

**REQUEST FOR QUALIFICATIONS FOR CONSTRUCTION OF RIGHT OF WAY
IMPROVEMENTS WITHIN THE DISTRICT'S RIGHT OF WAYS**

SAN CARLOS ESTATES WATER CONTROL DISTRICT

RFQ For Construction of Right of Way Improvements # _____

RFQ DUE DATE/TIME

TBD at 3:00 pm

LAST DAY FOR QUESTIONS

TBD at 3:00 pm

RFQ NUMBER

POINT OF RECEIPT

District Engineering Firm as noted on San
Carlos Estates Water District Web site

SAMPLE

**REQUEST FOR QUALIFICATIONS FOR CONSTRUCTION OF RIGHT OF WAY IMPROVEMENTS WITHIN THE
DISTRICT'S RIGHT OF WAYS
SAN CARLOS ESTATES WATER CONTROL DISTRICT**

RFQ # _____

OVERVIEW

The San Carlos Estates Water Control District (hereinafter referred to as "District") requests that interested parties submit formal sealed responses for the above-referenced Request for Qualifications ("RFQ").

This Request for Qualifications process is a competitive selection method that is being used by the District to select a Responder(s) to enter into an agreement with the District for the performance of construction services within the District's right of ways, including the construction of access driveways for subdivision lots in the District. The agreement entered into between the District and the selected Responder(s) will authorize the selected Responder(s) to perform construction services within the District's right of ways, including the construction of access driveways for subdivision lot owners in the District who will be required to negotiate a separate agreement between one of the selected Responders and the subdivision lot owner for the performance of improvements, including **access driveways, access roads, and/or utilities**, in full compliance with the District's Right of Way Construction Standards and in full compliance with the requirements described by the District Engineer. Only those Responders who have entered into an agreement with the District to perform work in the District's right of ways will be authorized to perform work in the right of ways owned by the District. All work in the District's right of ways must be completed in each instance within the time frame required by the District and all work must satisfy all of the District's right of way construction standards as prescribed by the District's Engineer and as further prescribed in the District's Driveway Permitting Handbook ("Handbook") and in other written requirements.

The District reserves the right to withdraw and cancel this invitation at any time, without liability to any Responders or prospective Responders. The District reserves the right to retain all responses submitted and to use any ideas in a response regardless of whether that response is selected.

The due date/time deadline to submit a response to the District is established by San Carlos Estates Water District (SCEWD) and noted on the SCEWD website All responses shall be placed in a sealed envelope with the following title clearly indicated on the outside:

**REQUEST FOR QUALIFICATIONS FOR CONSTRUCTION OF IMPROVEMENTS
WITHIN THE DISTRICT'S RIGHT OF WAYS
SAN CARLOS ESTATES WATER CONTROL DISTRICT**

RFQ # _____

with delivery to the District that must be received by SCEWD authorized Engineering Firm as noted on the SCEWD website <https://scewcd.specialdistrict.org> no later than the response deadline of 3:00 p.m. on January 8, 2021. Responses received after such time will not be accepted. Responses delayed for any reason shall not be considered. Faxed and electronically mailed responses will not be accepted. All costs and expenses related to the preparation and submission of a response are the sole responsibility of the Responder.

All prospective Responders are cautioned not to contact any member of the District Board of Supervisors or District employees. All questions should be directed to the District Engineer, sending to the District Engineer's office in writing, as well as an email address all of which are provided on the SCEWD website <https://scewcd.specialdistrict.org> no later than 3:00 p.m. of the designated month stated in the RFP/RFQ # _____

Pursuant to the authority granted by the District Board of Supervisors, the qualified responses to this RFQ will be considered and a decision on the selection of a qualified Responder(s) will be made by the District Engineer. The District reserves the right to reject any or all responses in its sole discretion. The District also reserves the right to waive irregularities and technicalities, to re-advertise for additional responses, and to select the Responder(s), who, in the District's sole opinion, is in the best interests of District. The District also reserves the right to allow additional interested parties to submit formal responses for the above-referenced RFQ in the future, from time to time, in the District's sole discretion, without re-advertising for additional responses. It is the District's intention to select multiple qualified Responders to this RFQ, now and in the future, and to enter into agreements with multiple qualified Responders, in the District's sole discretion.

The District does not discriminate on the basis of age, race, color, sex, religion, national origin, disability, or marital status.

CONSTRUCTION OF RIGHT OF WAY IMPROVEMENTS WITHIN THE DISTRICT'S RIGHT OF WAYS

SECTION 1

GENERAL INFORMATION AND INSTRUCTIONS

1) DEFINITIONS

- a. San Carlos Estates Water Control District may hereinafter be referred to as "DISTRICT" or "District".
- b. "Responder" shall be any entity or individual submitting a response for the pending solicitation.
- c. All references to days in this solicitation mean calendar days, unless otherwise stated.
- d. All references to "shall", "must", and "will" are to be interpreted as mandatory language.
- e. The Request for Qualifications is a competitive selection method selected for this pending solicitation and will be referred to as the "RFQ".
- f. "successful Responder" shall be the successful Responder(s) with whom an Agreement is entered into by the District. (It is anticipated that multiple successful Responders may be selected).
- g. "Contract" or "Agreement" shall be used interchangeably and shall have the same definition for purposes of this RFQ.
- h. This Request for Qualifications process is a competitive selection method that is being used to select a Responder or Responders, to enter into a continuing agreement with the District for the authority of a Responder to perform construction of improvements within the District's right of ways, sometimes pursuant to a separate third party agreement with a subdivision lot owner.
- i. "Handbook" shall be the District's Access (Driveway Permitting) Standards Handbook, a copy of which can be viewed online at the District's website at <https://scewcd.specialdistrict.org/>
- j. "District Engineer" is noted on the San Carlos Estates Water District. For purposes of this RFQ, the District Engineer has been appointed and authorized by the District Board of Supervisors as the agent of the District Board of Supervisors to make the final decision on the selection of all qualified Responders and for the purpose of approving the final written Agreement between the District and all qualified selected Responders.

2) PURPOSE

- a. The District seeks responses from qualified Responders to perform construction of improvements within the District's right of ways, sometimes on behalf of a subdivision lot owner pursuant to a separate agreement with the lot owner, as described and authorized by the District's Engineer and in the District's right of way construction standards, including the construction standards described in the District's Handbook.
- b. This RFQ has been compiled for the purpose of providing information, requirements, guidelines, specifications, and other data that can be used by Responders who wish to submit a response for consideration.

3) INSTRUCTIONS

- a. Each Responder shall submit one (1) sealed response, clearly marked as "Original", and one (1) electronic copy in PDF file format. The Responder shall clearly mark and display the Responder's

name and address, the RFQ number and the Project identification on the outside of the envelope/package. The District shall not be responsible for unidentified responses. Responses shall be addressed to the SCEWD approved District Engineer

Email and hard copy responses must be delivered to the SCEWD approved District Engineer

- b. Each Responder shall submit their response to the SCEWD approved District Engineer no later than the SCEWD designated date of required submission at which time all responses will be opened and only the names of the Responders will be announced. Responses received after the deadline will not be considered. Responders mailing their response must allow a sufficient mail delivery period to insure timely receipt of their response by the District. The District is not responsible for responses delayed by mail and delivery services. The delivery of the sealed response envelope required from each Responder prior to the time and date of the deadline for submitting responses is solely and strictly the responsibility of the Responder.
- c. The District shall not be liable for any costs associated with the preparation of responses to this solicitation; therefore, all costs shall be borne solely by the Responder.
- d. There will **NOT** be a pre-response conference. All prospective Responders must review the RFQ document and submit all questions and/or requests for additional information in writing, by email, to the SCEWD approved District Engineer no later than the SCEWD designated date of the required submission
- e. Prior to submitting a response, each Responder shall carefully examine the RFQ document, study and thoroughly familiarize himself/herself with the specifications/requirements of the RFQ documents and notify the SCEWD approved District Engineer of any conflicts, errors, or discrepancies. Each Responder is solely responsible for reading and completely understanding the requirements and specifications of the RFQ documents.
- f. Before submitting responses, interested firms or individuals must make all necessary investigations to inform themselves thoroughly as to all requirements of this Request for Qualifications/Competitive Selection Process. No plea of ignorance of conditions or difficulties that may hereafter exist, or of conditions or difficulties that may be encountered in the future will be accepted as an excuse for any failure or omission on the part of the successful Responder to fulfill, in every detail, all of the requirements of the RFQ and all of the agreement requirements of the District, nor will they be accepted as a basis for any claims whatsoever for any compensation from the District.
- g. By submission of a response, each Responder guarantees that all goods and services shall meet the requirements of the District's right of way construction standards and guidelines, including those described in the Handbook and in the agreement between the District and the successful Responder(s).
- h. All Responders are hereby notified that any deviations from the requirements stated in the RFQ documents or any failure to submit all information required by the RFQ documents may result in the rejection of their response by the District, in the District's sole discretion. All submitted responses must be properly signed and, where applicable, corporate and/or notary seals must be

attached. All blanks on all forms must be completed in writing. All names of all individuals executing documents must be typed or printed below their signature.

- i. Responses may be withdrawn, in writing, as long as the written withdrawal is actually received by the SCEWD approved District Engineer prior to the deadline fixed for the receipt of responses. Responders cannot withdraw or modify their responses after the response deadline as designated by the SCEWD board of director
- j. Responders cannot assign or otherwise transfer their responses to others either prior to or after they are submitted.
- k. Faxed responses or emailed responses will not be accepted.
- l. Each Responder shall follow the below stated directions for response preparation:
 - i. All responses shall be complete and carefully worded, and must convey all of the information requested by the District. If significant errors are found in the response, or if the response fails to conform to the essential requirements of the RFQ, the District, in its sole discretion, will determine whether to accept or reject the response because of the variance.
 - ii. Responses are to be prepared simply and in a manner designed to provide the District with a straightforward presentation of the Responder's capability to satisfy the requirements of this RFQ. The Responder's response must follow the RFQ format, utilizing the same section titles, schedules, and paragraphs.
 - iii. The Responder must clearly mark as "Confidential" each part of their response which they consider to be proprietary information that could be exempt from disclosure under Florida law as set forth in Chapter 286, Florida Statutes. The District reserves the right to determine whether any response information should be exempt from disclosure and no legal action may be brought against the District or its agents for its determination.
 - iv. The Responder shall make its response in the official name of the entity or individual under which business is conducted (showing the official business address).
 - v. The Responder shall include all applicable requested information and is encouraged to include any additional information the Responder wishes to be considered. If the response includes any comments over and above the specific information requested in the RFQ, the Responder shall include this information as a separate Exhibit B-4 to the response.
 - vi. The Responder shall clearly write in ink or type-write all information requested in this RFQ and shall complete all blanks in the RFQ.
 - vii. A person duly authorized to legally bind the Responder shall execute all required documents in ink.

- viii. Each copy of the response should be bound in a single volume where practical.
- ix. All Responders submitting a response in this competitive selection process are solely responsible for all errors in their response.
- m. To maintain the integrity of the competitive selection process, all contacts and discussions shall be directed solely to the SCEWD approved District Engineer .
- o. Verbal comments or discussions with District personnel or Board of Supervisors members relative to this RFQ shall not be allowed and shall not be binding on the District.
- p. All responses must include the following information for the Responder. The following information shall be described in Exhibit B-1 except for the credit report described in section (d) below.
 - i. QUALIFICATIONS (Exhibit B-1)
 - a. An overview of the Responder, including, if applicable, the number of business officers, partners, members, shareholders and professionals employed by the Responder.
 - b. The number and type of clients served and right of way improvement projects performed that are similar to the right of way improvement projects, especially access driveway improvement projects, that are anticipated to occur within the District's right of ways.
 - c. A description of any disciplinary actions or lawsuits that have been instituted or proposed against the Responder during the last three (3) years, which includes a final or expected outcome, and any pending disciplinary matters or lawsuits of which the Responder is aware.
 - d. If requested by the District, a credit report prepared within sixty (60) days of the request by the District demonstrating the financial viability of the Responder. Such report must be provided by a reputable, independent credit reporting agency and will have to be submitted to the District upon the District's request for same.
 - e. Before entering into an agreement with the District, the selected Responder(s) will be required to provide evidence of sufficient general commercial liability insurance coverage in an amount satisfactory to the District (\$1,000,000.00 minimum coverage limit), workers' compensation insurance in the statutorily required amount, vehicle insurance coverage in an amount satisfactory to the District, and other insurance coverages that are required by the District. Each Responder shall submit evidence of the Responder's ability to acquire the necessary insurance coverages.
 - f. Evidence of whether the Responder has ever failed to provide similar right of way improvement construction services to a contracting party.
 - g. Evidence of whether the Responder has ever been refused approval by any Federal, State, or other government agency as a responder.

- h. Description of experience and familiarity with the construction of right of way improvements, especially access driveways, that meet the District's standards and guidelines, including those standards and guidelines as described in the Handbook.
- ii. APPROACH TO CONSTRUCTION SERVICES (Exhibit B-1 continued)
- a. Please provide a list of the last five (5) right of way improvement construction contracts entered into by the Responder to perform right of way improvement construction services that are similar to the right of way improvements described in the District's standards and guidelines, including those standards and guidelines described in the Handbook. The list must include the following information:
 - (1) names of contracting parties;
 - (2) name, address, telephone number and email address of contact person for the contracting parties;
 - (3) date of contract;
 - (4) general scope of work provided;
 - (5) any other relevant information concerning the scope of work for the right of way improvement construction services provided.
 - b. Please provide a list of no less than three (3) and preferably five (5) references. Each reference must include the following information:
 - (1) name of reference;
 - (2) name of contact person for the reference;
 - (3) telephone number of the contact person for the reference;
 - (4) address of the contact person for the reference;
 - (5) electronic mail address of the contact person for the reference;
 - (6) facsimile number of the contact person for the reference.
 - c. Please provide the name, address, telephone number, and electronic mail address of the party to whom the most comparable right of way improvement/construction services have been provided.
 - d. Please provide copies of any bonds currently held by the contractor who will be performing the work together with evidence of bonding capacity to cover any work to be performed in the District's right of ways.
- q. NARRATIVE RESPONSE STATEMENT (Exhibit B-2)

Every Responder must provide a narrative statement as Exhibit B-2 of the response which provides the District with an overview of the basic right of way improvement construction services that can/will be provided to satisfy the requirements of the RFQ documents and the District's right of way improvement construction standards and guidelines, including the District's Access (Driveway Permitting) Standards Handbook. Further, the narrative statement must include a description of the Responder's past experiences in providing similar types of right of way

improvement construction services to other similarly situated government agencies or private owners. In particular, the following topics shall be addressed in the narrative statement.

- i. The Responder's familiarity with the right of way improvement construction services required for the construction of right of way improvements, including access driveways, within the District.
 - ii. How the subject right of way improvement construction services will be provided.
 - iii. The Responder's familiarity with Federal, State and local environmental regulations, including the Federal Clean Water Act, the Federal Endangered Species Act, and Florida's Water Resources Act, and with other government regulations, including land development regulations and building code regulations, which may be applicable to the construction of improvements within the District's right of ways.
 - iv. The Responder's ability and willingness to perform routine recurring coordination with the District's Engineer in order to ensure that the construction of right of way improvements within the District's right of ways is consistent with the District's standards and guidelines requirements.
 - v. The Responder's ability and willingness to provide periodic reports to the District's Engineer on the status of construction projects within the District's right of ways.
 - vi. Statement of willingness to agree that the District has the authority to stop any construction in the District's right of ways at any time, including stopping the construction of access driveway improvements for third parties, that are not consistent with the District's standards, guidelines and requirements, or which are determined to represent a potential hazard to public health, safety, and/or welfare, in the sole discretion of the District.
- r. **RIGHT OF WAY IMPROVEMENTS CONSTRUCTION CRITERIA**

The District has written standards, guidelines and requirements for the construction of right of way improvements within the District's right of ways which must be satisfied by any Responder who is performing construction within the District's right of ways directly for the District or pursuant to a third party agreement with a subdivision lot owner in the District. The District's Engineer will be the primary District representative who will interact with selected Responders concerning the future construction of right of way improvements within the District's right of ways. The District has adopted written "standards and guidelines" related to the construction of right of way improvements within the District's right of ways, including but not limited to the District's Handbook. As a part of any agreement between the District and a Responder, the Responder must agree to abide by the District's standards, guidelines and requirements for the construction of right of way improvements within the District's right of ways, including the requirements of the District's Engineer and the District's Handbook.

4) EVALUATION AND SELECTION PROCESS

- a) The District may conduct such investigations as the District deems necessary and appropriate to assist in the evaluation of any response and to establish the responsibility, qualifications, and financial ability of any Responder.
- b) The District's Engineer, or their designee, together with the District's Manager and legal counsel shall conduct response evaluations.
- c) The District's Engineer, pursuant to the authorization given by the Board of Supervisors, shall determine which Responders are "qualified" to perform the requested right of way improvement construction services within the District's right of ways. As a part of the determination of which Responders are qualified, the District Engineer may consider each Responder's: qualifications, capabilities, availability, past work performance and record, and experience.
- d) The District Engineer anticipates evaluating each response using the above referenced factors and evaluation process outlined above. In the alternative, the District Engineer, or if requested by the District Engineer, the Board of Supervisors may unilaterally select a different selection process which satisfies the requirements of Florida law.
- e) The District, through the District Engineer, as the authorized agent of the Board of Supervisors, reserves the right to waive any and all deficiencies in any response, in its sole discretion. Further, the District, through the decision of the District Engineer, reserves the right to accept the response(s) that, in its judgment, will be in the best interest of the District or to reject any or all responses, in its sole discretion, and to take such other and further action as the District Engineer deems appropriate and in the best interest of the District, in its sole discretion. The District reserves the right to re-advertise for additional responses to the Request for Qualifications, in its sole discretion.
- f) Once the District Engineer has selected the qualified Responders, the individual(s) designated by the Board of Supervisors as the District's negotiating team may schedule a meeting to negotiate a satisfactory Agreement between the District and the Responders selected by the District Engineer. It is anticipated that the District will have prepared a written agreement in advance of the District's selection of qualified Responders and it is anticipated that the selected qualified Responders will be required to enter into the Agreement prepared by the District. If an Agreement cannot be reached with a specific Responder within a reasonable period of time, in the District's sole discretion, the negotiations with a specific Responder may be terminated by the District and the District will proceed with negotiations of an Agreement with the other selected Responders in an effort to enter into an Agreement with one or more qualified Responders who will be authorized to perform right of way improvement construction within the District's right of ways.
- g) The District reserves the right to negotiate all Agreement terms and provisions. The negotiating team designated by the Board of Supervisors will negotiate the Agreement terms and provisions being offered and will attempt to reach a final Agreement with a Responder, in the District's sole discretion.

- h) Upon successful negotiation of an Agreement with one or more of the selected Responders, the District's Engineer, with input from the District's negotiating team, will consider the completed Agreement for possible approval on behalf of the District. The District may accept or reject a proposed Agreement, in the District's sole discretion, and thereafter authorize the execution of the accepted proposed Agreement or the continuation of negotiations or the termination of negotiations accordingly.
- i) The District anticipates entering into an Agreement with the qualified Responders who are selected by the District Engineer using the selection process described above. In the event the District is not successful in negotiating an Agreement with any of the Responders selected by the District Engineer, the District may reopen and/or terminate continued formal negotiations with any one of the qualified Responders, in the District's sole discretion. Further, if the negotiating team designated by the Board of Supervisors is unable to negotiate a satisfactory Agreement with one or more of the selected Responders, the District may select additional qualified Responders and continue negotiations in accordance with the process outlined herein until an Agreement is reached with a qualified Responder(s), or the District may terminate all negotiations and re-advertise for additional responses, in the District's sole discretion.
- j) All Responders will be notified of the District's decision on the selecting of qualified Responders within seven (7) calendar days after the date of the said action.
- k) Interested parties are advised to contact the SCEWD approved District Engineer for an update on the District's process of selecting qualified Responders.
- l) In all cases, the Board of Supervisors reserves the authority, in its sole discretion, to take such official action that it deems to be in the best interest of the District in a manner which satisfies the requirements of Florida law.
- m) By submitting a response, each Responder recognizes and agrees that the District may reject its response based exclusively upon the District's exercise of its sole discretion. Every Responder waives any claims it may have for damages or other relief resulting directly or indirectly from the rejection of its response based upon any ground whatsoever, including the District's exercise of its sole discretion or the District's disclosure of, or refusal to disclose, any pertinent information related to the reasons for the District's rejection of said response.
- n) Notwithstanding anything else contained herein to the contrary, the District reserves the right, in the District's sole discretion, to allow additional interested parties to submit formal responses to this RFQ in the future, from time to time, after the RFQ response deadline, without re-advertising for additional responses, to the extent allowed by law. It is the District's intention to select multiple qualified Responders to this RFQ, now and in the future, and to enter into agreements with multiple qualified Responders, in the District's sole discretion, to the extent allowed by law.

5) POST AWARD REQUIREMENTS

a) EXECUTION OF AGREEMENT

The successful Responder(s) shall sign and deliver the required Agreement with the District and such other required Agreement Documents to the District within fourteen (14) calendar days after the Agreement has been approved by the District. This RFQ and the successful Responder's response shall be incorporated into, and made a part of, the Agreement.

b) DELIVERY OF CERTIFICATES OF INSURANCE AND OTHER DOCUMENTATION

When a successful Responder delivers the executed Agreement, or an appropriate amendment thereto, to the District, the successful Responder shall also deliver to the District such Certificates of Insurance and other documentation as may be required.

6) GENERAL INFORMATION AND REQUIREMENTS

a) AFFIRMATIVE ACTION

A successful Responder, upon entering into an Agreement with the District, shall take affirmative action to comply with all Federal, State and County requirements concerning fair employment, employment of the handicapped, and treatment of all employees, without regard to, or discrimination by, reasons of, race, color, sex, religion, national origin, disability, or marital status.

b) AMBIGUOUS OFFERS

Responses that are uncertain as to compliance requirements, and/or specifications, may be rejected or otherwise disregarded by the District, in the District's sole discretion.

c) EXPLANATION TO PROSPECTIVE RESPONDERS

Every effort has been made to ensure that all information needed to prepare a response is included in this RFQ. If a Responder finds the Responder cannot complete their response without additional information, the Responder may submit written questions to Stephen VerVaecke, P.E., Project Manager, or his designee, by email, before the deadline set forth herein. No further questions will be accepted after the deadline set forth herein of 3:00 p.m. December 22, 2020.

d) AMENDMENTS/ADDENDA

All amendments to and interpretations of this RFQ shall be in writing and signed by the District. Any amendments or interpretations that are not signed and in writing shall not legally bind the District or its agents. It is the Responder's responsibility to acknowledge receipt of amendments by signing and returning one (1) copy of the amendment with their response submittal. All addenda to the RFQ shall be issued by the District in writing and, to the greatest extent possible, the District will provide a copy of the written addenda to firms and individuals who have indicated an interest in responding to the RFQ; however, it is the sole responsibility of each interested firm or individual to inquire of the District as to whether any addenda have been issued and the District shall incur no liability for failing to provide a copy of any addenda to any firm or individual.

e) LIMITATIONS ON DISCUSSIONS

By a submission of a response to this solicitation, each Responder agrees that during the time following issuance of the RFQ and prior to final award of an Agreement, each Responder shall not discuss this competitive selection process with any party except the SCEWD approved District

Engineer , or his designee, and the Agreement negotiation team designated by the District. No Responder shall attempt to negotiate with any other parties, and no Responder shall discuss any aspects of the competitive selection process with any other parties without the prior written approval of the SCEWD approved District Engineer

f) REJECTION OR ACCEPTANCE OF RESPONSES; WAIVER OF TECHNICALITIES AND IRREGULARITIES

- i. The District reserves the unqualified right to reject any and all responses or accept such responses that appear to be in the District's own best interest.
- ii. The District reserves the unqualified right to waive technicalities or irregularities of any kind in responses made pursuant to this RFQ.
- iii. In all cases, the District shall be the sole judge as to whether a Responder's response has or has not satisfactorily met the requirements of a response made pursuant to this RFQ.
- iv. The District may reject any response that fails to conform to the requirements of the RFQ.
- v. The District may reject a response when the Responder imposes conditions that would modify requirements of the RFQ or limit the Responder's liability to the District.
- vi. A Responder may be required to delete objectionable conditions from a response.
- vii. Responses received from any person or entity that is suspended, debarred, proposed for debarment or declared ineligible as of the response opening date shall be rejected unless a compelling reason is made by the Responder and accepted by the District.
- viii. The District shall reject responses received from Responders where the response is determined to be non-responsive.
- ix. The originals of all rejected responses, and any written findings with respect to such rejections, shall be preserved with the papers relating to the RFQ.

g) COMPLETE DOCUMENTS

All supplementary documents and attachments are essential parts of this RFQ and the requirements occurring in one are as binding as though occurring in all.

h) RFQ ADMINISTRATION

Questions or problems arising during the RFQ award process shall be directed to the SCEWD approved District Engineer or the designee as indicated in the instructions section 3(d) above.

j) PUBLIC ENTITY CRIMES

Section 287.133 (3) (a), Florida Statutes requires submission of a sworn statement regarding Public Entity Crimes which must be signed and notarized and submitted with the response for the Responder and all named subcontractors, if any. A form for this purpose is attached hereto as Exhibit C.

k) WITHDRAWAL OF RESPONSES

Responses may be withdrawn either in writing or in person through an authorized representative at any time prior to the RFQ submission deadline. After the RFQ submission deadline, responses may not be withdrawn or modified except to the extent agreed to by the District during subsequent Agreement negotiations.

l) RESPONSES AS PROPERTY OF THE DISTRICT

Once a response is received, it becomes the property of the District and may not be returned to Responders even when they are withdrawn from consideration.

m) PUBLIC INSPECTION OF RESPONSES

Responses may be made available for public inspection at the time described in Section 119.071, Florida Statutes.

n) RIGHT OF REJECTION

To reiterate, in all instances, the District, through the District Engineer or through the District Board of Supervisors, shall have the unilateral right to reject any and all responses and waive any and all deficiencies or irregularities in any responses submitted by any Responder in the District's sole discretion, and in a manner which satisfies Florida law. In particular, the failure of any Responder to satisfy all requirements of this RFQ may result in the rejection of the Responder's response by the District, in the District's sole discretion.

o) NON-DISCRIMINATION

The District does not discriminate on the basis of age, race, color, sex, religion, national origin, disability or marital status.

p) SWORN RESPONSE

All responses must be executed and dated on Page 15 by an authorized representative of the Responder who must also print the name, title, mailing address, telephone number, facsimile number, e-mail address, and occupational license number of the Responder. Each Responder must execute their response under oath in the presence of a notary public who must complete a notarization paragraph.

q) AFFIRMATIONS

Each Responder shall be required to include signed and notarized written Affirmations with their response. The form of the Affirmations that must be signed, notarized and submitted with each response is attached hereto as Exhibit D.

The undersigned Responder has read and understands the provisions contained in the RFQ and agrees to be bound by same.

RESPONDER

(Name of Corporation or Entity) _____

By: _____

Name: _____

Title: _____

Mailing Address: _____

Telephone Number: _____

Facsimile Number: _____

Email Address: _____

Date: _____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was subscribed and acknowledged before me by physical presence by _____ (name), as _____ (title) of _____ (responder), a _____ entity, on behalf of _____ (responder), this _____ day of _____, 20__.

Personally Known or Produced Identification

Type of Identification Produced _____

Notary Public

Print Name

NOTARY SEAL

THIS PAGE MUST BE RETURNED WITH RESPONSE

EXHIBIT A

DESCRIPTION OF SCOPE OF WORK

This Exhibit A generally describes the scope of work of this RFQ.

The District is seeking responses from qualified Responders with the ability and capacity to construct right of way improvements within the District's right of ways which satisfy, in all cases, the District's rules, regulations, guidelines, and requirements and specifications, as outlined in the Handbook and in the District's other written documentation and as prescribed by the District's Engineer. Once an Agreement is entered into between the District and a selected Responder, construction of right of way improvements may be performed by a Responder pursuant to a separate agreement between a Responder and a subdivision lot owner in the District who is constructing right of way improvements in the District's right of way such as access driveways. In addition to the above, the District may have right of way improvement construction projects in the District in the future and the District reserves the authority to enter into a continuing services agreement with a successful Responder for right of way improvement construction projects directly between the District and a successful Responder in the future to the extent allowed by law. For a further description of the District's right of way improvements construction requirements, a prospective Responder can view the District's Handbook on the District's website at <https://scewcd.specialdistrict.org>.

EXHIBIT B

BASIC RESPONSE SUBMITTALS

The completion of Exhibit B-1, Exhibit B-2, Exhibit B-3, and Exhibit B-4, referenced below, will provide basic information about the Responder.

1. The Responder shall submit, as Exhibit B-1 of the response, a description of qualifications and relevant experience of the Responder. At a minimum, Exhibit B-1 must include a description of the following qualifications and relevant experience items:
 - a. An overview of the Responder, if any, including, if applicable, the number of business officers, partners, members, shareholders and professionals employed by the Responder.
 - b. The number and type of governmental clients served, and the number and type of private sector clients served, in projects where right of way improvements are constructed similar to the right of way improvements that may be constructed in the District's right of ways, including the construction of access driveways connecting to the District's roadways.
 - c. A description of any disciplinary actions or lawsuits that have been instituted or proposed against the Responder during the last three (3) years, which includes a final or expected outcome, and any pending disciplinary matters or lawsuits of which the Responder is aware (these disclosure requirements pertain to all officers, directors, shareholders, partners, members and other licensed individuals employed by the Responder).
 - d. The successful Responder will be required to acquire and maintain general commercial liability insurance coverage, workers' compensation coverage, vehicle insurance coverage, and other insurance coverages that are in the amounts required by the District as a prerequisite to performing work in the District's right of ways. Each Responder shall submit evidence of the Responder's current insurance coverages referenced above that may be applicable to performing work in the District's right of ways.
 - e. Evidence of whether the Responder has ever failed to provide right of way improvements to a contracting party that are similar to the right of way improvements that may be performed in the District's right of ways.
 - f. Evidence of whether the Responder has ever been refused approval by any Federal, State, or other government agency as a responder on a similar RFQ.
 - g. Description of experience and familiarity with the construction of right of way improvements, including access driveway improvements, which meet the District's right of way improvement standards and guidelines.
 - h. Provide a list of the last five (5) contracts entered into with government agencies or private entities/owners for the construction of right of way improvements, including

access driveways connecting to roadways, which meet similar requirements to the District's right of way improvements criteria. The list must include the following information:

- (1) names of contracting parties;
- (2) name, address, telephone number and email address of the contact person for the contracting party, the date of contract, and the general scope of work provided;
- (3) any other relevant information concerning the work performed.

i. Please provide a list of no less than three (3) and preferably five (5) references. Each listed reference must include the following information:

- (1) name of reference;
- (2) name of contact person for the reference;
- (3) telephone number of the contact person for the reference;
- (4) address of the contact person for the reference;
- (5) electronic mail address of the contact person for the reference;
- (6) facsimile number of the contact person for the reference.

j. Please provide the name, address, telephone number, and electronic mail address of the party to whom the most comparable right of way improvement work has been provided, especially for access driveways connecting to roadways.

1. If requested by the District by an Addendum to this RFQ or as a separate request to the selected successful Responder(s), the successful Responder(s) must provide, in writing, a description of the Responder's financial qualifications to perform the right of way improvements within the District's right of ways. At a minimum, the written statement of financial qualifications, if requested by the District, must include the following information.

- a. Quarterly Financial Statements for the last four quarters of the Responder
- b. The most recent Annual Financial Statement for the Responder.
- c. A credit report prepared within sixty (60) days of submission of the written statement of financial qualifications demonstrating the financial viability of the Responder. Such report must be provided by a reputable, independent credit reporting agency and may be sealed in a separate envelope that will be opened only by the District.
- d. A list of bonds held by Responder, the bonding agency, the amount of the surety (bonding capacity), and any instances where the Responder has had a claim against a bond for non-performance or non-payment to their subcontractors as applicable.

2. The Responder shall attach a Narrative Statement to the Response as Exhibit B-2.

- a. Every Responder must provide a narrative statement which provides the District with an overview of the method and procedure the Responder will use to construct the right of way improvements within the District's right ways that will satisfy the District's requirements, including the District's requirements as described in the District's Handbook and as described by the District's Engineer.

- b. Each Responder may include in their response, as a part of their Exhibit B-2 narrative statement, a description of what they believe differentiates the Responder from other Responders for the benefit of the District.
3. Each Responder can include in their response, as Exhibit B-3, pictures of prior right of way improvements the Responder has performed, including access driveways connecting to roadways, which are similar to the right of way improvements the Responder may construct within the District's right of ways.
4. The Responder may include in their response, as Exhibit B-4, any additional information over and above the specific information requested in the RFQ which the Responder believes may assist the District in the District's selection process.

SAMPLE

**EXHIBIT B-1
QUALIFICATIONS**

Attach the qualifications of the Responder required in Exhibit B, Section 1, above.

EXHIBIT B-2
NARRATIVE STATEMENT

Attach the Narrative Statement of the Responder required in Exhibit B, Section 2 above.

SAMPLE

EXHIBIT B-3
PICTURES OF PRIOR SIMILAR RIGHT OF WAY IMPROVEMENTS WORK

Attach photographs of prior similar right of way improvements work of the Responder, including pictures of access driveways connecting to roadways, as referenced in the Instructions section of the RFQ.

**EXHIBIT B-4
ADDITIONAL INFORMATION**

Attach any additional information of the Responder as referenced in the Instructions section of the RFQ.

SAMPLE

**EXHIBIT C
PUBLIC ENTITY CRIME AFFIDAVIT**

THIS FORM IS TO BE COMPLETED AND RETURNED WITH THE RESPONSE

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

1. This sworn statement is submitted to the San Carlos Estates Water Control District, by:

(Printed individual's name and title)

(Print name of entity submitting sworn statement)

whose business address is:

and (if applicable) its Federal Employer Identification Number (FEIN) is: _____.

2. I understand that a "public entity crime" as defined in §287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with any agency or political subdivision of any other state or with the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "convicted" or "conviction" as defined in §287.133(1)(b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that "affiliate" as defined in §287.133(1)(a), Florida Statutes means:
- a. A predecessor or successor of a person convicted of a public entity crime; or
 - b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a "person" as defined in §287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term

“person” includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

- 6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. (Please indicate which one of the following statements applies).

_____ Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, nor any affiliate of the entity have been charged with and convicted of a public entity crime within the period of thirty-six (36) full calendar months prior to the execution of this Affidavit.

_____ The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime within the period of thirty-six (36) full calendar months prior to the execution of this Affidavit.

_____ The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime within the period of thirty-six (36) full calendar months prior to the execution of this Affidavit. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list (Attach a copy of the final order).

I understand that the submission of this form to the District identified in Paragraph One above is for the District only, and that this form is valid through December 31 of the calendar year in which it is filed.

Affiant Signature
Print name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was subscribed and acknowledged before me by physical presence by _____, as _____ (title) of _____ (Responder), a _____ entity, on behalf of _____ (Responder) this ____ day of _____, 20__.

Personally Known or Produced Identification
Type of Identification Produced _____

Notary Public

Print Name

NOTARY SEAL

EXHIBIT D
AFFIRMATIONS

- 1) Neither the undersigned, nor any other person, firm or corporation named herein, nor anyone else, to the knowledge of the undersigned, have themselves solicited or employed anyone else to solicit favorable action by San Carlos Estates Water Control District ("District") for this response, and further, no District official or employee is directly interested in the outcome of this matter. This response is genuine and not collusive or a sham. The persons, firms, or corporations named herein have not colluded, conspired, connived or agreed directly or indirectly with any other Responder or person, firm, or corporation, to put in a sham response, or to have any other person, firm or corporation refrain from responding. Further, the Responder has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference with any person, firm or corporation, to fix the price of said response or responses of any other Responder, or to secure any advantage against the District or any person, firm, or corporation.
- 2) The below signed Responder agrees to comply with all applicable provisions as set forth in the Anti-Discrimination laws of this land. The Responder further agrees to hold harmless, defend and indemnify the District and its agents from any losses, including attorney's fees, incurred as a result of the Responder's failure to abide by any applicable Anti-Discrimination laws.
- 3) The undersigned, who being first duly sworn, acknowledges and affirms that all the statements made in this response are true, correct and accurate and no false statements are made herein. The undersigned further acknowledges that he or she has full knowledge of Florida law regarding sworn statements and the penalties, including perjury, resulting from the making of any false statements or misrepresentations herein.
- 4) The Responder represents that the Responder has familiarized itself with and assumes full responsibility for having familiarized itself with the nature and extent of the Request for Qualifications (RFQ) Documents, the District's standards, regulations and requirements for the performance of right of way improvements work within the District's right of ways, the local conditions, and the state and local laws, ordinances, rules and regulations, which are applicable to the District's right of ways or which may in any manner affect performance of the Responder's work within the District's right of ways.
- 5) The Responder shall comply with all requirements, stipulations, terms, and conditions as stated in the RFQ documents.
- 6) The Responder currently complies with all Federal, State, and local laws and regulations regarding employment practices, equal opportunities, industry and safety standards, performance and any other requirements as may be relevant to the requirements of this RFQ.
- 7) The Affiant named below is officially authorized to represent the Responder in whose name the response is submitted.
- 8) The undersigned hereby agrees to abide by all of the terms and conditions of the RFQ.

- 9) The Responder hereby warrants that the Responder has all required licenses, if any, to perform the construction of right of way improvements within the District's right of ways and that such licenses will be in full force and effect throughout the duration of the performance of work within the District's right of ways.

- 10) The Responder hereby warrants that all services to be provided under this RFQ shall be completed in a timely fashion pursuant to an Agreement with the District and that time is of the essence.

- 11) The Responder agrees that if requested by the District, the Responder shall furnish additional information, references, financial statements, and other information for the District to sufficiently evaluate the Responder's response and the Responder's ability to perform construction of right of way improvements within the District's right of ways pursuant to the District's standards and requirements as described in the District's written documentation, including the Handbook and as required by the the SCEWD approved District Engineer .

Dated: _____

Signature

Printed Name and Title

Name of Responder

Address

Address

Telephone Number

Facsimile Number

Electronic Mail Address

Occupational License Number

EIN

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was subscribed and acknowledged before me by physical presence by _____, as _____(title) of _____
(Responder), a _____ entity, on behalf of _____ (Responder) this ____ day
of _____, 20__.

Personally Known or Produced Identification

Type of Identification Produced _____

Notary Public

Print Name

NOTARY SEAL