

REQUEST FOR PROPOSAL

Lake Sarah Roadway & Drainage Improvements Phases I, II, & III

RFP NO. 2017-22



The Town of Miami Lakes Council:

**Mayor Manny Cid
Vice Mayor Tony Lama
Councilmember Luis Collazo
Councilmember Timothy Daubert
Councilmember Ceasar Mestre
Councilmember Frank Mingo
Councilmember Nelson Rodriguez**

Alex Rey, Town Manager
The Town of Miami Lakes
6601 Main Street
Miami Lakes, Florida 33014

DATE ISSUED: April 7, 2017

CLOSING DATE: 11:00 AM, May 8, 2017

Request for Proposals No. 2017-22

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SECTION 1

NOTICE TO PROPOSERS

Town of Miami Lakes

Lake Sarah Roadway & Drainage Improvements Phases I, II, & III

RFP 2017-22

The Town of Miami Lakes, Florida, (the "Town") is accepting sealed Responses from qualified firms for construction services for the construction of Lake Sarah Roadway & Drainage Improvements, Phases I, II & III ("Project"). Proposals must be submitted in the form of one (1) original and seven (7) copies and one CD-ROM or flash drive for the Technical Proposal and one CD-ROM or flash drive for the Price Proposal, and **must** be received by the Town Clerk at 6601 Main Street, Miami Lakes, Florida 33014, **by no later than 11:00AM on May 8, 2017**, at which time the Responses will be opened.

The Town is seeking an experienced contractor with the right combination of price, qualifications, and experience to help ensure that the Town will have a contractor who can bring this Project in on time, within budget and according to the plans and specifications, with a minimum of issues and change orders.

Scopes of Work

The location of the project is along Sabal Drive and Leaning Pine Drive as detailed in the Plans.

Phase I

The Work consists of asphalt overlay, pavement markings, paver crosswalks and swale regrading along Bamboo Street, Cypress Court, Alamanda Avenue, Seagrape Terrace, Silver Oak Drive, Magnolia Court, and White Oak Drive

Phase II

The Work consists of furnishing all labor, materials, machinery, tools, means of transportation, supplies, equipment and services necessary for administering a stormwater prevention plan and the following improvements within the right-of-way, removal and replacement of existing drainage inlets, remove and replace concrete aprons, remove and dispose of existing 24" drainage pipe, remove and dispose of existing sidewalk, remove and dispose of existing curb and gutter, remove and dispose of limerock base, furnish and install 15" HDPE, furnish and install 18" HDPE, furnish and install 24" HDPE, furnish and install 18" perforated HDPE exfiltration trench, furnish and install manholes & inlets, clean and repair existing structures, furnish and install pollution retardant baffles, grade swale area, adjust existing manhole ring & covers, adjust existing valve boxes, furnish and install "D" curb, furnish and install "F" curb, install 4" thick concrete sidewalk, paver cross walk, remove and relocate trees, remove and restore existing paver driveways, remove and restore existing asphalt driveways, type "B" stabilization, limerock base restoration, furnish and install limerock base, type "B" stabilization restoration, roadway reconstruction, asphalt restoration, temporary striping, furnish and install ADA tactile warning surfaces, signing and pavement markers.

Phase III (This Phase in an option that will be awarded at the sole discretion of the Town)

The Work consists of the removal and replacement of existing drainage inlets, and improvements within the right of way; including 18" HDPE exfiltration trench with baffles, solid pipe includes: 15" HDPE, 18" HDPE, manholes & inlets, and regrading of swales to direct runoff towards existing and proposed inlets. Additional asphalt overlay and pavement markings along Bid Cypress Drive, Twin Sabal Drive, Sabal Drive and Poinciana Court.

Copies of the RFP will only be made available on the Town's website and the Onvia DemandStar ("DemandStar") website. Copies of the RFP, including all related documents can be obtained by visiting the Town's website at <http://www.miamilakes-fl.gov/>, under Current Solicitations on the Procurement Department page or at DemandStar's website at www.demandstar.com. If you use the DemandStar website it is strongly recommended that you register with them.

Minimum Qualifications

Proposers must hold a current certified license as a General Engineering Contractor, from the State of Florida, a Certificate of Competency from the Miami-Dade County's Construction Trades Qualifying Board as a General Engineering Contractor or as a Specialty Engineering Contractor under which the work can be performed, who meets the minimum requirements set forth in Article 4.5 of the RFP

ALL inquiries regarding this RFP must be directed to the Procurement Department, at procurement@miamilakes-fl.gov. It is strongly recommended that potential Proposers attend this meeting. The meeting space has limited capacity so we request that no more than two representatives from any one company attend the meeting

Pursuant to subsection (t) "Cone of Silence" of Section 2-11.1 "Conflict of Interest and Code of Ethics Ordinance" of Miami Dade County, public notice is hereby given that a "Cone of Silence" is imposed concerning this solicitation. The "Cone of Silence" prohibits communications concerning RFP's, RFQ's or Bids, until such time as the Town Manager makes a written recommendation to the Town Council concerning the solicitation.

Failure to comply with the "Cone of Silence may result in the rejection of a Response. For additional information concerning the "Cone of Silence please refer to Section 2-11.1 of Miami Dade County Code.

SECTION 2 – SUBMISSION OF A RESPONSE

2.1 Submittal Requirements

This Request For Proposal (“RFP”) consist of two parts; a technical component (“Technical”) and a Price component (“Price”), both of which when combined constitute the Proposer’s response (“Response”) to the RFP.

Proposers submitting a Response to this RFP must submit both the Technical and Price components.

Sealed written Responses must be received by the Town of Miami Lakes; Town Clerk’s Office, no later than the date, time, and at the location indicated in Section 1 of the RFP, in order to be considered responsive. Faxed documents are **not** acceptable. **Responses received at any other location than the Town Clerk’s Office or after the Proposal submission date and time will be deemed non-responsive and will not be considered.**

Only one (1) Response from an individual, firm, partnership, corporation, or business entity, will be considered in response to this RFP. Subcontractors may be included in more than one Response submitted by more than one Proposer. An individual, firm, partnership, or corporation that submits a Response may not be a subcontractor on another Response submitted under this RFP. Responses from joint ventures will not be considered. Where Proposer is listed as a subcontractor on another Proposal both Proposals will be rejected as non-responsive.

One (1) original and seven (7) copies of the original Response, plus one (1) copy each of the original Technical and Price Response in digital form (on CD-ROM or Flash Drive in .pdf format unless a different format is stated in the RFP), must be timely received by the Town Clerk or your Response may be disqualified. Technical and Price Responses must be submitted in separate file folders on the CD-ROM or Flash Drive. The hard copies of the Price component must be submitted in a separate sealed envelope from the Technical component.

2.2 Non-Mandatory Pre-Proposal Conference

No Pre-Proposal Conference has been scheduled for this solicitation.

2.3 Additional Information or Clarification

Proposers must e-mail their requests for additional information or clarifications (“RFI”) in accordance with the “Cone of Silence” requirements. Requests for additional information or clarifications **must** be submitted to procurement@miamilakes-fl.gov. The request must include the Proposer’s name, the RFP number and title, and the number of pages transmitted. Any request for additional information or clarification must be received in writing **no later than** five days prior to the proposal due date. Late or mis-delivered requests may not receive a reply.

The Town will issue responses to inquiries and any other corrections or amendments, it deems necessary, in the form of a written addendum, issued prior to the Response Submission Date. The Town, at its sole discretion, may not issue a response to a RFI submittal. Proposers should not rely on any oral or written representations, statements, or explanations, other than those made in this RFP or in any written addendum to this RFP. Where there appears to be conflict between the RFP and any issued addenda, the last addendum issued will prevail.

Addenda will be posted and made available on the Town’s Procurement webpage and on DemandStar and it is the Proposer's sole responsibility to ensure receipt of all addendum prior to submitting its Response. The Proposer should check the Town’s webpage or DemandStar for all addenda. The Town’s

webpage is http://miamilakes-fl.gov/index.php?option=com_content&view=article&id=67&Itemid=269 and DemandStar is www.DemandStar.com.

The Proposer must complete and sign the Acknowledgment of Addenda and include it or copies of the signed Addendum acknowledging receipt, or signed copies of each Addendum, in its Response in order to have the Proposal considered. In the event a Proposer fails to acknowledge receipt of such addenda, the Town may, at its sole discretion determine that such failure to acknowledge any or all addendum does not materially affect the Response, waive the submittal of said form(s) or the acknowledgement of one or more addendum on the form.

2.4 Contract Terms and Conditions

The Proposer(s) selected to provide the work requested herein (the "Successful Proposer(s)") will be required to execute a contract ("Contract") with the Town in substantially the same form as the Contract included as part of the RFP.

2.5 Price Proposal

The Work will be performed concurrently on Phases I and II.

The Price Proposal Form requires that Proposers provide separate pricing for each Phase of the Project.

Phase III of the Project is an option that will be awarded at the sole discretion of the Town. The Town anticipates that Phase III will commence upon the Substantial Completion of Phases I and II.

The Price Proposal component of the Response will be opened at the Evaluation Committee meeting immediately following evaluation of the Technical Proposals. The price score will be incorporated into the overall rating and ranking of the Responses.

The Town reserves the right to negotiate the final Contract Price should that be deemed in the best interest of the Town.

2.6 Award of a Contract

A Contract **may** be awarded to the Successful Proposer for the Project by the Town Council, based upon the qualification requirements contained in the RFP. The Contract is attached hereto as Attachment A and it is hereby incorporated into and made a part of this RFP. The Town reserves the right to execute or not execute, as applicable, a Contract with the Successful Proposer, where it is determined to be in the Town's best interests. The Town does not represent that any award will be made.

2.7 Contract Execution

Proposer by submission of its Response agrees to the terms and conditions contained in Attachment A, and further agrees to execute the Contract as included in the RFP without change.

However, the Town in its sole discretion, as stated in Section 2.5, reserves the right to negotiate the final Contract Price or other terms and conditions.

Responses that are conditioned to additions, deletions or revisions to the Contract's terms and conditions will be rejected as non-responsive.

2.8 Unauthorized Work

The Successful Proposer(s) must not begin any work until the Town issues a Notice to Proceed. Such Notice to Proceed will constitute the Town's authorization to begin Work. Any unauthorized work performed by the Successful Proposer(s) will be deemed non-compensable by the Town and Proposer will not have any recourse against the Town for performing unauthorized work.

2.9 Submittal Instructions

Careful attention must be given to all requested items contained in this RFP. Proposers are invited to submit Responses in accordance with the requirements of this RFP. **PLEASE READ THE ENTIRE SOLICITATION BEFORE SUBMITTING A RESPONSE.** Proposers must make the necessary entry in all blanks and forms provided for the Response.

Responses must be submitted in sealed envelope(s) or package(s) with the RFP number, title, and opening date clearly noted on the outside of the envelope(s) or package(s) in the following manner:

RFP No. 2017-22

Lake Sarah Roadway & Drainage Improvements, Phases I, II, & III

2.10 Changes/Alterations

Responses will be valid and irrevocable for at least 120 days. Proposer may change or withdraw a Response at any time prior to Response Submission Deadline. All changes or withdrawals must be made in writing to the Town Clerk. Oral/Verbal modifications will not be allowed and will be disregarded. Written modifications will not be accepted after the Response Submission Deadline. Proposers must not assign or otherwise transfer their Response. A transfer or assignment of the Response will result in the rejection of the Response as non-responsive.

2.11 Subcontractor(s)

Subcontractor(s) is an individual or company who has a contract with the Proposer to assist in the performance of the work required under this RFP. Subcontractor(s) will be paid through the Proposer and not paid directly by the Town. The Proposer must clearly reflect in its Response the major Subcontractor(s) to be utilized in the performance of the Work. Any and all liabilities regarding the use of a Subcontractor(s) will be borne solely by the Successful Proposer and insurance for each Subcontractor(s) must be maintained in good standing and approved by the Town throughout the duration of the Contract. Neither the Successful Proposer nor any of its Subcontractor(s) are considered to be considered employees or agents of the Town.

2.12 Discrepancies, Errors, and Omissions

Any discrepancies, errors, or ambiguities in the RFP or addenda (if any) should be reported in writing to the individual identified and in the manner prescribed in Section 1 of the RFP. Should it be necessary, the Town will issue a written addendum to the RFP clarifying such conflicts or ambiguities.

2.13 Disqualification/Rejection of Responses

This RFP requires the use and submission of specific Town Forms. In addition, the RFP requires submission of additional documents and information. These are must type requirements for being considered responsive. Failure to utilize the Town Forms and submit the required documents will result in the rejection of the Response as non-responsive and it will not be considered. Modification of, retyping, or any alterations to the forms will result in the rejection of a Response as non-responsive.

The Town reserves the right to disqualify Responses before or after the submission date, including but not limited to, evidence of collusion with intent to defraud or other illegal practices on the part of the Proposer. It also reserves the right to waive any immaterial defect or informality in any Response; to reject any or all Responses in whole or in part, or to reissue a request for proposals.

Throughout the RFP, the phrases “must” and “will” denote mandatory requirements. Any Response that does not meet the mandatory requirements is subject to immediate disqualification.

Any Response submitted by a Proposer who is in arrears, e.g., money owed or otherwise in debt by failing to deliver goods, services, fees, etc. to the Town or where the Town has an open or liquidated claim against a Proposer for monies owed the Town at the time of Proposal submission, or if a Proposer has been declared in default or abandoned a prior Town contract or agreement, or has been debarred by an federal, State of Florida, or Florida public entity within the past five (5) years will be rejected as non-responsive and will not be considered for award.

2.14 Proposer's Expenditures

Proposer understand and agree that any expenditure they make in preparation and submittal of Responses or in performance of any services requested by the Town in connection with the Response are exclusively at the expense of the Proposer. The Town will not pay or reimburse any expenditure or any other expense incurred by any Proposer in preparation of a Response, or anticipation of an award of a contract, or to maintain the approved status of the Successful Proposer if a Contract is awarded, or administrative or judicial proceedings resulting from the solicitation process.

2.15 Due Diligence/Inspection of Site

Proposers should carefully examine the site of the proposed Work before submission of a Response and make all necessary investigations to inform themselves thoroughly as to all difficulties involved in the completion of all work required pursuant to the mandates and requirements of this RFP and the Contract. No plea of ignorance of conditions or difficulties that may hereafter exist, or of conditions or difficulties that may be encountered in the execution of the Work pursuant to this Proposal as a result of failure to make the necessary examinations and investigations will be accepted as an excuse for a failure or omission on the part of the Proposer to fulfill, in every detail, all of the requirements of the Contract Documents, as defined in the Contract, nor will they be accepted as a basis for any claims whatsoever for extra compensation or for an extension of time

2.16 Execution of Response

The Proposal must be manually and duly signed by an authorized corporate officer, principal, or partner (as applicable) in blue ink with a signature in full. Proposer must complete the appropriate required Certificate of Authority, which is included as part of the RFP.

Anyone signing the Response as agent must include legal evidence of signature authority. Proposers who are nonresident corporations must furnish to the Town a duly certified copy of their authorization to transact business in the State of Florida with the Response. Failure to promptly submit this evidence or qualification to do business in the State of Florida may be basis for rejection of the Response.

Failure to properly execute the Response may result in the Response being rejected as non-responsive. Proposer understands that by submitting this RFP such submittal does not constitute an agreement or contract with the Town.

2.17 Certification of Accuracy of Proposal

Proposer by signing and submitting its Response certifies and attest that all Forms, Affidavits and documents related thereto, included in its Response, in support if its Response are true and accurate.

Any Proposer who submits in its Response any information that is determined by the Town, in its sole opinion, to be substantially inaccurate, misleading, exaggerated, or incorrect, will be disqualified from consideration for award of the Contract.

END OF SECTION

SECTION 3 – SCOPE OF WORK

3.1 Purpose

The Town is seeking to procure a qualified and experienced licensed contractor to perform the work identified in Section 3.3 below in accordance with the plans, specifications, and Contract included as part of this RFP.

The Town is seeking an experienced contractor with the right combination of price, qualifications, and experience to help ensure that the Town will have a contractor who can bring this Project in on time, within budget and according to the plans and specifications, with a minimum of issues and change orders.

3.2 Project Location

The location of the project is along Sabal Drive and Leaning Pine Drive as detailed in the plans.

3.3 Project Scope of Work

Phase I

The Work consists of asphalt overlay, pavement markings, paver crosswalks and swale regrading along Bamboo Street, Cypress Court, Alamanda Avenue, Seagrape Terrace, Silver Oak Drive, Magnolia Court, and White Oak Drive

Phase II

The Work consists of furnishing all labor, materials, machinery, tools, means of transportation, supplies, equipment and services necessary for administering a stormwater prevention plan and the following improvements within the right-of-way, removal and replacement of existing drainage inlets, remove and replace concrete aprons, remove and dispose of existing 24" drainage pipe, remove and dispose of existing sidewalk, remove and dispose of existing curb and gutter, remove and dispose of limerock base, furnish and install 15" HDPE, furnish and install 18" HDPE, furnish and install 24" HDPE, furnish and install 18" perforated HDPE exfiltration trench, furnish and install manholes & inlets, clean and repair existing structures, furnish and install pollution retardant baffles, grade swale area, adjust existing manhole ring and covers, adjust existing valve boxes, furnish and install "D" curb, furnish and install "F" curb, install 4" thick concrete sidewalk, paver cross walk, remove and relocate trees, remove and restore existing paver driveways, remove and restore existing asphalt driveways, type "B" stabilization, limerock base restoration, furnish and install limerock base, type "B" stabilization restoration, roadway reconstruction, asphalt restoration, temporary striping, furnish and install ADA tactile warning surfaces, signing and pavement markers.

Phase III (This Phase is an option that will be awarded at the sole discretion of the Town)

The Work consists of the removal and replacement of existing drainage inlets, and improvements within the right of way; including 18" HDPE exfiltration trench with baffles, solid pipe includes: 15" HDPE, 18" HDPE, manholes and inlets, and regrading of swales to direct runoff towards existing and proposed inlets. Additional asphalt overlay and pavement markings along Bid Cypress Drive, Twin Sabal Drive, Sabal Drive and Poinciana Court.

SECTION 4 – TERMS AND CONDITIONS

4.1 Acceptance/Rejection

The Town reserves the right to accept or reject any or all Responses or to select the Proposer that, in the opinion of the Town, is in its best interest. The Town also reserves the right to reject any Proposer(s) who has previously failed to properly perform under the terms and conditions of a contract, to deliver on time any contracts with the Town, and who is not in a position to perform the requirements defined in this RFP. Further, the Town may waive informalities, technicalities, minor irregularities, or request new Responses for the services specified in this RFP and may, at its discretion, withdraw or re-advertise the RFP. All such actions taken will be in accordance with the applicable sections of the Town Code and this RFP.

4.2 Legal Requirements

This RFP is subject to all applicable federal, state, county, Town and local laws, codes, ordinances, rules and regulations that in any manner affect any and all of the services covered herein. By submitting a Response the Proposer certifies that it has full knowledge of such laws, codes, ordinances, rules, and regulations, and any lack of knowledge by the Proposer will in no way be cause for relief from responsibility for compliance with these requirements.

4.3 Non-Appropriation of Funds

In the event that insufficient funds are appropriated and budgeting or funding is otherwise unavailable in any fiscal period for this Project, then the Town, will have the unqualified right to terminate the Contract upon written notice to the Design-Build Firm, without any penalty or expense to the Town.

4.4 Business Tax Receipt Requirement

Proposer(s) must meet the Town's Business Tax Receipt requirements in accordance with the Town Code, as amended. Proposer(s) with a business location outside the Town must meet the applicable local or County Business Tax Receipt or Occupational License requirements.

4.5 Minimum Qualification Requirements

The Town is seeking to procure a qualified State of Florida Certified General Engineering Contractor, from the State of Florida, a Certificate of Competency from the Miami-Dade County's Construction Trades Qualifying Board as a General Engineering Contractor or as a Specialty Engineering Contractor. **Proposer must have completed a minimum of three (3) projects of a similar, size scope and complexity in the last five (5) years, where the value of each of the projects exceeded \$750,000. The Successful Proposer must be capable of self- performing thirty (30%) percent of the primary physical construction Work.**

The Town will consider a Proposal as responsive where a Proposer has less than the stipulated minimum number of years of experience solely where the Proposer has undergone a name change and such change of name has been filed with the State of Florida or where the Proposer was a subsidiary of a larger firm and the Proposer's firm has been merged into the larger firm. Proposer must include documentation substantiating such name change as part of its Response for the Town to consider crediting the years of experience from the Proposer under its previous name. Failure to include such documentation with the Response will result in a determination of non-responsive.

A minimum of three (3) projects must be included utilizing Exhibit 3, Experience of Proposer Questionnaire. The Proposer is to utilize its three most recently completed projects in the past seven

(7) years that are of the same size, scope and complexity of the Town's project. Failure to submit the information for the three (3) projects may result in the Response being deemed non-responsive.

Each firm interested in responding to this RFP must provide information on the firm's qualifications and experience, qualifications of the project team, members and staff, Project Manager's experience, and previous work of similar size, scope and complexity. See Section 5.0 "Instructions for Preparing a Response: Preparation Requirements" for further direction. Responses that do not adhere to the requirements of this RFP may be considered non-responsive and eliminated from the process. Additional minimum qualifications may be stated in Section 5.0, "Instructions for Preparing a Response".

For the Town to consider a project as complete the owner of the project must have issued final payment or a Notice of Final Completion.

4.6 Public Entity Crimes

Proposers must be in compliance with Section 287.133, Florida Statutes. Proposers must submit Form PEC with their Response.

4.7 Review of Responses for Responsiveness

Each Response will be reviewed to determine if it is responsive to the submission requirements outlined in the RFP. A "responsive" Response is one which meets the requirements of the RFP and is submitted in the format outlined in the RFP, is of timely submission, can be evaluated in accordance with the Evaluation Criteria, and has appropriate signatures/attachments as required on each document. Failure of the Proposer to provide the information as required under Section 4 of the RFP may result in a rejection of the proposal as non-responsive. A non-responsive Proposal will not be provided to the Evaluation Committee for consideration for an award of a contract.

4.8 Collusion

The Proposer must certify that its Response is made without previous understanding, agreement or connection either with any person, firm, or corporation submitting a Response for the same services, or with any Town department. The Proposer certifies that its Response is fair, without control, collusion, fraud, or other illegal action. The Proposer further certifies that it is in compliance with the conflict of interest and code of ethics laws. The Town will investigate all situations where collusion may have occurred and the Town reserves the right to reject any and all Responses where collusion may have occurred.

The Proposer must include in its Response, in the applicable section of its Response, the Non-Collusive Affidavit, included in this RFP as Form NCA. Failure by the Proposer to submit this affidavit will result in the Response being deemed non-responsive.

4.9 Clarifications

The Town reserves the right to make site visits, visit the Proposer's place(s) of business, to request clarifications of information submitted and to request or obtain any necessary supporting documentation or information of one or more Proposers, after the deadline for submission of Responses. Subsequent to the submittal of Proposals Proposer cannot submit any additional document or information except upon the specific request of the Town. Any such submittal will not be considered and may result in a Proposal being rejected as non-responsive.

4.10 Key Personnel

Subsequent to submission of a Response and prior to award of a Contract, Key Personnel must not be changed. Any changes in Key Personnel **will** result in the Response being rejected and not considered for award.

The Project Manager and the Construction Manager must be different individuals and the Project Manager and Construction Manager must both be employed by the Proposer.

4.11 Audit Rights and Records Retention

The Successful Proposer agrees to provide access at all reasonable times to the Town, or to any of its duly authorized representatives, to any books, documents, papers, and records of Proposer which are directly pertinent to this RFP, for the purpose of audit, examination, excerpts, and transcriptions. The Successful Proposer must maintain and retain any and all of the books, documents, papers and records pertinent to the RFP and any resulting Contract for not less than three (3) years after the Town makes final payment, and all other pending matters are closed. Proposer's failure to or refusal to comply with this condition will result in the immediate termination of the Contract (if awarded) by the Town.

4.12 Public Records

Proposer understands that the Response is a "public record, and the public will have access to all documents and information pertaining the Response and the RFP, subject to the provisions of Chapter 119, Florida Statutes. The Proposer, by submitting a Response, acknowledges that the Town may provide public access to or provide copies of all documents subject to disclosure under applicable law.

Proposer must claim the applicable exemptions to disclosure as provided by said Florida Statute in its Response by identifying the materials to be protected and the reason why such exclusion from public disclosure meets the requirement of Chapter 119, Florida Statutes, and is necessary and legal.

4.13 Conflict of Interest

Proposer, by responding to this RFP, certifies that to the best of its knowledge or belief, no elected/appointed official or employee of the Town is financially interested, directly or indirectly, in the services specified in this RFP. Proposers must submit Form COI with its Response.

Proposer must include as part of its Response a detailed statement describing any relationships; professional, financial or otherwise that it may have with the Town, its elected or appointed officials, its employees or agents or any of its agencies or component units for the past five (5) years, together with a statement explaining why such relationships do not constitute a conflict of interest relative to performing the Services sought in this RFP. Additionally, the Proposer must give the Town written notice of any other relationships; professional, financial or otherwise that it enters into with the Town, its elected or appointed officials, its employees or agents or any of its agencies or component units during the period of the Contract.

Further, Proposer must disclose the name of any Town employee who owns, directly or indirectly, an interest of five percent (5%) or more of the total assets of capital stock in the Proposer's company.

Failure by the Proposer to disclose this information will result in the Response being deemed non-responsive.

4.14 Debarred/Suspended Vendors

An entity or affiliate who has been placed on the State of Florida debarred or suspended vendor list may not submit a Response or contract with a public entity for the construction or repair of a public building. In addition, such entity or affiliate may not perform any work as a supplier, subcontractor, or consultant, or subconsultant under any contract with any public entity, and may not transact business with any

public entity. Any Proposer who submits a Response that includes such an entity or affiliate will be deemed non-responsible and the Response will not be considered.

4.15 Nondiscrimination

Proposer agrees that it will not discriminate as to race, sex, color, age, religion, national origin, marital status, or disability in connection with its performance under this RFP. Furthermore, Proposer agrees that no otherwise qualified individual will solely by reason of his/her race, sex, color, age, religion, national origin, marital status or disability be excluded from the participation in, be denied benefits of, or be subjected to, discrimination under any program or activity.

4.16 Contingent Fees

Proposer represents and warrants to the Town that it has not employed or retained any person or company, to solicit or secure the award of a contract, and that it has not offered to pay, paid, or agreed to pay any person, company, corporation, or firm any fee, commission, percentage, brokerage fee, or gift of any kind contingent upon or in connection with, the award or making of a contract.

4.17 Assignment; Non-Transferability of Response

A Response must not be assigned, transferred, purchased, or conveyed. A Proposer who is, purchased by or merged with any other corporate entity during any stage of the Proposal process, from date of submission of the Response through, to and including awarding of and execution of a contract, will have its Response deemed non-responsive and will not be considered or further considered for award.

Attachment A contains specific language as to the assignment, transfer, sale or conveyance of the Contract after it has been executed and any such action after execution may result in the termination of said Contract, unless it meets the specific applicable provisions of the Contract.

4.18 Drug Free Workplace

Proposer that meets the requirements of Florida Statute 287.087 will receive preference should a tie occur in the ranking of the Responses by the Evaluation Committee.

Should a tie in the ranking of Responses occur the tied Proposers will be requested to submit an affidavit, if applicable, attesting to meeting the requirements.

4.19 E-Verify

Contractor must utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Contractor during the term of the contract; and must expressly require any subcontractors performing Work or providing services pursuant to the contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor. Contractor must complete and submit with its Proposal the E-Verify certification form

4.20 Protest Process

Any Proposer wishing to file a protest as to the requirements or award of this RFP must do so in accordance with Ordinance 12-142 (Procurement Ordinance), which is available at http://www.miamilakes-fl.gov/index.php?option=com_content&view=article&id=67&Itemid=269.

4.21 Affidavits

The following Affidavits are required to be submitted with the Proposer's response:

COLLUSION

Where two (2) or more related parties, as defined in this Article, each submit a response to the RFP, such submissions will be presumed to be collusive. The foregoing presumption may be rebutted by the presentation of evidence as to the extent of ownership, control and management of such related parties in preparation and submission under the RFP. Related parties means employees, officers or the principals thereof which have a direct or indirect ownership interest in another firm or in which a parent company or the principals of one Proposer have a direct or indirect ownership interest in another Proposer for the same project. RFP responses found to be collusive will be rejected. Bids must be developed independently. Where two or more Proposers have worked together, discussed the details of their proposals prior to submission of their Proposals or worked together in independently submitting Proposals such actions will be deemed to be collusion. Proposer's must submit the Non-Collusive Affidavit.

RELATIONSHIPS WITH THE TOWN AFFIDAVIT

The Proposer must identify any relationship the owners or employees have with the Town's elected officials or staff using the Relationships using the Town affidavit included in this RFP.

CONFLICT OF INTEREST/ANTI-KICKBACK

Proposer must complete and submit the Conflict of Interest, Anti-Kickback and Proposer's Relationships to the Town Affidavits found in the RFP. Proposer certifies that its Proposal is made independently of any assistance or participation from any Town employee, elected official, or contractor working for or on behalf of the Town, who assisted in any aspect with the development, evaluation, or award if this or any solicitation issued by the Town.

Town employees may not contract with the Town through any corporation, or business entity in which they or their immediate family members hold a controlling financial interest (e.g. ownership of five (5) percent or more). Immediate family members, including spouse, parents, and children are also prohibited from contracting with the Town without the prior approval of the Town Council.

Miami-Dade County Ordinance 2-11.1, Conflict of Interest & Code of Ethics ordinance or the provisions of Chapter 112, Part III, Fla. Stat., Code of Ethics for Public Officers and Employees, as applicable and as amended are hereby included into and made a part of this solicitation.

PUBLIC RECORDS AFFIDAVIT

The Contractor must comply with the Public Records Law as provided by Chapter 119, Florida Statutes, and all applicable amendments. Applicants must invoke the exemptions to disclosure provided by law in the response to the solicitation and must identify the data or other materials to be protected by separate envelope, and must state the reasons why such exclusion from public disclosure is necessary. The submission of a response authorizes release of your firm's credit data to the Town.

All prospective Proposers must complete and submit the Compliance with Public Records Law affidavit with their Proposal. Failure to submit the completed affidavit may result in the Bid being deemed non-responsive. Proposers, by submitting the Compliance with Public Records Law affidavit, specifically acknowledge their obligation to comply with Section 119.0701, Florida Statutes.

PUBLIC ENTITY CRIMES ACT

In accordance with the Public Entity Crimes Act, (Section 287.133, Florida Statutes) a person or affiliate who is a contractor, who had been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or

services to the Town, 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 bids on leases or real property to the Town, 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 the Town in excess of the threshold amount provided in Section 287.917, Florida Statutes, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list. Violation of this section by the Contractor will result in rejection of the Bid, termination of the contract, and may cause Contractor debarment. Proposer must complete the Public Entity Crime Affidavit included in the RFP.

SECTION 5 – INSTRUCTIONS FOR PREPARING A RESPONSE

Proposer's Response to this RFP must contain the following information and documents, and follow the instructions in its preparation. Failure to do so may deem your Response non-responsive. Non-responsive submittals will receive no further consideration and will not be provided to the Evaluation Committee.

5.1 Preparation Requirements

Each Response must contain the following documents and forms required by Sections 5.1 A&B, each fully completed, and signed as required. Proposers must prepare their Responses utilizing the same format outlined below in Section 5.1C. Each section of the Response as stipulated in 5.1C must be separated by a tabbed divider identifying the corresponding section number. Proposers are not to submit any information in response to this RFP that has not been requested or which the Proposer considers confidential, unless specifically required by the RFP. Submission of any confidential information will be deemed a waiver of any confidentiality or other such protection, which would otherwise be available to the Proposer, except as specifically permitted under Florida Statute. Proposers are not to include any documents not specifically required or requested, including, but not limited to; media and public relations literature, annual reports, pictures, etc. Such documentation will not be considered and will be redacted from the copies provided to the Evaluation Committee. The submission of such documentation may adversely affect the evaluation of the Response by the Evaluation Committee. Page limitations may have been established for some of the Town Forms, as well as other documents. Any pages submitted in excess of the page limitations will be redacted or removed and not provided to the Evaluation Committee for consideration during the evaluation process. The font size and type for Town Forms are set and cannot be changed. Proposer should use the font style Calibri, Times New Roman, or Arial, with a font size of 11 or 12 for any other information or documents to be submitted.

Hard cover binders are not to be used in the submission of the Response. Only heavy stock paper, not exceeding 100#, is to be used for the front and back covers, as well as the required section dividers. Proposers should also make every effort to utilize recycled paper in preparing its proposal. Double sided printing is permitted provided that the Response complies with the format set forth in 5.1 C.

A. TECHNICAL COMPONENT OF THE RFP:

The Proposer's response to the requirements of the Technical Proposal should provide complete detailed responses to all of the submission requirements of the Technical component of the RFP. Missing, incomplete or vague responses to the questionnaire or any of the submittal requirements can adversely impact the evaluation of the Response. The technical portion of the Proposal must contain sufficient information to enable the Evaluation Committee to evaluate each of the criteria to be used in scoring the Technical component of the Response.

1. Company Declaration

Proposer must complete and submit Exhibit 1, Company Declaration for this section of its Response.

2. Qualifications of the Proposer

Proposer must complete and submit Exhibit 2-Company Profile Questionnaire for this section of its Response.

3 Financial Stability of Proposer

Proposer must provide the following documentation and be capable of meeting the Contract bonding and insurance requirements to be considered responsive to the RFP.

- a. Proposer's most recent certified financial statement together with a breakdown indicating the Working Capital Ratio, Balance Sheet, and Cash Flow Statement or 2 years of business income tax returns.
- b. Most recent Dun & Bradstreet report (if available).
- c. Letter(s) from the insurance carrier stating that the Proposer is capable of meeting the insurance requirements contained in Attachment A. Sample insurance certificates are not an acceptable substitute.
- d. Letter(s) from the bonding surety stating that the Proposer is capable of meeting the bonding requirements contained in Attachment A.

4. Experience of the Proposer

Proposer must complete and submit the following for this section of its Response.

- a. Exhibit 3, Experience of Proposer Questionnaire
- b. Exhibit 4, Construction Project Staff Experience.

5 Construction Approach & Schedule

Proposer must complete and submit Exhibit 5-Project Approach & Submittals for this section of its Response.

6. Qualifications and Experience of Subcontractors

Proposer must complete and submit the following for this section of its Response.

- a. Exhibit 6, Subcontractor Utilization Form
- b. Exhibit 7, Experience of Subcontractor Questionnaire

7. Forms

In addition to the Forms and documents identified elsewhere in the RFP the following Form must be submitted:

- Form AK – Anti-Kickback Affidavit
- Form PEC – Public Entity Crime Affidavit
- Form NCA – Non Collusive Affidavit
- Form COI – Conflict of Interest Affidavit
- Form TSA – Trench Safety Act Certification (to be submitted with Price Proposal)
- Form –PR – Public Relations Affidavit
- Form PRA- Public Records Affidavit
- E-Verify Certification

1. Proposal Errors

Where the Price Proposal form, Form PP, has erasures or corrections, the Proposer must initial each erasure or correction in ink. In case of unit Price Proposal items, if an error is committed in the extension of an item, the unit price as shown on the Price Proposal Form will govern. Errors between any sum, computed by the Proposer and the correct sum will be resolved in favor of the correct sum. Any discrepancy between words and numbers will be resolved in

favor of the written word. Use of any other forms will result in the rejection of the Response as non-responsive.

2. Submission of Price Proposal

Proposers must complete Form RFP-PP for the Price component of the RFP.

The Proposer will be solely responsible for all costs to complete the Project, except where costs are covered as reimbursable costs under the Contract, or result from Town directed changes, or changes resulting from hidden/unforeseen conditions.

The Price component must be submitted in a ***separate sealed envelope*** concurrent with the submittal of the Technical component, utilizing the Price Proposal Form contained in the RFP.

The Price submitted in the Response must be based upon and include any and all costs or expenses to be incurred by the Proposer in completing all aspects of the mobilization/start-up, construction, and Project close-out. The Price component, in addition to all direct and indirect costs and expenses, must include all other costs and expenses including but not limited to such costs as the Proposer's general, administrative and overhead costs; project management and supervisory costs; all fees, charges and taxes; labor, direct and indirect payroll costs, including labor burden; insurance and bond costs; cost of equipment, material, tools and transportation; and operating margin (profit).

Options, if any included as part of the Price component must be priced by the Proposer for the Proposal to be considered responsive.

Reimbursable Costs: The Town's permit fees are not to be included within the Price component. Other fees such as Miami-Dade County WASD connection fees are also not to be included in the Price component. The Town will reimburse the Successful Proposer for the Town's permits and regulatory fees and Miami-Dade County WASD connection fees. All other permit and other fees, such as those assessed by Miami-Dade County, FPL, etc. are to be included as part of the Price Component.

The Price Proposal is submitted for the purposes of determining the Successful Proposer. The Town, at its sole discretion, may conduct further negotiation to determine the final value of the Contract to be awarded.

3. Schedule of Values Submittal

Proposer must provide a proposed Schedule of Values for the Construction of the Project. The Schedule of Values will be broken down only to trade categories, such as drainage, roadway, striping, landscaping, etc. The proposed Schedule of Values should include major/critical subtask but should not include all of the subtasks. At a minimum the information must include the trade category, and the estimated cost of the Work. Where a discrepancy exists between the trade category's estimated cost of work and the percentage shown in the subcontract list the trade category estimated percentage of the total work will prevail.

4. Cost and Pricing Data

The Town will require the Successful Proposer to provide, for itself, and Subcontractor(s), prior to commencement of any Work the raw labor rates, burden rates, and fully loaded labor rates by labor classification certified as accurate by an officer of the company to be used in determining and change orders that may occur as a condition precedent to execution of a Contract.

The Town may require that supporting documentation be submitted to support the information provided and such rates may be subject to negotiation by the Town.

The forms for submission of portions of the information contained above are included as part of the RFP and are also available on the Town’s website. Where the Town does not provide specific forms to be utilized the Proposer must provide the information in a format acceptable to the Town.

5. Subcontractor/Subconsultants/Supplier Pricing Information

Proposers are expressly prohibited from substituting Subconsultant or Subcontractors projected to perform five percent (5%) or more of the over-all Work as stated in the RFP. Such substitution, for any reason, after receipt of the Response, and prior to award by the Town, will result in disqualification of the Response from further consideration for award.

6. Evaluation of Price Proposal Documents

Proposers must submit pricing for all three (3) Phases of the Project. Failure to provide pricing for all three (3) Phases of the Project will result in a Proposal being deemed non-responsive. Phase III of the Project will be awarded at the sole discretion of the Town prior to the Contractor achieving Substantial Completion of Phases 1 & II, which will be constructed simultaneously.

The scoring of the Price Proposal will be based on the combined pricing submitted for all three (3) phases.

The Price Proposal will be evaluated in the following manner:

- a. For Form RFP-PP
 - i. The responsive Response with the lowest total Price Proposal will be given the full weights as identified above.
 - ii. Every other Response will be given points proportionally in relation to the lowest price. This point total will be calculated by dividing the lowest price for by the total price of the Price Proposal being evaluated with the result being multiplied by the maximum weight for the price to arrive as a cost score of less than the full score for price.

$$\text{Example: } \frac{\text{Lowest Price Proposed}}{\text{Proposer's Price}} \times \text{Total Points for Price} = \text{Price Score}$$

$$\text{Example: } \frac{\$1,650,000}{\$2,000,000} \times 125 = 103.13 \text{ points}$$

b. Subcontractor Breakdown

This portion of the Price Proposal will be evaluated as part of the Qualification of the Project Team and Subconsultants.

C. Response Submission Format

Responses are to be prepared and submitted in the following format and in the stated order. Failure to comply with this format may adversely impact the evaluation of the Response. Part A and B are to be submitted in separate sealed envelopes or boxes.

Part A - Technical Response

1. Company Declaration
 - a. Exhibit 1 – Company Declaration
2. Qualifications of Proposer
 - a. Exhibit 2, Company Qualification Questionnaire
3. Financial Stability of Proposer
 - a. Financial Statement or Tax Returns
 - b. Dun & Bradstreet Report
 - c. Letter from Insurance Company
 - d. Letter from Bond Surety
4. Experience of Proposer
 - a. Exhibit 3 –Experience of Proposer Questionnaire
 - b. Exhibit 4 – Construction Project Staff Experience
5. Construction Approach and Schedule
 - a. Exhibit 5 – Project Approach and Submittals
6. Qualifications of Subcontractors
 - a. Exhibit 6 - Subcontractor Utilization Form
 - b. Exhibit 7, Experience of Subcontractor Questionnaire
7. Forms
 - a. Anti-Kickback Affidavit
 - b. Public Entity Crime Affidavit
 - c. Non-Collusive Affidavit, Form NCA
 - d. Conflict of Interest Affidavit – Form COI
 - e. Public Relations Affidavit - Form –PR
 - f. Public Records Affidavit - Form PRA
 - g. E-Verify Certification

Part B – Price Proposal

1. Form PP – Price Proposal
2. Schedule of Values
3. Form TSA – Trench Safety Act

SECTION 6 – EVALUATION/SELECTION PROCESS

6.1 Preparation Requirements

A. Evaluation Procedures

The procedure for response evaluation and selection is as follows:

1. Request for Proposals issued.
2. Receipt of Responses.
3. Opening of Technical Proposals and listing of all Responses received.
4. Preliminary review of the Technical Proposals by Town staff for compliance with the submission requirements of the RFP, including verification that each Response includes all required documents.
5. Review by Town Staff to confirm that the Proposer's Team is qualified to render the required services according to State regulations.
6. The Evaluation Committee ("Committee"), appointed by the Town Manager, will meet to evaluate each responsive Response Technical Proposal in accordance with the requirements of the RFP. At the Committee's option, the Proposers may be required to attend an interview session. The Committee may, at its sole discretion, shortlist the proposers and may invite only the shortlisted firms to an interview session.
7. Subsequent to completing its evaluation of the Technical Proposals the scoring for the Fee Proposal will be calculated by the Evaluation Committee and Town Staff.
8. The score for each Fee Proposal in accordance with the methodology stated in Section 5.
9. Town staff will then total the score of each Proposer and advise the Committee of each Proposer's combined score.
10. The Committee forwards its recommendation of the most qualified Proposer to the Town Manager inclusive of the ranking and scoring of the Responses.
11. The Town Manager will review the Evaluation Committee's recommendation and make a recommendation to the Town Council for award, reject all Responses, or return the recommendation to the Committee for reconsideration. In the event of a tie the recommendation of the Town Manager will control. The Town Manager may submit a recommended Proposer or "short list" of a combination of a recommended Proposer and the "short list" to the Town Council.
12. As stated in the solicitation the Town Manager or designees may conduct negotiations with the highest ranked Proposer.
13. If the Town is unsuccessful in negotiating a Contract with the selected Proposer the negotiations with the Proposer may be terminated and the Town Manager will attempt to negotiate a Contract with the next highest ranked Proposer and so on.
14. The Town Council will make the final selection and award.

B. Evaluation Criteria

Responses will be evaluated according to the following criteria and respective weight:

- | | |
|---|--------------------|
| ➤ Qualifications of the Proposer | Maximum 15 points |
| ➤ Experience of the Proposer | Maximum 30 points |
| ➤ Project Approach | Maximum 15 points |
| ➤ Qualifications & Experience of the Project Team
And Subcontractors | Maximum 15 points |
| ➤ Financial Stability | Maximum 5 points |
| ➤ Price Proposal | Maximum 125 points |

Total Points 205

**CERTIFICATE OF AUTHORITY
(IF CORPORATION)**

STATE OF)
) SS:
COUNTY OF)

I HEREBY CERTIFY that a meeting of the Board of Directors of _____
_____ a corporation
existing under the laws of the State of _____, held on _____, 20_____, the
following resolution was duly passed and adopted:

"RESOLVED, that, as President of the Corporation, be and is hereby authorized to execute the Response
dated, _____, 20_____, to the Town of Miami Lakes and this Corporation and that their
execution thereof, attested by the Secretary of the Corporation, and with the Corporate Seal affixed, will
be the official act and deed of this Corporation."

I further certify that said resolution is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the corporation this
_____, day of _____, 20_____.

Secretary: _____

(SEAL)

FAILURE TO COMPLETE, SIGN, AND RETURN THIS FORM MAY DISQUALIFY YOUR RESPONSE

**CERTIFICATE OF AUTHORITY
(IF PARTNERSHIP)**

STATE OF)
) SS:
COUNTY OF)

I HEREBY CERTIFY that a meeting of the Partners of
_____ organized and existing under the
laws of the State of _____, held on _____, 20 _____, the
following resolution was duly passed and adopted:

"RESOLVED, that, _____, as _____ of the Partnership, be and is
hereby authorized to execute the Response dated, _____ 20_____, to the Town of Miami
Lakes and this Partnership and that their execution thereof, attested by the _____
will be the official act and deed of this Partnership."

I further certify that said resolution is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20____

Secretary: _____

(SEAL)

FAILURE TO COMPLETE, SIGN AND RETURN THIS FORM MAY DISQUALIFY YOUR RESPONSE

**CERTIFICATE OF AUTHORITY
(IF INDIVIDUAL)**

STATE OF)
) SS:
 COUNTY OF)

I HEREBY CERTIFY that as an individual, I _____ and as a d/b/a (doing business as) _____ (if applicable) exist under the laws of the State of Florida and is authorized to conduct business in the State of Florida.

"RESOLVED, that, as an individual or d/b/a, be and is hereby authorized to execute the Response dated, _____, 20____, to the Town of Miami Lakes as an individual or d/b/a and that my execution thereof, attested by a Notary Public of the State, will be the official act and deed of this attestation."

I further certify that said resolution is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Notary Public this _____, day of _____, 20____.

NOTARY PUBLIC: _____

Commission No.: _____

I personally know the individual/do not know the individual (Please Circle)

Driver's License # or other form of identification _____

(SEAL)

FAILURE TO COMPLETE, SIGN, AND RETURN THIS FORM MAY DISQUALIFY YOUR RESPONSE