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RFQ #20-01 ENGINEERING SERVICES TO EVALUATE ANNEXATION PROCESS  
SOLICITATION DOCUMENTS/NOTIFICATIONS

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**CONFIRM RECEIPT AND UNDERSTANDING ON FORM E OF SOLICITATION DOCUMENTS**

**CONFLICT OF INTEREST DISCLOSURE**

The award of this contract is subject to the provisions of Chapter 112, Florida Statutes. All Firms must disclose within their bid/proposal to the City of Sebastian the name of any employee, board member or elected official(s) of the City of Sebastian (hereinafter the "City"). Furthermore, all firms must disclose the name of any City employee who owns, directly or indirectly, an interest of more than five percent (5%) in the firm of any of its branches.

The purpose of this disclosure is to give the City the information needed to identify potential conflicts of interest for evaluation by the team members and other key personnel involved in the award of this contract. Firms are expected to safeguard their ability to make objective, fair and impartial decisions when performing work for the benefit of the City.

The term "conflict of interest" refers to situations in which financial or other personal consideration may adversely affect, or have the appearance of adversely affecting, an employee's professional judgment in exercising any City duty or responsibility in administration, management, instruction, research, or other professional activities.

The mere appearance of a conflict may be as serious and potentially damaging as an actual distortion of goals, processes and methods of analysis or outcomes. Reports of conflicts based upon appearance can undermine public trust in ways that may not be adequately restored even when the mitigating facts of a situation are brought to light. Therefore apparent conflicts should be disclosed and evaluated with the same vigor as actual conflicts. Please submit to the City all information on any potential conflict of interest related to provision of the goods or services requested in this Solicitation.

**DRUG-FREE WORKPLACE PROVISIONS**

In accordance with Florida Statue 287.087, firm certifies that:

- (1) Publish a written statement notifying that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace named above and specifying actions that will be taken against violations of such prohibition.
- (2) Informs employees about the dangers of drug abuse in the work place, the firm's policy of maintaining a drug free working environment, and available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug use violations.
- (3) Gives each employee engaged in providing commodities or contractual services that are under bid or proposal, a copy of the statement specified above.
- (4) Notifies the employees that as a condition of working on the commodities or contractual and will notify the employer of any conviction of, plea of guilty or nolo contendere to, any violation of Chapter 1893, or of any controlled substance law of the State of Florida or the United States, for a violation occurring in the work place, no later than five (5) days after such conviction, and requires employees to sign copies of such written (\*) statement to acknowledge their receipt.
- (5) Imposes a sanction on, or requires the satisfactory participation in, a drug abuse assistance or rehabilitation program, if such is available in the employee's community, by any employee who is so convicted.
- (6) Makes a good faith effort to continue to maintain a drug free work place through the Implementation of the drug free workplace program.

### **PUBLIC ENTITY CRIMES NOTIFICATION**

I understand that a "public entity crime" as defined in Paragraph 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 an agency or political subdivision of any other state or with the United States, including, but not limited to, any bid or Agreement 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.

I understand that "convicted" or "conviction" as defined in Paragraph 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, nonjury trial, or entry of a plea of guilty or nolo contendere.

I understand that "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:

- (1) A predecessor or successor of a person or a corporation convicted of a public entity crime, or
- (2) 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, or
- (3) Those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate, or
- (4) A person or corporation who knowingly entered into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months.

### **NON-COLLUSIVE AFFIDAVIT**

The firm and its officers, partners, owners, agents, representatives, employees or parties in interest, swears and attests that it is fully informed respecting the preparation and contents of the attached Solicitation, and of all pertinent circumstances respecting the provision of the goods or services to the City of Sebastian. The offer or submittal being made is genuine and is not collusive or a sham.

I certify that all information contained in the submittal is truthful to the best of my knowledge and belief. I further certify, under oath, that this submittal is made without any colluded, conspired, connived or agreed, directly or indirectly, with any other firm, person or corporation responding to this solicitation for the same product or service. I certify that the offer quoted/proposed in the attached submission is fair and proper and are not tainted by collusion, conspiracy, connivance, or unlawful agreement on the part of the firm or any other of its agents, representatives, owners, employees or parties in interest, including this affidavit.

### **EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM (E-VERIFY) ACKNOWLEDGMENT**

Firm acknowledges and agrees to utilize the U.S. Department of Homeland Security's Employment Eligibility Verification System (E-Verify) to do the following:

- (1) Enroll in the U.S. Department of Homeland Security's E-Verify system;
- (2) Utilize E-Verify to verify the employment eligibility of all new employees hired during the term of the Contract;
- (3) Utilize E-Verify to verify the employment eligibility of all employees assigned to the Contract; and
- (4) Expressly require any subcontractors performing work or providing services pursuant to the Contract to likewise utilize E-Verify to verify the employment eligibility of all new employees hired by the subcontractor during the Contract term.

### **IMMIGRATION LAWS NOTIFICATION**

The City will not intentionally award City contracts to any Firm who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in an 8 U.S.C. Section 1324 a(e) (Section 274A (e) of the Immigration and Nationality Act ("INA")).

### **SCRUTINIZED VENDOR CERTIFICATION**

Firm hereby certifies under penalties of perjury, as of the date of this solicitation to provide goods and/or services to the City of Sebastian, that it:

- (1) Does not participate in a boycott of Israel; and
- (2) Is not on the Scrutinized Companies that Boycott Israel List; and
- (3) Is not on the Scrutinized Companies with Activities in Sudan List; and
- (4) Is not on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List; and
- (5) Has not engaged in business operations in Syria.

*Submitting a false certification shall be deemed a material breach of contract. The City of Sebastian shall provide notice, in writing, to the Contractor of the City's determination concerning the false certification. The Contractor shall have ninety (90) days following the receipt of the notice to respond in writing and demonstrate that the determination of false certification was made in error. If the Contractor does not demonstrate that the City's determination of false certification was made in error then the City shall have the right to terminate the contract and seek civil remedies pursuant to Florida Statute § 287.135.*

Section 287.135, Florida Statutes, prohibits state agencies and departments, and local government entities from: 1) Contracting with companies for goods or services in any amount if at the time of bidding on, submitting a proposal for, or entering into or renewing a contract if the company is on the Scrutinized Companies that Boycott Israel List, created pursuant to Section 215.4725, F.S. or is engaged in a boycott of Israel; and 2) Contracting with companies, for goods or services over \$1,000,000.00 that are on either the Scrutinized Companies with activities in the Iran Petroleum Energy Sector list, created pursuant to s. 215.473, or are engaged in business operations in Syria.

### **NO LOBBYING NOTIFICATION**

All consultants, firms or individuals are hereby placed on notice that any communication, whether written or oral, with City of Sebastian elected officials or any other staff or outside individuals working with the City in respect to this request (with exception of the Procurement Division personnel designated to receive requests for interpretation or corrections) is prohibited. These persons shall not be lobbied, either individually or collectively, regarding any request for bid, proposals, qualifications and/or any other solicitations released by the City of Sebastian. To do so is grounds for immediate disqualification from the selection process. The selection process is not considered final until such time as the City of Sebastian, Mayor, and City Council have made a final and conclusive determination.

### **DEBARMENT AND SUSPENSION CERTIFICATION**

The prospective primary participant certifies to the best of its knowledge and belief that it and its principals:

- a. Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- b. Have not within a three-year period preceding this application been convicted of had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- d. Have not within a three-year period preceding this application had one or more public transactions (Federal, State or local) terminated for cause or default.

Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective primary participant shall attach an explanation to this submittal.

**VENDOR PERFORMANCE ACKNOWLEDGMENT**

A City designee will evaluate the services provided under this solicitation, noting the overall service performance of the Contractor.

Firm acknowledges that performance ratings will be used to evaluate the Contractor's performance and conformance to contract requirements, specifications and standards of good workmanship.