



San Carlos Estates Water Control District Authorized Contractor Application Form

ATTN: District Engineer – RMEC, LLC
2223 McGregor Boulevard
Fort Myers, Florida 33901
(239) 789-1951
SCEWCD@RMEC-LLC.Com

CONTRACTOR APPROVAL APPLICATION

The completion and submittal of this Application and its Exhibits will provide basic information about the Contractor to the District Engineer so that the District Engineer, in the District Engineer’s sole discretion, can determine whether the Contractor satisfies the District’s basic requirements to perform construction work within the District’s right of ways. Any Contractor approved to perform work in the District’s right of ways must satisfy, in all cases, the District’s rules, regulations, guidelines, requirements and specifications, as outlined in Florida law, the District’s permits with other government agencies, the District’s Access (Driveway Permitting) Standards Handbook, and in the District’s other written documentation, and as prescribed by the District Engineer. Once a Contractor is approved by the District Engineer, the Contractor will be required to enter into an agreement (“Agreement”) with the District before the Contractor can construct any right of way improvements within the District’s right of ways for the District or for a subdivision lot owner in the District who is constructing improvements, such as driveway connection improvements, in the District’s right of ways. The District reserves the right, through the District Engineer, in the District’s sole discretion, to approve or to reject the Application of any Contractor to perform construction work within the District’s right of ways.

As a prerequisite to the District Engineer considering the Application of a Contractor to perform construction work within the District’s right of ways, the Contractor must complete all of the blanks in the questionnaire below and in the Exhibits referenced below and must sign all of the documentation in the presence of a notary public where required. Where additional space is needed to fully respond to a question, additional pages can be used and should be labeled to correspond to the appropriate question. All responses should be as complete as possible.



Once the Application is completed, it can be returned to the District Engineer at the following address: RMEC-LLC, 2223 McGregor Blvd, Fort Myers, FL 33901. The Application can also be submitted electronically to the District Engineer at the following electronic mail address: SCEWCD@RMEC-LLC.com.

The District reserves the right, in the District’s sole discretion, to accept or reject any Application of any Contractor and to only select Contractors who, in the sole opinion of the District, is in the best interest of the District.

The District reserves the authority, in the District’s sole discretion, to request additional information from the Contractor.

After a Contractor is approved by the District Engineer to perform work within the District’s right of ways, the approved Contractor will be required to enter into an agreement (“Agreement”) with the District.

CONTRACTOR RESPONSE

Please respond to the following items as thoroughly as possible. Additional pages can be used if necessary to provide a complete response.

- 1. Name and contact information of Contractor:

Name: _____

Business Name: _____

Address: _____

Telephone No.: _____

Facsimile No.: _____

Email: _____

License No.: _____

- 2. Please provide an overview of the Contractor’s experience in Southwest Florida.



3. Please provide a description of the Contractor’s work experience related to driveway, driveway culvert and roadway extension and the Contractor’s experience with the construction of other right of way improvements which meet the District’s right of way improvement standards and guidelines.

4. Please describe the Contractor’s knowledge of Local and State standards for right of way construction, including the District’s road construction criteria, that will be applicable to the construction of improvements within the District’s right of ways, including driveway access connection improvements.

5. Please describe the suitability of the Contractor’s equipment and staff resources to perform construction work within the District’s right of ways either for the District or for individual lot owners in the District.

6. Please provide as Attachment A, a detailed narrative statement of the overview of the method and procedure the Contractor will use to construct the right of way improvements within the District’s right of ways which contains a step by step description of the Contractors ’s typical work plan for right of way projects, including status updates to the District Engineer, that will satisfy the District’s requirements as described in Florida law, local law, the District’s rules and regulations, and as described by the District’s Engineer.



7. Please describe any past or current disciplinary actions or lawsuits that have been instituted or proposed against the Contractor. The description needs to include a final or expected outcome of any pending disciplinary matters or lawsuits against the Contractor or its principals.

8. Please provide the Contractor's current limits of liability insurance and attach a copy of the declaration page showing limits of liability for general commercial liability insurance coverage, workers' compensation coverage and vehicle insurance coverage. Provide below the contact information for the contractor's current insurance carrier(s) and agent.

9. Please describe the Contractor's bonding capacity, if any, including the name of the bonding agency, for performance bonds and payment bonds that may be required by the District as a prerequisite to performing construction within the District's right of ways. Please attach a copy of the current bond policy, if any, as Attachment B.

10. Please describe any and all instances where the Contractor has had a claim against a bond for non-performance or non-payment. Please attach copies of claims made, if any, as Attachment C.



11. Please describe whether the Contractor has ever been refused approval to perform work by any federal, state, or other government agency. Please provide copies of the formal notice, if any, as Attachment D.

12. Please provide a list of the last three (3) right of way related contracts entered into with government agencies or private entities/owners for the construction of right of way improvements, including access driveways connecting to roadways, as Attachment E. The list must include the following information for each contract:

- a) Names of contracting parties;
- b) 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;
- c) Any other relevant information concerning the work performed.

13. Please provide a list of five (5) references as Attachment F. Each listed reference must include the following information:

- a) Name of reference;
- b) Name of contact person for the reference;
- c) Telephone number of the contact person for the reference;
- d) Address of the contact person for the reference;
- e) Electronic mail address of the contact person for the reference;
- f) Facsimile number of the contact person for the reference.

14. 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.

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15. If requested by the District, the Contractor may be required to provide, in writing, a description of the Contractor'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 Contractor;
 - b) The most recent Annual Financial Statement for the Contractor; and/or,
 - c) A credit report prepared within sixty (60) days of submission of the written statement of financial qualifications demonstrating the financial viability of the Contractor. Such a report must be provided by a reputable, independent credit reporting agency and may be sealed in an envelope that will be opened only by the District.
16. A Contractor may include in their response, as Attachment G, pictures of prior right of way improvements the Contractor has performed including access driveways connecting to roadways, which are similar to the right of way improvements the Contractor may construct within the District's right of ways.
17. The Contractor may include in their response, as Attachment H, any additional information over and above the specific information requested herein which the Contractor believes may assist the District in the District's approval process.
18. The Contractor must complete, sign, and have notarized, the Public Entity Crime Affidavit attached hereto as Attachment I.
19. The Contractor must sign and have notarized the Affirmations Statement attached hereto as Attachment J.



NOTICE

As clarification of the District's rights and authority over the District's right of ways and the District's real and personal property, notwithstanding anything else contained in any policy, regulation, or standard of the District to the contrary, the District's right of ways and real and personal property, including the District's canals, roadways and driveway connections onto the District's roadways, cannot be used for any illegal purposes or for access to any parcels of land in the District where illegal uses are occurring. If any parcel of land in the District or the District's right of ways are being used for an illegal use, including uses in violation of the City of Bonita Springs Land Use Code, the District is authorized to take any and all action to terminate the illegal use of the District's right of ways up to and including the cancellation of any driveway permit onto a parcel of land where an illegal use is occurring and the extinguishment of any special use conditions or easements that have been previously granted by the District for the benefit of a parcel of land in the District, said District authorization to be exercised by the Board of Supervisors in the sole discretion of the District Board of Supervisors, without claim or recourse by the owner of the parcel of land where the illegal use is occurring. The illegal use of the District's right of ways or the use of the District's right of ways to access a parcel of land where an illegal use is occurring, including an illegal use under the City of Bonita Springs Land Use Code, constitutes a trespass on the District's right of ways which can be corrected and stopped by the District through any legal means, including but not limited to the District notifying the City of Bonita Springs of the illegal use and requesting a permit cessation/suspension or requesting the use of a code enforcement action against the land owner who is performing the illegal use.



ATTACHMENT A
NARRATIVE STATEMENT/WORK PLAN



ATTACHMENT B
CURRENT PAYMENT AND/OR PERFORMANCE
BOND POLICY(IES)



ATTACHMENT C

CLAIMS MADE AGAINST BONDS



ATTACHMENT D

**FORMAL NOTICE OF AGENCY REFUSAL TO APPROVE
CONTRACTOR TO PERFORM WORK**



ATTACHMENT E
LIST OF AT LEAST THREE (3) RIGHT OF WAY RELATED
CONTRACTS



ATTACHMENT F
LIST OF FIVE (5) REFERENCES



ATTACHMENT G

PICTURES OF RIGHT OF WAY WORK



ATTACHMENT H

ADDITIONAL RELEVANT INFORMATION



ATTACHMENT I

PUBLIC ENTITY CRIME AFFIDAVIT

THIS FORM MUST 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 or online notarization by _____, as _____ (title) of _____ (Contractor), a _____ entity, on behalf of _____ (Contractor) this _____ day of _____, 20__.

Personally Known or Produced Identification
Type of Identification Produced _____

Notary Public

Print Name

NOTARY SEAL



ATTACHMENT J
Affirmations Statement

- 1) Neither the Contractor, 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 Application, and further, no District official or employee is directly interested in the outcome of this matter. This Application 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 person, firm, or corporation, to put in a sham Application, or to have any other person, firm or corporation refrain from making an Application to the District to perform construction work in the District’s right of ways. Further, the Contractor has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference with any person, firm, or corporation to secure any advantage against the District or any person, firm, or corporation.
- 2) The below signed Contractor agrees to comply with all applicable provisions as set forth in the Anti-Discrimination laws of this land. The Contractor 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 Contractor’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 Application are true, correct, and accurate, and that 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 Contractor represents that the Contractor has familiarized itself with and assumes full responsibility for having familiarized itself with the nature and extent of the District’s standards, regulations and requirements for the performance of right of way improvements work within the District’s right of ways, and has familiarized itself with 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 Contractor’s work within the District’s right of ways.
- 5) The Contractor shall comply with all requirements, stipulations, terms, and conditions as stated by the District, in the District’s sole discretion, through the District engineer and as otherwise stated in the District’s standards, regulations and requirements for the performance of right of way improvements work within the District’s right of ways.
- 6) The Contractor 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 performance of work within the District’s right of ways.
- 7) The Affiant named below is officially authorized to represent the Contractor in whose name the Application is submitted.
- 8) The undersigned hereby agrees to abide by all of the terms and conditions of the Agreement between the Contractor and the District for the Contractor’s performance of work within the District’s right of ways.



- 9) The Contractor hereby warrants that the Contractor 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 Contractor hereby warrants that all services to be provided either directly to the District or to a third party within the District’s right of ways, including driveway access connection improvements, shall be completed in a timely fashion pursuant to the Agreement with the District executed by the Contractor. The Contractor further agrees that time is of the essence to the performance of their construction work within the District’s right of ways.
- 11) The Contractor agrees that if requested by the District, the Contractor shall furnish additional information, references, financial statements, and other information for the District to sufficiently evaluate the Contractor’s Application and the Contractor’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 Access Standards Handbook, and as required by the District’s Engineer.

Dated: _____ Signature: _____

Printed Name and Title: _____

Name of Contractor: _____

Address: _____

Telephone 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 or [] online notarization by _____, as _____ (title) of _____ (Contractor), a _____ entity, on behalf of _____ (Contractor) this _____ day of _____, 20__.

Personally Known or Produced Identification.

Type of Identification Produced _____

Notary Public

Print Name

My commission expires: