



**2017-RB-12**

**MIAMI DADE COLLEGE  
GENERAL CONTRACTOR SERVICES**

**DUE DATE: May 4, 2017**

**DELIVER PROPOSALS TO:  
MDC KENDALL CAMPUS  
PURCHASING DEPARTMENT  
11011 SW 104 ST.  
Room 9254  
305-237-2409**

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## 1.0 PURPOSE AND INTENT

### Purpose

The purpose of this Request for Qualifications (RFQ) is to select multiple Firms to provide General Construction Services for projects thought the College.

Please direct questions regarding this selection to:

Ramon S. Bristol Castrillon, MA, CPPO, FCCM  
Assistant Purchasing Director  
Facilities/Plant Maintenance  
305-237-0011  
[rbristol@mdc.edu](mailto:rbristol@mdc.edu)

### 1.2 Intent

The intent of the College is to prequalify and select State of Florida Licensed General Contractors (GC) to provide the services outlined in this RFQ. Work will be assigned based on the firm's ability to complete the work in the required time frame and on the basis of experience with similar jobs.

### 1.3 Miami Dade College Shelter Market Initiative

The College will establish **two pools** of General Contractors (GC) firms from this RFQ. The first pool will be reserved for Small Local Business firms per Small Local Business Enterprise (SLBE) Policy VI-4, section III "Shelter Market Initiative" (See Attached Policy). The College will prequalify firms which principal place of business is located in Miami Dade County area only.

Principal place of business is defined as "the place where a corporation's officers direct, control, and coordinate the corporation's activities. And in practice it should normally be the place where the corporation maintains its headquarters-provided that the headquarters is the actual center of direction, control, and coordination, i.e., the "nerve center," and not simply an office where the corporation holds its board meetings (for example, attended by directors and officers who have traveled there for the occasion)."

The College will recognize a "small business" as: a) A business that has been certified by the State of Florida Office of Supplier Diversity; b) A firm certified by the Miami-Dade County Department of Small Business Development; Or c) By other Miami-Dade County entities with similar certification standards.

Work assigned under this category will not exceed ONE million dollars (**\$1,000,000**) **construction cost.**

#### 1.4

The second pool of GCs from this RFQ will be open to all firms regardless of minority status or geographical area. Work assigned under this category will not exceed TWO million dollars **(\$2,000,000) construction cost.**

**Firms will not be allowed to submit for both pools**

#### 1.5 **Scope of Work**

The Selected firm will provide Construction Management Services for project through the College. These projects will require a full range of major construction trades and subcontracts including, but not limited to civil, landscaping, structural, and waterproofing, finishes, mechanical, electrical, plumbing, roofing, environmental services as well as upgrading and expanding existing utilities. However, projects may be smaller utilizing only a few subcontracting trades.

### 1.3 SCHEDULE OF EVENTS

#### **Timeline:**

The following timeline is a general guideline for the issuance, evaluation, recommendation for award of this RFQ and the issuance of the contract for this service. The College may change dates of events in the timeline as required.

<b><u>DATE</u></b>	<b><u>EVENT</u></b>
3/7/2017	Legal Advertisement
3/7/2017	RFQ Issuance
<b>May 4, 2017</b>	<b>Deadline for submittal of proposals (Proposals due prior to 3:00 p.m.)</b>
<b>June, 2017</b>	<b>Board of Trustees Selection</b>

Exact date, time and location of evaluation committee meetings will be publicly advertised. Any changes will be advertised in the Daily Business Review and will be posted in the Purchasing Department's Webpage: [www.mdc.edu/purchasing](http://www.mdc.edu/purchasing)

### 3.0 PROPOSAL CONDITIONS

#### **3.1 The College Options:**

The College may, at its sole and absolute discretion, reject any or all proposals, re-advertise this RFQ, postpone or cancel this RFQ process at any time, or waive any irregularities in this RFQ or in the proposals received as a result of this RFQ.

The determination of the criteria and process whereby proposals are evaluated, the decision as to who shall receive a contract award, or whether an award shall ever be made as a result of this RFQ, shall be the sole and absolute discretion of the College.

In no event will any successful challenger of these determinations or decisions be automatically entitled to the award of this RFQ.

The submittal of a proposal will be considered by the College as constituting an offer by the Firms to provide the services described in this RFQ.

The College may, at any it sole discretion add firms not included on the original award from the original list of applicants to any of the two pools.

### **3.2 Rules, Regulations, and Requirements:**

All firms shall comply with all laws, ordinances, and regulations of any Federal, State of Florida, Miami-Dade County, or City government applicable to submitting a response to this RFQ and to providing the services described herein.

### **3.3 Change of Proposal:**

Any Firms, who desires to change his/her proposal, shall do so in writing. Any request for changes shall be received prior to the date and hour of the proposal opening. The firm's name and the RFQ # shall appear on the envelope.

### **3.4 Withdrawal of Proposal:**

A proposal may be withdrawn prior to the date and hour of the proposal opening. Any proposal not so withdrawn shall, upon opening, constitute an irrevocable offer, for the period of ninety (90) days after the date of the proposal opening, to provide the proposed services.

### **3.5 Modifications of Proposal:**

No unsolicited modifications to proposals will be permitted after the date and hour of the proposal opening.

### **3.6 Protest of RFQ Document:**

All firms are required to thoroughly review the RFQ document within a reasonable time after receipt. Any concerns or comments relating to the RFQ documents shall be brought to the attention of the College's Purchasing Director of Procurement; Roman Martinez, in writing, promptly after receipt. ***However, if the Firm desire to protest the RFQ document, or any of the specifications, requirements, or procedures thereof, the Firm will be required to comply with the Miami Dade College Bid Protest Procedures 6010 (a copy of which is available from the Purchasing Director at Miami Dade College within seventy-two (72) hours after receipt of the proposal document.***

Failure to comply with this procedure will constitute a waiver by the Firm of any right to later protest on the basis of the form, content and substance, including without limitation, the specifications, requirements or procedures of the RFQ documents.

### **3.7 Protest of Intended Decision:**

A Notice of Intended Decision to recommend or reject proposals will be posted in the Purchasing Department and at the Purchasing website [www.mdc.edu/purchasing](http://www.mdc.edu/purchasing). In the event an unsuccessful Firms desires to

protest the College's notice of intended decision to award or reject a proposal, that Firm shall be required to comply with the **Miami Dade College Bid Protest Procedures 6010** (a copy of which is available from the Assistant Purchasing Director at Miami Dade College, including, without limitation, filing a notice of protest with the Director of Purchasing, in writing, within seventy-two (72) hours after receipt of the notice or posting of the intended decision, and filing a formal written protest within ten (10) calendar days after the date the notice of protest is filed.

Failure to file a protest that complies with Section 120.53(5), Florida Statutes, within the time prescribed herein shall constitute a waiver of proceedings under chapter 120, Florida Statutes.

### **3.8 Contact with the College Personnel/Cone of Silence:**

Questions concerning this RFQ must be directed in writing, by email or fax, to Ramon Bristol at [RBristol@mdc.edu](mailto:RBristol@mdc.edu). By Fax at 305-237-0024 and to no other person or department at the College. Please provide the following information when submitting your questions:

- ❖ RFQ number
- ❖ General Contractor / Company name
- ❖ Address
- ❖ Telephone number
- ❖ Facsimile number
- ❖ Proposer's name
- ❖ Number of pages being faxed or submitted
- ❖ Specific questions or Comments

**CONE OF SILENCE:** CONTACTING THE COLLEGE'S PERSONNEL OR MEMBERS OF THE COLLEGE'S DISTRICT BOARD OF TRUSTEES, EITHER DIRECTLY OR INDIRECTLY, REGARDING THIS RFQ, THE SELECTION PROCESS OR ANY ATTEMPT TO FURTHER A PROPOSER'S INTEREST IN BEING SELECTED, WILL RESULT IN THE PROPOSER BEING DISQUALIFIED.

It is expected that personnel and team members from firms that have applied for this selection refrain from posting opinions, provide commentary or engage in any discussion regarding the selection by the use of electronic media such as Twitter, Facebook, My Space and the like. Violation of these guidelines may result in disqualification of the applicant. The latter applies to employees of the Proposer, retained consultants or any other representative or individual promoting on behalf of the Proposer. Violation of these guidelines may constitute ground for disqualification.



**3.8.1 Contracts; Public Records 119.0701 F.S.**

Contractor agrees to comply with section 119.0701 of Florida Statutes regarding public records retention and availability.

Label this Response to Section 3.8.1

**4.0 RFQ EVALUATION CRITERIA**

In the evaluation of the responses to this RFQ and in making a recommendation for award, the Evaluation Committee will consider a number of factors. These factors will include, but may not be limited to, the criteria as listed in this section. Information submitted in response to Section 5.0 will be used during the evaluation process. Criteria will be scored on a scale of “0” to “5” with the maximum number of points available for each criteria as noted in this section. The total maximum number of points to be scored under this process is 500. Under each criteria is listed the section of the response that may be used to evaluate the criteria. This in no way limits the information that may be used to evaluate each criteria; it merely serves as a guide. The committee may at any point change criteria points.

**Evaluation Guidelines – “Shelter Market”**

<b>Criteria</b>	<b>Points</b>
A. Related Building Experience  Section 5.1 Section 10.0 Questionnaire	<b>40</b>
B. Ability to Provide Services  Bonding Capacity – Section 5.5 References - Sections 5.6	<b>30</b>
C. Legal Disputes Section 5.4	<b>30</b>
<b>Total Points</b>	<b>100</b>

**Evaluation Guidelines:**

<b>Criteria</b>	<b>Points</b>
A. Related Building Experience  Section 5.1 Section 10.0 Questionnaire	<b>40</b>
B. Location Section 5.3.3	<b>10</b>
C. Ability to Provide Services  Bonding Capacity – Section 5.5 References - Sections 5.6	<b>25</b>
D. Legal Disputes Section 5.4	<b>15</b>
E. SLBE Section 7.5	<b>10</b>
<b>Total Points</b>	<b>100</b>

**5.0 QUALIFYING INFORMATION REQUIRED**

**Prequalification**

In accordance with Florida SREF requirements, Contractors must provide the following information as part of Contractor prequalification requirements. Contractors failing to provide this information will not be considered for evaluation;

1. General Liability and Workers Comp Insurance
2. Bonding Capacity Letter
3. Professional Licenses
4. Business Licenses
5. State of Florida Corporate Registration
6. Experience. (List of completed projects within the last five years. Complete section B of attached Questionnaire)
7. Evidence of satisfactory resolution of claims filed by or against contractor within the last five (5) years.

Label this Response to Section 5.0

**Proposal Binders:**

Provide ONE original binder and ONE electronic copy on compact disk or flash drive in a properly sealed and labeled envelope. Responses shall be submitted to Purchasing Department, no later than **3:00 pm (EST) on May 4, 2017.**

All digital proposals must be a complete and full copy of the original proposal and must include of all completed and signed Proposal forms. **Digital copy must be PDF format, one single file.**

**5.1 Letter of Intent and Summary:** Not to Exceed 3 pages

Provide a brief introduction narrative highlighting the qualifications of the Applicant including component firm(s), legal nature of organization, and proposed organization chart indicating names of all key personnel available for the project including a Consultant Team Organizational Chart.

Label this Response to Section 5.1

**5.2 Joint Ventures:** Not to Exceed 3 pages

Applicants submitting applications as joint ventures shall submit a copy of their joint venture agreement. The same information pertaining to the principal must be provided for all firms taking part in the joint venture.

Label this Response to Section 5.2

**5.3 Disclosure and Required Forms:**

Firms that may have recently experienced significant corporate and/or financial changes are required to disclose all pertinent information. If needed, please submit a new business license, corporate registration, entity crime forms or any other applicable document that reflects changes to your organization

Label this Response to Section 5.3

**5.3.1 Licenses, Insurance and Qualifiers:**

Provide with your response copies of business license, corporate registration and general liability insurance. Please provide these documents for the principal firm only.

Firms using a person other than the Principal to qualify a firm must comply with the following; Qualifier is a full-time professional employee of the firm whose project references comply with the specific Technical Category requirements to provide professional services requested is this selection

A Qualifier **may not be** a Qualifier **for more than one firm at any time.**

Any change (e.g. termination, resignation, etc.) in a qualifying agent, must be, immediately reported in writing to Miami Dade College. Failure to notify the Committee will result in a termination of your prequalification and a possible denial of any future prequalification requests.

Full-Time Employee is an individual employed by a firm and regularly scheduled to work at least 35 hours per week. The College in its evaluation of the firm's capabilities will only consider the experience of the full-time employed professionals.

### **5.3.2 Qualifier - Others**

If Principal or Owner are not the qualifying person, please indicate if there's more than one staff member that could provide qualification for the firm. Please provide copies of all licenses.

Label this Response to Section 5.3.2

### **5.3.3 Location (Open Market Only):**

The proximity (highway distance) of the Applicant's nearest established, fully staffed office to the location of each the Project.

Miami-Dade County = 10 points

Broward, Monroe & Palm Beach County = 8 points

State of Florida = 4 points

Outside of State = 2 points

Label this Response to Section 5.3.3

## **5.4 Legal Disputes:**

Describe and explain any pending litigation, major disputes, contract defaults, and/or claims against your firm in the last 5 years. **Limit this information to the office submitting qualifications for this project and to litigation between applicant and owner.** Name the litigants involved and the month and year the case or claim was filed, venue and a full description of the claims raised in the litigation. Please provide the name, phone number and email address of a contact person in your organization who can provide additional information or clarify any questions regarding these matters. If there is no litigation pending against your firm, please provide a notarized statement stating that fact.

Label this Response to Section 5.4

## **5.5 Bond Capacity Letter:**

A 100% Payment and Performance Bond will be required for projects over \$300,000.00. Firms must prove financial capability and bonding capacity of the firm by submitting a Bonding Capacity Letter from a State approved Surety Agency.

Label this Response to Section 5.5

**5.6 References:**

The Proposer must provide a list of minimum three (3) maximum of five, clients for which the Proposer is currently providing, or within the last five years has provided, services similar in size and scope to those outlined in this RFQ. References list provided shall include the client's name, address, a contact name and telephone number, date contract was entered into, and a brief description of the services provided. ***Do not include in your references any former or current employee of the College.***

Label this Response to Section 5.6

**5.7 Uncompleted Work.**

List the dollar value per technical employee for each uncompleted project as it relates to information listed in item 9 of Questionnaire.

**5.8 Additional Information:**

Provide any additional and/or relevant information regarding the firm capability in regards to project categories in terms of scope and requirements. Please provide the following additional information regarding this project:

**5.9 LEED Not to Exceed 2 pages**

Provide information regarding the firm's capability and experiences with projects where LEED concepts have been implemented. Provide information about certifications, personnel and projects completed.

Label this Response to Section 5.9

## **6.0 INTERVIEWS**

At the committee's discretion, shortlisted firms may have an opportunity to make a brief presentation as to their unique qualifications for this Project Consultants for the team shall be available for the interview. Interviewers shall be free to ask a Finalist any question deemed relevant to the evaluation of Finalists. In making its recommendation, the following minimum factors will be taken into consideration, in addition to the Qualifying Information and the Selection Factors specified above.

## **7.0 Small and Local Business Enterprise Policy and Procedure**

The College has adopted Policy V1-4 and Procedure No. 6550, regarding Small and Local Business Enterprise Utilization. Refer to the Policy and Procedures documents attached. Please make sure you carefully review these documents.

# **SECTION 8.0**

## **APPENDIX**

**SECTION 'A'. QUESTIONNAIRE**

**NUMBER OF FULL TIME PERSONNEL WITHIN YOUR ORGANIZATION**

	Current	Maximum	Minimum
1. a. Clerical Personnel	_____	_____	_____
b. Engineers & Architects	_____	_____	_____
c. Supervisors, Foremen, or Superintendents	_____	_____	_____
d. Skilled Employees including Technicians	_____	_____	_____
e. Unskilled Employees	_____	_____	_____
f. Estimators	_____	_____	_____
g. Total number of full time personnel	_____	_____	_____

2. WHAT IS THE CONSTRUCTION EXPERIENCE OF THE PRINCIPALS AND SUPERVISORY PERSONNEL OF YOUR ORGANIZATION? (Asterisk any personnel likely to be assigned to project being bid.)

NAME	PRINCIPAL'S TITLE	YEARS OF CONSTRUCTION EXPERIENCE	IN WHAT CAPACITY AND WITH WHOM
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SUPERVISORY PERSONNEL	TITLE	YEARS OF CONSTRUCTION EXPERIENCE	IN WHAT CAPACITY AND WITH WHOM
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. Within the previous 5 fiscal years has your organization or predecessor organizations ever failed to complete a project? If so, state name of organization and reason thereof.

\_\_\_\_\_

\_\_\_\_\_

5. Not Used.

\_\_\_\_\_



**SECTION 'B'. EXPERIENCE QUESTIONNAIRE**  
(Continued)

6. List all contracts completed by your organization in the previous 5 fiscal years. (If more than 10, list the 10 most recently completed.) You may include pictures of projects.

Name of Owner	Name, Location & Description of Project	Type of Work	Name of Design Architect and/or Design Engineer	Original Contract Price	Completion Dates:		
				Final Contract Price	Original	Revised	Actual

## SECTION 'C'. QUESTIONNAIRE

With reference to all contracts completed by your organization in the previous fiscal years, as listed on Section B, Item 6, answer the following questions:

7. Explain differences in original contract price and in completion dates, if any.

8. Were there any liquidated damages, penalties, liens, defaults or cancellations imposed or filed against your organization?

If so, list the name and location of the project, and explain.

**STATUS OF UNCOMPLETED CONTRACTS**

As of \_\_\_\_\_  
(DATE)

9. Give full information about all of your present contracts. In Column C insert "S" if a subcontractor or "P" if a prime contractor, whether in progress or awarded but not yet begun; and regardless of with whom contracted.

A Project Description Location & Owner	B Design Architect And/or Design Engineer	C Total Amount of Your Contract Or Subcontract)	D Amount In Column C Sublet To Others	E Uncompleted Amount of Contract
Total				

COMPLETE THE FOLLOWING:

Net Total Billings for Previous 5 Fiscal years:

Average Backlog for Previous 5 Fiscal Years: (Estimated total value of uncompleted work on outstanding contract)

**DOLLAR AMOUNT**

**YEAR**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

STATEMENT OF NO RESPONSE

Ramon Bristol  
Purchasing Department  
Miami Dade College

The undersigned declines to submit a proposal for:  
**RFQ # 2017-RB-12, General Contractor Services**

Reason(s) :

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name of Firm

\_\_\_\_\_  
Telephone

MIAMI DADE COLLEGE  
NON-DISCRIMINATION IN EMPLOYMENT FORM

Miami Dade College is an equal access/equal opportunity institution which does not discriminate on the basis of sex, race, color, marital status, age, religion, national origin, ethnicity, disability, veteran's status, sexual orientation or genetic information. In cases of federal contracts, the COLLEGE and CONTRACTOR agree to abide by the requirements of the Equal Opportunity Clause (41 CFR 60-1.4(a)), the Vietnam Era Veterans Readjustment Assistance Act (VEVRAA) (41 CFR 60-300.5(a)), and Section 503 of the Rehabilitation Act (41 CFR 60-741.5). These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, sexual orientation, gender identity or national origin. Moreover, these regulations require that the COLLEGE and the CONTRACTOR take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability or veteran status.

Legal Name of Proposer: \_\_\_\_\_

By: \_\_\_\_\_  
Signature (Manual)

By: \_\_\_\_\_  
Name (Typed)

Date: \_\_\_\_\_

**MIAMI DADE COLLEGE**

**DISTRICT ADMINISTRATION - PURCHASING DEPARTMENT  
11011 S.W. 104 STREET, MIAMI, FL 33176 PHONE (305) 237-2402**

**PROPOSAL COVER SHEET**

**RFQ # 2017-RB-12-A, General Contractor Services  
"Shelter Market"**

Sealed Proposals will be accepted in the Purchasing Department until 3:00 P.M. on said day, and may not be withdrawn for 150 days after opening.

I certify that this proposal is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a proposal for the same service, and is in all respects fair and without collusion or fraud. I agree to abide by all conditions of these proposal specifications and I certify that I am authorized to sign this proposal.

LEGAL NAME OF PROPOSER(S) \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP CODE: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_ DATE \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

FEDERAL EMPLOYEE IDENTIFICATION (FEIN) NUMBER \_\_\_\_\_

BY: SIGNATURE (Manual): \_\_\_\_\_

BY: SIGNATURE (Typed): \_\_\_\_\_

TITLE: \_\_\_\_\_

**MIAMI DADE COLLEGE**

**DISTRICT ADMINISTRATION - PURCHASING DEPARTMENT  
11011 S.W. 104 STREET, MIAMI, FL 33176 PHONE (305) 237-2402**

**PROPOSAL COVER SHEET**

**RFQ # 2017-RB-12-A, General Contractor Services**

Sealed Proposals will be accepted in the Purchasing Department until 3:00 P.M. on said day, and may not be withdrawn for 150 days after opening.

I certify that this proposal is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a proposal for the same service, and is in all respects fair and without collusion or fraud. I agree to abide by all conditions of these proposal specifications and I certify that I am authorized to sign this proposal.

LEGAL NAME OF PROPOSER(S) \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP CODE: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_ DATE \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

FEDERAL EMPLOYEE IDENTIFICATION (FEIN) NUMBER \_\_\_\_\_

BY: SIGNATURE (Manual): \_\_\_\_\_

BY: SIGNATURE (Typed): \_\_\_\_\_

TITLE: \_\_\_\_\_

**SWORN STATEMENT PURSUANT TO SECTION 287.133(3) (A), FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES**

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

1. This sworn statement is submitted to **MIAMI DADE COLLEGE**  
By \_\_\_\_\_  
[Print individual's name and title]  
For \_\_\_\_\_  
[Print name of submitting sworn statement]  
Whose business address is \_\_\_\_\_  
And (if applicable) its Federal Employer Identification Number (FEIN) is \_\_\_\_\_.  
If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: \_\_\_\_\_.  
[Social Security Number]
2. I understand that a public entity crime as defined in Paragraph Section 287.133 (1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of 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 Paragraph 287.133 (1)(b), Florida Statutes, means a finding of guilt or 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 an affiliate as defined in Paragraph 287.133 (1) (a), Florida Statutes, means:  
  
A predecessor or successor of a person convicted of a public entity crime; or 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 Paragraph 287.133 (1) (e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term person includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the 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. [Initial next to statement which applies.]



\_\_\_\_\_ Neither the entity submitting this sworn statement nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

\_\_\_\_\_ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

\_\_\_\_\_ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or against who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. 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 CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

\_\_\_\_\_  
[Signature]

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ personally known \_\_\_\_\_ OR produced identification \_\_\_\_\_.

Notary Public State of \_\_\_\_\_  
My commission expires \_\_\_\_\_  
(Type of Identification)

\_\_\_\_\_  
(Printed typed or stamped commission name of notary public)

**AFFIDAVIT AS TO PRINCIPAL PLACE OF BUSINESS**

State of Florida

County of \_\_\_\_\_

BEFORE ME, the undersigned Notary, \_\_\_\_\_ before whom

Affidavit is sworn], on this \_\_\_\_\_ day of (month and year) \_\_\_\_\_, personally

Appeared [name of affiant], known to me to be a Principal or Officer of \_\_\_\_\_, [legal name of business entity], who being by me first

Duly sworn, on \_\_\_\_\_ [his or her] oath, deposes and affirms based on personal knowledge

That:

The principal place of business of the above named entity is located Within Miami-Dade County, Florida at the following address:

\_\_\_\_\_  
[Signature of affiant]

\_\_\_\_\_  
[Printed name of affiant]

\_\_\_\_\_  
[Printed title of affiant]

State of Florida

County of \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
(Year), by \_\_\_\_\_ (name of person making statement).

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

# MANUAL OF POLICY

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**POLICY NUMBER:** VI-4

**PAGE** 1 of 1

**POLICY TITLE:** Small Local Business Enterprise Initiative

**LEGAL AUTHORITY:** FLORIDA STATUTES 1001.64 and 288.703(1)


**DATE OF LAST REVIEW:** 7/21/2009

**DATE OF BOARD ACTION:** 7/21/2009

The College is committed to increasing its utilization of goods and services provided by small local businesses. The Small Local Business Enterprise Initiative is created to encourage economic development by assisting small local businesses to complete successfully for professional, construction, and goods and services contracts with the College.

Procurement incentives developed and utilized to encourage business with qualified small local firms may include, Sheltered Markets, Mandatory Subcontracting and Preference Points.

**CHAIRMAN**

 7/21/09
<b>DATE</b>

## MANUAL OF PROCEDURE

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PROCEDURE NUMBER: **6550** **PAGE** 1 of 5

PROCEDURE TITLE: Small Local Business Enterprises Initiative Incentives

STATUTORY REFERENCE: FLORIDA STATUTES §1001.64, §287.055, §287.057,  
§288.703 (1) AND §287.094

BASED ON POLICY: VI-4 Small Local Business Enterprises Initiative

EFFECTIVE DATE: 2/17/2010

LAST REVISION DATE: 2/17/2010

LAST REVIEW DATE: 2/17/2010

### Purpose

The College is uniquely positioned to initiate and develop partnerships with businesses as a catalyst for revitalization of our community. A critical component of community revitalization includes economic growth and development of minority, small and local businesses. These businesses provide goods, services, employment, and careers for the College graduates.

It is the purpose of the Small Local Business Enterprises (SLBE) Initiative to encourage economic development in the community we serve and to support successful expansion of these businesses in the marketplace. The College is committed to increasing its utilization of services provided by small local businesses in Miami-Dade County by awarding race and gender-neutral incentives for responsive and responsible bids submitted for the College's procurement consideration.

The SLBE Initiative will provide assistance to qualified small local businesses on the following types of contracts on a case-by-case basis: Architecture /Engineering, Construction, Goods and Services and Professional Services. The application of incentives is at the sole discretion of the College.

A business must be both a "local business" and a "small business" as defined in this Procedure, to benefit from this initiative.

"Local" means a vendor incorporated in the State of Florida with its principal place of business located in Miami-Dade County.

The College will recognize a "small business" as:

- a) A business that has been certified by the State of Florida Office of Supplier Diversity;
- b) A firm certified by the Miami-Dade County Department of Small Business Development; Or
- c) By other Miami-Dade County entities with similar certification standards.

The College may utilize Mandatory Subcontracting, Preference Points, and Sheltered Markets, industry standard procurement incentives, to encourage qualified small local businesses to contract with the College. The College, in its discretion and based on the nature of the service to be provided, may either award preference points, require mandatory subcontracting or designate sheltered market contracts for certified Small Local Business Enterprises.

## **I. Mandatory Subcontracting**

The College may set mandatory subcontracting goals for bids based on the availability of SLBE contractors for Architecture and /Engineering, Construction, Goods and Services, and Professional Services.

The contract must meet the guidelines of the Purchasing Department authorized approved limits. In order for a project to qualify for this Incentive, there must be at least three qualified SLBE firms available and able to perform the services needed. Application of this incentive is at the sole discretion of the College.

The College will establish subcontracting goals prior to solicitation. When a subcontracting goal has been set, bidders shall provide work to one or more certified SLBEs that will be utilized as subcontractors in order to meet this goal.

The maximum goal applied to any solicitation will be 25% of the bid. At the time of submittal, the bidder shall identify all SLBEs that will be utilized as subcontractors by using the College's Small Local Business Enterprise Subcontracting Certification Form. This form must be signed by both the Subcontractor(s) and the bidder and shall reflect the parties' intent to establish a business relationship as well as the type of work and percentage of work that the SLBE subcontractor will perform. Failure to submit any of the information required shall result in the bid being deemed non-responsive.

If the contractor is a certified SLBE and performs 100% of the project work, the SLBE contractor does not have to subcontract any of the work. Prime contractors must notify the College when the need to replace a SLBE subcontractor arises.

### **a. Substitution of SLBE Subcontractors**

A prime contractor may replace a SLBE subcontractor who fails to meet the terms of their agreement.

The subcontractor must be replaced with another subcontractor who equally qualifies under the SLBE Initiative requirements. When a SLBE substitution is requested, the Director of Purchasing will require a letter from the prime contractor explaining why substitution is needed. The prime contractor shall attach a revised participation plan to the letter, along with a Miami Dade College SLBE Subcontractor Agreement form signed by both the prime and SLBE subcontractor. The Director of Purchasing in conjunction with the MSBE Office will issue a determination on these requests and notify the prime contractor. The College must approve all SLBE substitutions.

A SLBE subcontractor may not:

- 1) Subcontract work back to the prime contractor or any other entity;
- 2) Enter a sub-contract agreement with the intent of collecting or paying a broker's fee or commission;
- 3) Enter into an agreement with a prime contractor and not perform any of the direct labor or service activities specified in the contract.

## b. Request for Waiver

Bidders unable to meet the SLBE subcontracting requirement may request a full or partial waiver. The bidder must demonstrate a “Good Faith Effort” to satisfy SLBE Initiative requirements, such as: documentation of timely advertisements in appropriate trade publications and publications of wide general circulation; timely posting of SLBE subcontract opportunities on the MDC web site; solicitations of bids from all qualified SLBE firms listed in MSBE Office’s directory of certified SLBE firms; and documentation of correspondence from qualified SLBE firms indicating their unavailability to perform SLBE contracts. All waivers must be in writing and approval is subject solely to the College’s discretion.

## II. Preference Point System

The College may award points for Architecture and Engineering (Professional Design), and Construction Services contracts based on an evaluation criteria of ten (10) total points (maximum). Contractors who are certified SLBEs and contractors utilizing certified SLBE subcontractors will be granted points in this process. Certified SLBE contractors bidding as prime contractors will receive the maximum number of points.

Table A, represents the number of points awarded for each proposed contract based on the percentage of work assigned to SLBE subcontractors by prime contractors. SLBE Project Participation percentages reflect the amount of the total contract value assigned to SLBE subcontractors.

Points may be awarded, as follows, based on a 100 - point scale or an alternately proportionate scale being used by the College:

*TABLE A*

<u>SLBE Project Participation</u>	<u>Award Points</u>
Certified SLBE Prime Contractor	10
41% - 49%	8
31% - 40%	6
21% - 30%	4
11% - 20%	2
Less Than 10%	0

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### **III. Sheltered Market Incentive**

The College may set aside specific contracts with a value up to \$1,000,000.00, for competition, exclusively for SLBEs in Architecture and Engineering, Construction, Goods and Services, and Professional Services.

In order for a project to qualify for this Incentive, there must be at least three qualified SLBE firms available and able to perform the services needed. These contracts will be identified prior to solicitation.

Contracts designated as Sheltered Market for which the College receives no bids may be removed from the Sheltered Market Program.

All bids received under Sheltered Market Program must meet the definition of responsible and responsive bidders.

### **IV. Failure to Perform Contract Requirements**

1. Failure to satisfy contract requirements under any of these incentives may result in suspension from work with the College for a period of up to one year for failure to fulfill the SLBE Initiative requirements.
2. Any individual or entity that engages in fraud, misrepresentation, or other wrongful conduct, whether by act or omission related to its participation in or eligibility to participate in the College's Small Local Business Enterprises Initiative or in the performance of its obligation as an eligible local small business enterprise under a College contract, shall be in violation of this Initiative. This determination shall be solely at the decision of the College.

### **V. Evaluation of the Initiative**

The College shall evaluate the success of the SLBE Initiative using any of the incentives outlined in this procedure, annually.

### **Definitions**

Certification refers to the procedures and necessary documentation required to determine that a contractor, consultant, or vendor is a Local Business Enterprise, Small Business Enterprise as defined by the State of Florida Office of Supplier Diversity, the Miami- Dade County Government Department of Small Business Development or by other Miami Dade County entities with similar certification standards.

Contractor means a separate and distinguishable business entity with whom the College has entered into a legally binding agreement for performance of work.


“Local” means a vendor incorporated in the State of Florida with its principal place of business located in Miami-Dade County.

Responsible means a business that is capable in all aspects of fully performing the contract requirements and which has the integrity and reliability that will assure good faith performance.

Responsive means a business’ bid or proposal that conforms in all material respects to the invitation to bid or request for proposal

Solicitation means Request for Proposal, an Invitation to Bid or a Request for Quote

Subcontractor means any entity providing goods and/or services to a prime contractor for profit, if such goods and/or services are procured or used in fulfillment of the prime contractor's obligations arising from a contract with the College.

	2/17/2010