

**INFORMATION AND SPECIFICATIONS REQUIREMENTS FOR SUBMISSION OF
RESPONSES TO SAN CARLOS ESTATES WATER CONTROL DISTRICT, FOR
PROFESSIONAL ENGINEERING SERVICES**

REQUEST FOR QUALIFICATIONS (RFQ #2022-01)

INFORMATION PACKAGE AND REQUIREMENTS FOR RESPONSE

INTRODUCTION

San Carlos Estates Water Control District, a water control district created pursuant to Chapter 298, Florida Statutes, (the “District”), is requesting responses from qualified individuals or companies who are able and interested in performing professional engineering services related to engineering work for the District primarily to satisfy the engineer’s duties to the District as described in Chapter 298, especially Section 298.16, Florida Statutes, in accordance with the terms, conditions, and requirements contained in this Request for Qualifications and in a written agreement to be entered into with the District. The selection of an individual or firm to provide professional services to the District pursuant to this Request for Qualifications is intended to comply with the requirements of Florida law. The selected individual or firm must be capable of providing the District with complete professional services to satisfy the requirements of Florida law as the District engineer and as required by the District’s Board of Supervisors. The selected individual or firm should be able to demonstrate adequate experience in performing the various elements of the District engineer’s scope of work described in the Request for Qualifications (RFQ), especially at Exhibit A. Experience with the provision of engineering services to a water control district is strongly preferred. The selected individual or firm will be required to negotiate the terms of a written agreement with the District for the provision of professional services related to the District’s engineer’s duties. The response deadline due date/time is 2:00 p.m. EDT on June 21, 2022. All responses (6 copies) shall be placed in a sealed envelope with the following title clearly indicated on the outside: RFQ No. 2022-01 Engineering Services for San Carlos Estates Water Control District, with delivery to the District’s attorney, which must be received by the District’s attorney at the District’s attorney’s office at 2125 First St., Suite 200, Fort Myers, FL 33901, no later than the response deadline of 2:00 p.m. EDT on June 21, 2022. Responses received after such time will not be accepted and will be rejected and not opened. Responses delayed for any reason will not be considered. Faxed and electronically mailed responses will not be accepted. All costs and expenses related to the preparation and submission of a response are the sole responsibility of the responder. All prospective responders are cautioned not to contact any member of the District’s Board of Supervisors or any District personnel or contractors except for the District’s attorney. All questions should be directed to the District’s attorney, telephone number (239) 332-4717, email richard@strayhornandstrayhornlaw.com. The District reserves the right to reject any or all responses in its sole discretion and to take whatever action the Board of Supervisors of the District deems to be in the best interest of the District in its sole discretion. The District also reserves the right to waive irregularities and technicalities, to re-advertise for additional responses, and to select the responder(s) who, in the District’s sole opinion is in the best interests of the District. The District does not discriminate on the basis of age, race, color, sex, religion, national origin, disability, or marital status.

RFQ #2022-01
PROFESSIONAL ENGINEERING SERVICES FOR THE SAN CARLOS ESTATES WATER CONTROL DISTRICT

All Responders shall prepare and submit a written response to the District pursuant to the response specifications and requirements described herein. The response shall include, but does not have to be limited to, the following information:

SECTION 1
GENERAL INFORMATION & INSTRUCTIONS

1) DEFINITIONS

- a. San Carlos Estates Water Control District may hereinafter be referred to as “District”.
- b. “Responder” shall be any entity or individual submitting a response for the pending solicitation.
- c. All references to days in this solicitation mean calendar days, unless otherwise stated.
- d. All references to “shall”, “must”, and “will” are to be interpreted as mandatory language.
- e. The Request for Qualifications is a competitive selection method selected for this pending solicitation and will be referred to as the “RFQ”.
- f. “successful Responder” shall be the successful Responder with whom a professional services agreement (sometimes hereinafter referred to as “Agreement”) is entered into by the District.

2) PURPOSE

- a. The District seeks responses from qualified Responders to provide professional engineering services for the District under Chapter 298, Florida Statutes, especially Section 298.16, Florida Statutes.
- b. This RFQ has been compiled for the purpose of providing information, requirements, guidelines, specifications, and other data that can be used by Responders who wish to submit a response for consideration.
- c. The overall scope of work of RFQ is further described in Exhibit A.

3) INSTRUCTIONS

- a. Each Responder shall submit six (6) sealed responses, one clearly marked as “Original”, and five (5) copies, enclosed and secured in an envelope/package. The Responder shall clearly mark and display the Responder’s name and address, the RFQ number and the project identification on the outside of the envelope/package. The District shall not be responsible for unidentified responses. Responses shall be addressed to:

Richard W. Pringle, District Attorney
San Carlos Estates Water Control District
2125 First St., Suite 200
Fort Myers, FL 333901

Hand delivered responses shall be delivered to the same above-referenced address.

- b. Each Responder shall submit their response to the District’s attorney at the above address no later than June 21, 2022 at 2:00 p.m. EDT. Responses received after the deadline will not be considered and will be rejected and not opened. Responders mailing their response must allow a sufficient mail delivery period to insure timely receipt of their response by the District. The

District is not responsible for responses delayed by mail and delivery services. The delivery of the sealed response envelope required from each Responder prior to the time and date of the deadline for submitting responses is solely and strictly the responsibility of the Responder.

- c. Responses shall remain firm for not less than ninety (90) calendar days from the response deadline stated above.
- d. The District shall not be liable for any costs associated with the preparation of responses to this solicitation; therefore, all costs shall be borne solely by the Responder.
- e. There will **NOT** be a pre-response conference. All prospective Responders should review the RFQ document and submit all questions and/or requests for additional information to the District's attorney by the deadline for questions of June 17, 2022 at 5:00 pm. All questions relating to this RFQ must be submitted via email to the District's attorney before the above deadline.
- f. Prior to submitting a response, each Responder must carefully examine the RFQ document, study and thoroughly familiarize himself/herself with the specifications/requirements of the RFQ documents and notify the District's attorney of any conflicts, errors, or discrepancies. Each Responder is solely responsible for reading and completely understanding the requirements and specifications of the RFQ documents.
- g. Before submitting responses, interested firms or individuals must make all necessary investigations to inform themselves thoroughly as to all requirements of this Request for Qualifications/Competitive Selection Process. No plea of ignorance of conditions or difficulties that may hereafter exist, or of conditions or difficulties that may be encountered in the future will be accepted as an excuse for any failure or omission on the part of the successful Responder to fulfill, in every detail, all of the requirements of the RFQ and all of the professional services agreement requirements of the District.
- h. By submission of a response, a Responder guarantees that all goods and services shall meet the requirements of the RFQ and the subsequent professional services agreement between the District and the Responder.
- i. All Responders are hereby notified that any deviations from the requirements stated in the RFQ documents or any failure to submit all information required by the RFQ documents may result in the rejection of their response by the District, in the District's sole discretion. All submitted responses must be properly signed and, where applicable, corporate and/or notary seals must be attached. All blanks on all forms must be completed in writing. All names of all individuals executing documents must be typed or printed below their signature.
- j. Responses may be withdrawn, in writing, as long as the written withdrawal is actually received by the District's attorney, at the District's attorney's address stated above, prior to the deadline fixed for the receipt of responses. Responders cannot withdraw or modify their responses after the response deadline of June 21, 2022 at 2:00 p.m. EDT.
- k. Responders cannot assign or otherwise transfer their responses to others either prior to or after they are submitted.
- l. Faxed responses or emailed responses will not be accepted.
- m. Each Responder shall separately describe any specific work or actions that the Responder is **NOT** including in the response scope or work, including specific professional services that are not included.

- n. Each Responder shall follow the below stated directions for response preparation:
- i. All responses shall be complete and carefully worded, and must convey all of the information requested by the District. If significant errors are found in the response, or if the response fails to conform to the essential requirements of the RFQ, the District, in its sole discretion, will determine whether to accept or reject the response because of the variance.
 - ii. Responses are to be prepared simply and in a manner designed to provide the District with a straightforward presentation of the Responder's capability to satisfy the requirements of this RFQ. The Responder's response must follow the RFQ format, utilizing the same section titles, schedules, and paragraphs.
 - iii. The Responder must clearly mark as "Confidential" each part of their response which they consider to be proprietary information that could be exempt from disclosure under Florida law. The District reserves the right to determine whether any response information should be exempt from disclosure and no legal action may be brought against the District or its agents for its determination.
 - iv. The Responder shall make its response in the official name of the entity or individual under which business is conducted (showing official business address).
 - v. The Responder shall include on the response the Federal Employer Identification Number (FEIN) and the Engineer's license number of the Responder (or in the absence of an FEIN number, the Social Security number of the individual issuing the response if requested separately by the District).
 - vi. The Responder shall include all applicable requested information and is encouraged to include any additional information the Responder wishes to be considered. If the response includes any comments over and above the specific information requested in the RFQ, the Responder shall include such information as a separate Exhibit B-3 to the response.
 - vii. The Responder shall clearly write in ink or type-write all information requested in this RFQ and shall complete all blanks in the RFQ.
 - viii. A person duly authorized to legally bind the Responder shall execute all required documents in ink.
 - ix. Each copy of the response should be bound in a single volume where practical.
 - x. All Responders submitting a response in this competitive selection process are responsible for all errors in their response.
- o. To maintain the integrity of the competitive selection process, all contacts and discussions shall be directed to the District's attorney, or their designee.
- p. Verbal comments or discussions with District Elected Officials or personnel relative to this RFQ shall not be allowed.
- q. All responses must include the following information for the Responder. The following information shall be described in Exhibit B-1 except for the credit report described in subsection i.d. below.

i. QUALIFICATIONS (Exhibit B-1)

- a. An overview of the Responder, including, if applicable, the number of business officers, partners, members, shareholders and professionals employed by the Responder.
- b. The number and type of governmental clients served, with specific description of water control district clients, and the number and type of private sector clients served with similar professional services.
- c. A description of any disciplinary actions or lawsuits that have been instituted or proposed against the Responder during the last three (3) years, which includes a final or expected outcome, and any pending disciplinary matters or lawsuits of which the Responder is aware (these disclosure requirements pertain to all officers, directors, shareholders, partners, members and other licensed individuals employed by the responder.)
- d. If requested by the District, a credit report prepared within sixty (60) days of the request by the District demonstrating the financial viability of the Responder. Such report may be provided by a reputable, independent credit reporting agency and will have to be submitted to the District upon the District's request for same.
- e. The selected Responder will be required to provide evidence of general commercial liability insurance coverage, workers' compensation coverage as required by Florida law, vehicle insurance coverage, professional liability coverage, and other insurance coverages that are required by the District during the agreement negotiation process with the selected Responder.
- f. Evidence of whether the Responder has ever failed to provide similar professional services to a contracting party that is a government agency or otherwise similar to the District.
- g. Evidence of whether the Responder has ever been refused approval by any Federal, State, or other government agency as a responder on an RFQ.
- h. Description of experience and familiarity with the provision of engineering services for a water control district or for projects of a similar nature, including dates of service and descriptions of work performed.

ii. STAFFING (Exhibit B-1 continued)

- a. Description of the Responders' current and projected workloads and the management structure or organization proposed for the provision of the services necessary to meet the District's needs for the professional services required by the District.
- b. If named subcontractors or subconsultants will be used for any services, this arrangement must be adequately explained and the qualifications of the participating named subcontractor(s) or subconsultant(s) should be disclosed.
- c. Indication of the business office address of the Responder that will provide the services to the District and the name of the principal responsible representative of the Responder for the District's work.
- d. Provide brief resumes of the individuals that will be involved with the provision of services to the District, including but not limited to:

- (1) formal and any supplemental education;
 - (2) a list of governmental/private clients served by each staff member;
 - (3) length of time with the responder;
 - (4) qualifications/abilities to be utilized for the District.
- e. Provide a statement of whether the Responder has a Drug Free Workplace Policy.
- (1) The Responder shall be required to execute Exhibit C attached hereto concerning the Responder's Drug-Free Workplace Program.
- f. The Responder should indicate whether it is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985.
- iii. APPROACH TO PROFESSIONAL SERVICES (Exhibit B-1 continued)
- a. Describe the Responder's expectations for administrative assistance and dialogue between the Responder, the District and others (i.e. anticipated meetings, conferences, interviews). A representative of the Responder will be expected to attend the District's monthly Board of Supervisors meetings and provide a report of the work of the District and the work performed under permits by others to perform work in the District's right of ways.
 - b. Please provide a list of the last five (5) professional services contracts entered into with government agencies under similar factual circumstances. The list must include the following information:
 - (1) names of contracting parties;
 - (2) name, address, telephone number and email address of contact person for the contracting government agency;
 - (3) date of contract;
 - (4) general scope of work provided;
 - (5) any other relevant information concerning the scope of work for the professional services provided.
 - c. Please provide a list of no less than three (3) and preferably five (5) references. Each reference must include the following information:
 - (1) name of reference;
 - (2) name of contact person for the reference;
 - (3) telephone number of the contact person for the reference;
 - (4) address of the contact person for the reference;
 - (5) electronic mail address of the contact person for the reference;
 - (6) facsimile number of the contact person for the reference.
 - d. Please provide the name, address, telephone number, and electronic mail address of the party to whom the most comparable scope of work has been provided.
- r. NARRATIVE RESPONSE STATEMENT (Exhibit B-2)

Every Responder must provide a narrative statement as Exhibit B-2 of the response which provides the District with an overview of the basic professional services that will be provided to the District to satisfy the requirements of the RFQ documents and the professional services that will NOT be provided to the District. Further, the narrative statement must include a description

of the Responder's past experiences in providing similar types of professional services to other similarly situated government agencies. In particular, the following topics must be addressed in the narrative statement.

- i. The Responder's familiarity with the professional services required under the duties of the District's engineer as described by Florida law, especially Chapter 298, Florida Statutes.
- ii. How the subject professional services will be provided.
- iii. The Responder's familiarity with Federal, State and local environmental regulations, and with other government regulations, including land development regulations and building code regulations, which may be applicable to the District and the scope of work.
- iv. The Responder's familiarity with regulatory staff of Federal, State and local governmental agencies with whom the District interacts including South Florida Water Management District and the City of Bonita Springs.
- v. The Responder's ability and willingness to perform routine recurring coordination with the District's Board of Supervisors, or their designee, in order to ensure that the requirements of Florida law are being satisfied by the District and that the other elements of the scope of work are being satisfied.
- vi. The Responder's ability and willingness to provide periodic (generally monthly) reports to the District Board of Supervisors on the status of the District's works and permitted projects, including permitted projects of private land owners in the District. Please note that the District Board of Supervisors holds a monthly Board of Supervisors meeting which the District engineer is expected to attend so that the District engineer can provide a report on District activities and the activities of others within the District's right of ways.
- vii. The Responder's willingness to agree that the provision of the engineer's duties is conditioned upon the preapproval of the District Board of Supervisors, in the District Board of Supervisors' sole discretion, and that the District Board of Supervisors has the unilateral authority to terminate the agreement with the selected Responder.
- viii. Whether the Responder is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985.

4) EVALUATION, AWARD CRITERIA, AND SELECTION PROCESS

- a) By submitting a response, each Responder recognizes and agrees that the District may reject its response based upon the District's exercise of its sole discretion. Every Responder waives any claims it may have for damages or other relief resulting directly or indirectly from the rejection of its response based on any ground whatsoever, including the District's exercise of its sole discretion and the District's disclosure of, or refusal to disclose, any pertinent information related to the reasons for the District's rejection of said response.
- b) The District may conduct such investigations as the District deems necessary and appropriate to assist in the evaluation of any response and to establish the responsibility, qualifications, and financial ability of any Responder.

- c) The members of the Board of Supervisors, or their designee, may conduct response evaluations for consideration in selecting a Responder, including asking for additional information or clarifications from Responders.
- d) As a first step in the evaluation process, the Board of Supervisors shall determine which responders are “qualified” to perform the requested professional services. As a part of the determination of which Responders are qualified, the Board of Supervisors may consider factors that include, but are not limited to, each Responder’s: capabilities, adequacy of personnel, past record, and experience of the Responder.
- e) Upon determining which Responders are qualified to perform the professional services requested in this RFQ, the Board of Supervisors will evaluate each qualified response and select and/or rank no fewer than three (3) of the qualified Responders, if there are at least three (3) qualified Responders, using factors that include, but are not limited to:
 - i. Completeness and accuracy of the response;
 - ii. Compliance with the specifications requirements;
 - iii. Abilities of each Responder’s personnel;
 - iv. Who is being proposed as subcontractors, if any;
 - v. Past performance and relevant experience;
 - vi. Location of designated business office;
 - vii. Current and projected workloads;
 - viii. Whether a Responder is a certified minority business enterprise;
 - ix. Whether a Responder has a Drug Free Workplace Policy.
- f) The District may invite the Responders to make public presentations regarding their responses at a public meeting of the Board of Supervisors prior to the Board of Supervisors taking official action to determine which Responders are qualified Responders or prior to the Board of Supervisors taking official action to select and/or rank the qualified Responders. At this time, it is not anticipated that the District will invite the Responders to make public presentations regarding their responses at a public meeting of the District; however, the District does encourage Responders to attend the public meeting of the Board of Supervisors where the Supervisors are evaluating and possibly selecting/ranking the qualified Responders to answer questions, if any, the Board of Supervisors may have.
- g) Interested parties are advised to contact the District’s attorney, or their designee, for the date, time, and agenda of any public meeting of the Board of Supervisors where the Board of Supervisors will be evaluating and possibly selecting/ranking Responders. At this time, it is anticipated that the Board of Supervisors will evaluate and possibly select/rank Responders at the Board of Supervisors meeting held on June, 27, 2022 at 6:00 p.m. at the Gulf Shore Church located at 25300 Bernwood Drive, Bonita Springs, Florida 34135.
- h) The Board of Supervisors anticipates evaluating each response using the above referenced factors and evaluation process outlined above. In the alternative, the Board of Supervisors may unilaterally use different selection factors or a different selection process which satisfies the requirements of Florida law.
- i) Once the Board of Supervisors has held a public meeting to select/rank the Responders, the individual(s) designated by the Board of Supervisors as the District’s negotiating team may schedule a meeting to negotiate a satisfactory Agreement between the District and the highest ranked Responder selected by the Board of Supervisors. If an agreement cannot be reached within a reasonable period of time, in the District’s sole discretion, the negotiations with said Responder

shall be formally terminated through the declaration of an impasse and no further action may be taken to enter into an Agreement with said Responder. If the Responders are ranked and if an impasse is declared with the highest ranked Responder, the Agreement negotiating process described above may occur with the second ranked Responder, and thereafter the same Agreement negotiation process may be used with each of the next ranked Responders until an Agreement is successfully negotiated with a Responder who has been determined to be qualified by the District.

- j) The District reserves the right to negotiate all Agreement terms and provisions. The negotiating team designated by the Board of Supervisors will negotiate the scope and quality of services being offered and will attempt to reach a final proposed Agreement with a Responder.
- k) Upon successful negotiation of a proposed Agreement with one of the selected/ranked Responders, the District's negotiating team shall present the proposed Agreement that has been successfully negotiated with the Selected Responder to the Board of Supervisors for consideration and possible approval. The Board of Supervisors may accept or reject the proposed Agreement, in the Board of Supervisors' sole discretion, and thereafter authorize the execution of the accepted proposed Agreement or the continuation of negotiations or the termination of negotiations accordingly.
- l) The District anticipates entering into an Agreement with a qualified Responder who is selected/ranked by the Board of Supervisors using the selection process described above. In the event the District is not successful in negotiating an Agreement with any of the Responders selected/ranked by the Board of Supervisors, the Board of Supervisors may reopen and/or terminate continued formal negotiations with any one of the qualified Responders, in the Board of Supervisors' sole discretion; however, the negotiating team shall not negotiate with more than one Responder at a time. Further, if the negotiating team designated by the Board of Supervisors is unable to negotiate a satisfactory Agreement with one of the selected/ranked Responders, the Board of Supervisors may select/rank additional qualified Responders and continue negotiations in accordance with the process outlined herein until an Agreement is reached with a qualified Responder, or the Board of Supervisors may terminate all negotiations and re-advertise for additional responses, or take other action, in the Board of Supervisors' sole discretion.
- m) All Responders will be notified of the Board of Supervisors' decision on the selection/ranking of the Responders within fourteen (14) calendar days after the date of the said action.
- n) The Board of Supervisors reserves the right to waive any and all deficiencies in any response, in its sole discretion. Further, the Board of Supervisors reserves the right to accept the response that, in its judgment, will be in the best interest of the District or to reject any or all responses, in its sole discretion, and to take such other and further action as the Board of Supervisors deems appropriate and in the best interest of the District, in its sole discretion. To reiterate, in all cases, the Board of Supervisors reserves the authority, in its sole discretion, to take such official action that it deems to be in the best interest of the District in a manner which satisfies the requirements of Florida law.

5) POST AWARD REQUIREMENTS

a) EXECUTION OF AGREEMENT

The successful Responder shall sign and deliver the negotiated Agreement with the District and such other required Agreement Documents to the District within fourteen (14) calendar days after

the Agreement has been approved by the Board of Supervisors. This RFQ and the successful Responder's response shall be incorporated into, and made a part of, the Agreement.

6) GENERAL INFORMATION AND REQUIREMENTS

a) AFFIRMATIVE ACTION

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

b) AMBIGUOUS OFFERS

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

c) EXPLANATION TO PROSPECTIVE RESPONDERS

Every effort has been made to ensure that all information needed to prepare a response is included in this RFQ. If a Responder finds the Responder cannot complete their response without additional information, the Responder may submit written questions to the District's attorney, or their designee, before the deadline set forth herein. No further questions will be accepted after the deadline set forth herein of 5:00 p.m. EDT on June 17, 2022.

d) AMENDMENTS

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

e) LIMITATIONS ON DISCUSSIONS

By a submission of a response to this solicitation, each Responder agrees that during the time following issuance of the RFQ and prior to final award of an Agreement, each Responder shall not discuss this competitive selection process with any party except the District's attorney and the Agreement negotiation team designated by the District Board of Supervisors. No Responder shall attempt to negotiate with any other parties, and no Responder shall discuss any aspects of the competitive selection process with any other parties without the prior written approval of the District's attorney.

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

- i. The District reserves the unqualified right, in the District's sole discretion, to reject any and all responses or accept such responses that appears to be in the District's own best interest.
- ii. The District reserves the unqualified right, in the District's sole discretion, to waive technicalities or irregularities of any kind in responses made pursuant to this RFQ.

- iii. In all cases, the District shall be the sole judge, in the District's sole discretion, as to whether a Responder's response has or has not satisfactorily met the requirements of a response made pursuant to this RFQ.
 - iv. The District, in the District's sole discretion, may reject any response that fails to conform to the requirements of the RFQ.
 - v. The District, in the District's sole discretion, may reject any response that does not conform to the applicable specifications of the RFQ.
 - vi. The District, in the District's sole discretion, may reject a response when the Responder imposes conditions that would modify requirements of the RFQ or limit the Responder's liability to the District.
 - vii. A Responder may be required to delete objectionable conditions from a response by the District, in the District's sole discretion.
 - viii. Responses received from any person or entity that is suspended, debarred, proposed for debarment or declared ineligible as of the response opening date shall be rejected unless a compelling reason is made by the Responder and accepted by the District.
 - ix. The Board of Supervisors may reject responses received from Responders where the response is determined by the Board of Supervisors, in their sole discretion, to be non-responsive.
 - x. The originals of all rejected responses, and any written findings with respect to such rejections, shall be preserved with the papers relating to the RFQ.
- g) COMPLETE DOCUMENTS
All supplementary documents and attachments are essential parts of this RFQ and the requirements occurring in one are as binding as though occurring in all.
- h) RFQ ADMINISTRATION
Questions or problems arising during the RFQ award process shall be directed to the District's attorney.
- i) PUBLIC ENTITY CRIMES
Florida law requires submission of a sworn statement regarding Public Entity Crimes which must be signed and notarized and submitted with the response for the Responder and all named subcontractors, if any. A form for this purpose is attached hereto as Exhibit F.
- j) WITHDRAWAL OF RESPONSES
Responses may be withdrawn either in writing or in person through an authorized representative at any time prior to the RFQ submission deadline. After the RFQ submission deadline, responses may not be withdrawn or modified except to the extent agreed to by the District during subsequent Agreement negotiations.
- k) RESPONSES AS PROPERTY OF THE DISTRICT
Once a response is received, it becomes the property of the District and may not be returned to Responders even when they are withdrawn from consideration.
- l) PUBLIC INSPECTION OF RESPONSES
Responses will be made available for public inspection at the time described in Florida law.

m) RIGHT OF REJECTION

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

n) NON-DISCRIMINATION

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

o) SWORN RESPONSE

All responses must be executed and dated on Page 13 by an authorized representative of the Responder who must also print the name, title, mailing address, telephone number, facsimile number, e-mail address, and professional engineer's license number of the Responder. Each Responder must execute their response under oath in the presence of a notary public who must complete a notarization paragraph.

p) AFFIRMATIONS

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

q) FAILURE TO SUBMIT RESPONSE

Recipients of this solicitation not responding with a response can return the "No Response Form" attached as Exhibit D hereto.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

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

RESPONDER

(Name of Corporation or Entity) _____

By: _____

Signature

Name: _____

Title: _____

Mailing Address: _____

Telephone Number: _____

Facsimile Number: _____

Email Address: _____

FEIN/Number: _____

Professional Engineer's License Number) _____

Date: _____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was subscribed and acknowledged before me by means of physical presence or online notarization by _____, as _____ (title) of _____ (responder), a _____ entity, on behalf of _____ (responder), this ____ day of _____, 2022, who is personally known to me or produced _____ as identification.

Notary Public

Print Name

NOTARY SEAL

THIS PAGE MUST BE RETURNED WITH RESPONSE

EXHIBIT A
DESCRIPTION OF SCOPE OF WORK

The general scope of work is the provision of professional engineering services to satisfy the requirements of the position of District engineer described by Florida law, especially Chapter 298, Florida Statutes. The selected individual or firm must be capable of providing the District with complete professional engineering services that are required by Florida law for the District as a water control district of operating pursuant to Chapter 298, Florida Statutes. The selected individual or firm must also be capable of providing the District with complete professional engineering services related to the performance of all work within the District's right of ways, including but not limited to work of the District and also work of others who are performing work within the District's right of ways either with or without the District's permission. The District requires all land owners within the boundaries of the District to acquire a permit from the District to construct any improvements within the District right of ways pursuant to the District's rules and regulations and the engineer will be responsible to receive and review and take action on the permit applications submitted to the District for work in the District's right of ways. Finally, the selected individual or firm must also be capable of representing the District with regard to all of the District's permits with all government agencies, including South Florida Water Management District and the City of Bonita Springs.

EXHIBIT B
BASIC RESPONSE SUBMITTALS

The completion of Exhibit B-1, Exhibit B-2, and Exhibit B-3, referenced below, will provide basic information about the Responder and the Responder's basic professional services that will be provided to the District.

1. The Responder shall submit, as Exhibit B-1 of the response, a description of qualifications and relevant experience of the Responder. At a minimum, Exhibit B-1 must include a description of the following qualifications and relevant experience items:
 - a. An overview of the Responder, including, if applicable, the number of business officers, partners, members, shareholders and professionals employed by the Responder.
 - b. The number and type of governmental clients served and the number and type of private sector clients served for a similar scope of work.
 - c. A description of any disciplinary actions or lawsuits that have been instituted or proposed against the Responder during the last three (3) years, which includes a final or expected outcome, and any pending disciplinary matters or lawsuits of which the Responder is aware (these disclosure requirements pertain to all officers, directors, shareholders, partners, members and other licensed individuals employed by the Responder).
 - d. If requested by the District, a credit report prepared within sixty (60) days of the request by the District demonstrating the financial viability of the Responder. Such report may be provided by a reputable, independent credit reporting agency and will have to be submitted to the District upon the District's request for same.
 - e. The selected Responder will be required to provide evidence of general commercial liability insurance coverage, workers' compensation coverage as required by Florida law, vehicle insurance coverage, professional liability coverage, and other insurance coverages that are required by the District. Each Responder shall submit evidence of the Responder's current insurance coverages in the above named categories.
 - f. Evidence of whether the Responder has ever failed to provide similar professional services to a contracting party that is a government agency or otherwise similar to the District.
 - g. Evidence of whether the Responder has ever been refused approval by any Federal, State, or other government agency as a responder on a similar RFQ.
 - h. Description of experience and familiarity with the RFQ Scope of Work, including names of government agencies and names of customers, dates of work, description of work, and other relevant facts related to the work performed.
 - i. Description of the Responders' current and projected workloads and the management structure or organization proposed for the provision of the services to the District.
 - j. To reiterate, if named subcontractors or subconsultants will be used for any services, this arrangement must be adequately explained and the qualifications of the participating named subcontractor(s) or subconsultant(s) should be disclosed.

- k. Indication of the business office of the Responder that will staff the upcoming engagement with the District and the name of the principal responsible representative of the Responder for the District.
- l. Provide brief resumes of the individuals that will be involved with the upcoming engagement, including but not limited to:
 - (1) formal and any supplemental education;
 - (2) a list of governmental/private clients served by each staff member;
 - (3) length of time with the responder;
 - (4) qualifications/abilities to be utilized for the District.
- m. Provide a statement of whether the Responder has a Drug Free Workplace Policy.
 - (1) The Responder shall be required to execute Exhibit C attached hereto concerning the Responder's Drug-Free Workplace Program.
- n. The Responder should indicate whether it is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985.
- o. Describe the Responder's expectations for administrative assistance and dialogue between the Responder, the District and others (i.e. anticipated meetings, conferences, interviews). A representative of the Responder will be expected to attend the District's monthly Board of Supervisors meetings and provide a report of the work of the District and the work performed under permits by others to perform work in the District's right of ways.
- p. Please provide a list of the last five (5) professional services contracts entered into with government agencies under similar factual circumstances. The list must include the following information:
 - (1) names of contracting parties;
 - (2) name, address, telephone number and email address of contact person for the contracting government agency;
 - (3) date of contract;
 - (4) general scope of work provided;
 - (5) any other relevant information concerning the project scope of work for the professional services provided.
- q. Please provide a list of no less than three (3) and preferably five (5) references. Each reference must include the following information:
 - (1) name of reference;
 - (2) name of contact person for the reference;
 - (3) telephone number of the contact person for the reference;
 - (4) address of the contact person for the reference;
 - (5) electronic mail address of the contact person for the reference;
 - (6) facsimile number of the contact person for the reference.
- r. Please provide the name, address, telephone number, and electronic mail address of the party to whom the most comparable professional services have been provided for a comparable scope of work.

2. NARRATIVE RESPONSE STATEMENT (Exhibit B-2)

Every Responder must provide a narrative statement as Exhibit B-2 of the response which provides the District with an overview of the basic professional services that will be provided to the District to satisfy the requirements of the RFQ documents and the professional services that will NOT be provided to the District. Further, the narrative statement must include a description of the Responder's past experiences in providing similar types of professional services to other similarly situated government agencies. In particular, the following topics shall be addressed in the narrative statement.

- a. The Responder's familiarity with the professional services required for the District's Scope of Work.
- b. How the subject professional services will be provided.
- c. The Responder's familiarity with Federal, State and local environmental regulations, and with other government regulations, including land development regulations and building code regulations, which may be applicable to the District's Scope of Work.
- d. The Responder's familiarity with regulatory staff of Federal, State and local governmental agencies from whom the District will be expected to acquire all necessary permits and authorizations for the District's work and activities.
- e. The Responder's ability and willingness to perform routine recurring coordination with the District's Board of Supervisors, or their designee, in order to ensure that the District's work is performed in a manner that is consistent with the required needs of the District.
- f. The Responder's ability and willingness to provide periodic reports to the Board of Supervisors on the work of the District and on the work (both permitted and unpermitted) of others within the District's right of ways.
- g. The Responder's willingness to agree that the District has the unilateral authority to terminate the Agreement with the selected Responder.
- h. Whether the Responder is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985.
- i. Each Responder may include in their response, as a part of their Exhibit B-2 narrative statement, a description of what they believe differentiates the Responder and their response from other Responders and their responses for the benefit of the District.

4. ADDITIONAL INFORMATION

The Responder may include in their response, as their Exhibit B-3, any additional information which the Responder believes may assist the District in the District's selection process.

**EXHIBIT B-1
QUALIFICATIONS**

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

EXHIBIT B-2
NARRATIVE STATEMENT

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

EXHIBIT B-3
ADDITIONAL INFORMATION

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

EXHIBIT C
DRUG FREE WORKPLACE AFFIRMATION

The Responder affirms that, at all times material hereto and throughout the term of the Responder's Agreement with the San Carlos Estates Water Control District ("District") entered into pursuant to this RFQ, the Responder shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the Responder's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing any work under the RFQ for the District a copy of the statement required in subsection (1) above.
4. In the statement specified in subsection (1), notify the Responder's employees that, as a condition of working on any part of the District's Scope of Work, the employee will abide by the terms of the statement published under subsection (1) above and will notify the Responder of any conviction of, or plea of guilty or nolo contendere to, any violation of federal law or Florida law concerning the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on or require 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 convicted of the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance as referenced above.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of the provisions of this Drug-Free Workplace Affirmation.

As the person authorized to sign this Affirmation, I certify that the Responder complies fully with the above requirements.

[NEXT PAGE FOR SIGNATURE]

Responder's Signature

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was subscribed and acknowledged before me by means of physical presence or online by _____, as _____ (title) of _____ (Responder), a _____ entity, on behalf of _____ (Responder) this ____ day of _____, 2022, who is personally known or produced _____ as identification.

Notary Public

Print Name

NOTARY SEAL

EXHIBIT D
NO RESPONSE STATEMENT

If a "No Response Statement" is to be submitted, please check the appropriate box(es) below and return this form, prior to the response opening date, to the District's attorney, at 2125 First St. Suite 200, Fort Myers, FL 33901. Responder, _____, elects to not respond to this RFQ due to the following reason(s):

- Does not provide the requested services
- Cannot comply with specifications/statement of work
- The specifications/statement of work is unclear
- Cannot meet the delivery or period of performance
- The delivery/period of performance is unreasonable
- Cannot meet the bond requirements
- There is not enough time to prepare a response
- Responder plans to be a subcontractor on the project
- The project is too large
- The project is too small
- Other (please specify)

Signature

Print Name and Title

For Responder (name)

Date

EXHIBIT E
AFFIRMATIONS

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

Dated: _____

Signature

Printed Name and Title

Name of Responder

Address

Address

Telephone Number

Facsimile Number

Electronic Mail Address

Professional Engineer's License Number

Occupational License Number

FEIN

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was subscribed and acknowledged before me by means of physical presence or online by _____, as _____ (title) of _____ (Responder), a _____ entity, on behalf of _____ (Responder) this ____ day of _____, 2022, who is personally known or produced _____ as identification.

Notary Public

Print Name

NOTARY SEAL

EXHIBIT F
PUBLIC ENTITY CRIME AFFIDAVIT

THIS FORM IS TO BE COMPLETED AND RETURNED WITH THE RESPONSE.

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

1. This sworn statement is submitted to the San Carlos Estates Water Control District, "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 (responds) or applies to bid (respond) 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 1 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 means of physical presence or online by _____, as _____(title) of _____ (Responder), a _____ entity, on behalf of _____ (Responder) this ____ day of _____, 2022, who is personally known or produced _____ as identification.

Notary Public
Print Name

NOTARY SEAL