Due to the unique nature of the service requirements, in most situations, limited funds will be available. Therefore, the successful proposer must be willing and able to negotiate the most cost effective solutions to accomplish the work. Consultant(s) will be expected to provide reasonable proposals within short time frames and be prepared to commence and complete work in a timely manner.

IV ADDITIONAL SERVICES:

The Consultant shall be required to provide other unforeseen marine related services for projects or activities that may be required in the area of marine and coastal engineering, marine biology, marine geology, coastal and hydrographic surveying.

END SECTION B

SECTION C: FORM OF PROPOSAL

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

The information that Proposers 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 D. Selection.

C.01 MINIMUM QUALIFICATIONS (Licensing) TO BE CONSIDERED

To qualify for any consideration, the Proposer(s) must present proof of any licensing or certification which will be required by law to perform the services set out in the scope of services required in this RFP.

Proposals may be presented by a single business entity, a joint venture, or partnership.

After Manatee County staff validates the Minimum Qualifications have been met, those Proposals found to be in compliance will be considered by the evaluation committee.

C.02 ADMINISTRATIVE SUBMITTAL

- A. Proposal Signature Form (Attachment A).
- C. Public Contracting and Environmental Crimes Cert. (Attachment C).

C.03 INFORMATION TO BE SUBMITTED REGARDING BUSINESS ENTITY

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

To validate the qualifying service, provide the Florida city or county, the date of the engagement, a government contact who was responsible for the administration of that contract and contact information including telephone and email information.

- a. Name and location of the Client and the project, the year of performance and the date the project was fully operational and accepted. The specific details of the project including the components and subcontractors utilized.

C.03 INFORMATION TO BE SUBMITTED REGARDING BUSINESS ENTITY(continued)

Specify the name, title and telephone number for the Clients contract manager for the project;

- b. Names of your firm's staff and their direct involvement in the project;
 - c. Names and telephone numbers of the persons representing the individual agencies with which the identified key staff directly worked; and
 - d. Governmental agency, if any, which verified compliance with its requirements or standards, and the names and telephone numbers of the key persons with direct knowledge of this process to achieve compliance.
- C.03.1 Provide a description of the proposer's **background and size**. Provide a general statement of qualifications that includes your firm's professional credentials, the legal status of your organization, and experience in providing the service enumerated in this Request For Proposal.
- C.03.2 Describe any **changes in the mode of conducting business** your firm has made in the past five (5) years, including any mergers, acquisitions, consolidations, downsizing or bankruptcy proceedings or filings. Disclose any such changes that are currently in progress. Identify the location of the primary office that will provide these services to the County.
- C.03.3 Provide an **explanation of the business entity which you represent**.
- Specify the business entity which would be bound by an Agreement, should your firm be selected provide information relevant to your company or corporation; subcontractor roles, if any; and if a joint venture, include the specific experience that the joint venture partners have working together on similar projects.
- If the proposer is a joint venture, or partnership, the details of the responsibilities for provision of the required services must be clearly disclosed. Provide a narrative on how you anticipate the partnerships to manage the work and any prior experience that the individual entities may have had in working together on other projects. Disclose the lead firm of the joint venture.
- C.03.4. Provide a list of at least **five (5) references** with knowledge of your firm's contract performance with local government. References shall be employees in senior level management positions at the governmental entity. Include the name of the entity, a description of the contract project,

C.03 INFORMATION TO BE SUBMITTED REGARDING BUSINESS ENTITY(continued)

the dates of service and the name(s) and telephone number(s) of the contact persons. This list shall be for both Governmental and Private clients for the past five (5) years.

- C.03.5 Identify each **principal of the firm and other “key personnel”** who will be professionally associated with the County. Do not include personnel that will not have a key role in providing services. Describe their respective areas of expertise.

For each identified person, list:

- Full Name
- Professional credentials; Title;
- Area of expertise, individual’s roles and duties in providing services
- Division address
- Email address
- Telephone number
- Personalized resumes which identify the qualifications, training and experience of each key personnel

- C.03.6 Submit a list of **subcontractors and sub-consultants** that may be used with the same level of detail as item C.03.4 above.

- C.03.7 **Local Office, Procurement, Hiring.** Gaining maximum economic impact is paramount. Proposer(s) should therefore describe whether the managing office will be located within the County, and detail what plans and policies will be adopted to help ensure County citizens receive preferential consideration for employment, and vendors located within the County will be used as suppliers of goods and services needed to perform the scope of services.

- C.03.8 Disclose **any ownership interest in other entities** involved in the type of services required by this request For Proposal which may be a potential participant in this Request for Proposals. This ownership disclosure shall be included, whether such ownership occurs by the proposer through a parent, subsidiary or holding company or any other form of business entity. Submit entity names and the percent of ownership for each.

- C.03.9 Submit a narrative **explaining the direct economic benefit to Manatee County to be realized by selecting Proposer(s).** Please include a discussion of the employment, subcontracting, and support services contracting which would be procured within Manatee County.

- C.03.10 Using the response to C.03.4 in which you identified “Key Personnel”, provide a list, with references, for **ENGINEERING CONSULTING SERVICES FOR BEACH RENOURISHMENT that each individual has performed since 2007 to the current date.** References given must specify employees in senior level management positions with knowledge of

the project to confirm the claimed details. Include the name of the entity for whom the work was completed, a description of the project, the dates of service, the telephone number(s) and email addresses of the identified contact persons.

- C.03.11 Disclose any **private client engagements that your business entity has undertaken as an** engineering consultant for beach renourishment from 2007 to the current date. Provide the private client's name, the date of the engagement, and the description of the services your business entity provided.
- C.03.12 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.

C.04 ADDITIONAL INFORMATION NOT REQUESTED

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

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

END SECTION C

SECTION D: SELECTION

D.01 EVALUATION FACTORS

Evaluation of proposals will be conducted by an evaluation committee. The committee's goal will be to identify the proposal which will overall best meet the needs of Manatee County as determined from the proposals received and subsequent investigation by the County. General factors to be applied will be: (1) the perceived ability of the Proposer(s) to perform the Scope of Services as stated in this Request for Proposal in the most timely and efficient manner possible, (2) the legal, technical and financial capabilities of Proposer(s), and (3) the experience of Proposer(s).

These evaluation factors shall determine the successful proposal.

D.02 RELATIVE IMPORTANCE OF EVALUATION FACTORS

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

D.03 PRELIMINARY RANKING

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

D.04 REVIEW OF PROPOSERS AND PROPOSALS

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

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

D.05 SELECTION FOR NEGOTIATION

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

D.06 AWARD

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

END SECTION D

SECTION E: NEGOTIATION OF THE AGREEMENT

E.01 GENERAL

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

- a. The proposal will serve as a basis for negotiating an agreement, but not compel adherence to its terms or conditions.
- b. Upon submission, all proposals become the property of the County which has the right to use any or all ideas presented in any proposal submitted in response to this Request for Proposal whether or not the proposal is accepted.
- c. Pursuant to this Section "E" it is anticipated the Agreement shall remain in effect for a period of one (1) year, but may be renewed through mutual agreement of both parties, for up to a total aggregate of five years.
- d. All products and papers produced in the course of this engagement become the property of the County upon termination or completion of the engagement.

E.02 AGREEMENT

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

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

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

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

END SECTION E

ATTACHMENT A

PROPOSAL SIGNATURE FORM

RFP #12-3222BG

ENGINEERING CONSULTING SERVICES FOR BEACH RENOURISHMENT

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

Print or Type Proposer's Information Below:

Name of Proposer

Telephone Number

Street Address

Email Address

Web Address

Print Name & Title of Authorized Officer

Signature of Authorized Officer

Date Signed

Acknowledge Addendum No. _____ Dated: _____

Acknowledge Addendum No. _____ Dated: _____

Acknowledge Addendum No. _____ Dated: _____

ATTACHMENT B

MANATEE COUNTY LOCAL PREFERENCE LAW AND VENDOR REGISTRATION

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 Government Purchasing Division, 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 the 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 "local business" is defined in the Purchasing Code.

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

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.

Section 2-26-6. Local preference, tie bids, local business defined. (Continued)

- 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;
 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: Manatee County Purchasing Code § 2-26-6.

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 Proposal**, 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 § 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 § 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, 1112 Manatee Avenue West, Suite 803, Bradenton, FL 34205.

ATTACHMENT C

PUBLIC CONTRACTING AND ENVIRONMENTAL CRIMES CERTIFICATION

SWORN STATEMENT PURSUANT TO ARTICLE 6,
MANATEE COUNTY PURCHASING CODE

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

This sworn statement is submitted to the Manatee County Board of County Commissioners by _____
[print individual's name and title]

_____ For _____
[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 amount family members, shared organization of a business entity following the ineligibility of a business entity

under this Article, or using substantially the same management, ownership or principles as the ineligible entity.

Any person or entity who claims that this Article is inapplicable to him/her/it because a conviction or judgment has been reversed by a court of competent jurisdiction, shall prove the same with documentation satisfactory to the County's Purchasing Director. Upon presentation of such satisfactory proof, the person or entity shall be allowed to contract with the County.

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR MANATEE COUNTY IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT ANY CONTRACT OR BUSINESS TRANSACTION SHALL PROVIDE FOR SUSPENSION OF PAYMENTS, OR TERMINATION, OR BOTH, IF THE CONTRACTING OFFICER OR THE COUNTY ADMINISTRATOR DETERMINES THAT **SUCH PERSON OR ENTITY HAS MADE FALSE CERTIFICATION.**

[Signature]

STATE OF FLORIDA
COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____, 200____ by _____.

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

_____ My commission expires _____
Notary Public Signature

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

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