

REQUEST FOR QUALIFICATIONS (RFQ)

RFQ #09/10-18



DUE DATE: Thursday, February 18, 2010, 4:00 pm

OPEN DATE: Friday, February 19, 2010, 1:00 pm

FIRMS/CONTRACTORS INTERESTED IN SITING, PERMITTING, DESIGNING,
CONSTRUCTING AND OPERATING A SOLID WASTE LANDFILL IN CLAY COUNTY,
FLORIDA

Issued By:

Clay County Board of County Commissioners
Purchasing Division

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Form W-9

Evaluation Criteria

Monday, January 4, 2010

To Firms/Contractors Providing Solid Waste Services

Please be advised that Clay County is seeking qualification submittals (RFQ) for the following project:

RFQ # 09/10-18, FIRMS/CONTRACTORS INTERESTED IN SITING, PERMITTING, DESIGNING, CONSTRUCTING, AND OPERATING A SOLID WASTE LANDFILL IN CLAY COUNTY, FLORIDA

Firms/Contractors Providing Solid Waste Services are desired for the siting, permitting, designing, constructing, and operating a Class I landfill in Clay County. These services will include: the selection of a site; permitting through the FDEP, ACOE, SJRWMD, and County; constructing all facilities and infrastructure and operating a Class I Landfill and ancillary facilities.

The submittal deadline has been established as Thursday, February 18, 2010, 4:00 pm. The RFQ package contains a general scope of services and submittal instructions. You are cordially invited to participate in this request for qualification purposes.

Should you have any questions concerning any aspect of this RFQ, please contact Karen Thomas, Purchasing Director at 904-278-3735.

Sincerely,



Karen Thomas, CPPB, FCCN
Purchasing Director

IF INTERESTED IN SUBMITTING QUALIFICATIONS, PLEASE CONTACT THE PURCHASING DIVISION (BY EMAIL) FOR A COMPLETE RFQ PACKAGE:
karen.thomas@co.clay.fl.us

REQUEST FOR QUALIFICATIONS (RFQ)

NOTICE IS HEREBY GIVEN that the Board of County Commissioners, Clay County, Florida, will be accepting sealed qualifications, which will be received until 4:00 p.m., Thursday, February 18, 2010, 4:00 pm, at the Clay County Administration Building, Purchasing Division, 477 Houston Street, Green Cove Springs, Florida 32043, for the following:

RFQ No. 09/10-18, FIRMS/CONTRACTORS INTERESTED IN SITING, PERMITTING, DESIGNING, CONSTRUCTING, AND OPERATING A SOLID WASTE LANDFILL IN CLAY COUNTY, FLORIDA

Qualifications will be opened at 1:00 p.m., or as soon thereafter as possible, on Friday, February 19, 2010, at the Clay County Administration Building, Conference Room "B", Fourth Floor, 477 Houston Street, Green Cove Springs, Florida, in the presence of the Purchasing Division staff and/or the Clerk or Deputy Clerk and all other interested persons.

The opened qualifications will be read aloud, examined for conformance to specifications, and one copy reserved in the custody of the Purchasing Division. Clay County will review qualifications as soon thereafter as possible.

Qualifications **WILL NOT** be valid unless received by the RFQ deadline and in a sealed envelope marked "Request for Qualifications, RFQ # 09/10-18, FIRMS/CONTRACTORS INTERESTED IN SITING, PERMITTING, DESIGNING, CONSTRUCTING, AND OPERATING A SOLID WASTE LANDFILL IN CLAY COUNTY, FLORIDA" to be received until 4:00 p.m., Thursday, February 18, 2010.

After due consideration, Clay County intends to entertain a list of firms. These selected firms will be allowed to submit a proposal to an upcoming Request for Proposal (RFP) for the described services.

Firms/Contractors desiring to provide the needed Solid Waste services must submit five (5) copies, of their RFQ package, as outlined in Item #13 of Request for Qualifications Instructions.

During the qualification and bidding processes, all prospective bidders (which includes contractors, engineers, subcontractors, landowners or any others associated with a firm/contractor who is responding to the RFQ & RFP) are hereby instructed NOT to contact any Clay County Elected Officials, County Manager, County Employees or the Counties Consultants/Attorneys other than the Clay County Purchasing Director for meetings, conferences, or discussions related to the Request for Qualifications and Request for Proposals. This time period extends from the time the Request for Qualifications is advertised until the time that the Board has signed a contract with the Firm/Contractor for award of the contract to perform the services identified in the Request For Proposal. Unauthorized contact with Elected Officials, County Manager, or County Employees and others as listed above may result in rejection of the Vendor's Bid. All communications with the County regarding this Bid should be

directed to: Karen Thomas, Purchasing Director, Clay County Purchasing Division, 477 Houston Street, Green Cove Springs, Florida 32043, 904- 278-3735 or by email at karen.thomas@co.clay.fl.us. All interested vendors must receive the Bid documents through the Clay County Purchasing Division. All questions regarding the RFQ shall be submitted in writing to Karen Thomas by 5:00 PM on Monday, February 1, 2010.

The County reserves the right to waive formalities in any response, to reject any or all responses with or without cause, including the lack of availability of adequate funds, regulatory agency requirements, and/or to accept the response(s) that, in its judgment, will be in the best interest of the County of Clay.

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime, may not submit a bid on a contract to provide any good or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded to perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

FOLLOWING THE BID OPENING AND TABULATION, A "NOTICE OF INTENT TO AWARD BID" OR A "NOTICE OF REJECTION OF ALL BIDS" WILL BE POSTED ON THE INTERNET AT: www.claycountygov.com/Departments/Purchasing/decision_bids.htm. THIS WEB PAGE CAN ALSO BE ACCESSED FROM THE HOME PAGE OF THE COUNTY'S WEBSITE AT: www.claycountygov.com BY FOLLOWING THE "NOTICE OF INTENT BIDS" LINK UNDER THE "BUSINESS" ROLLOVER BUTTON ON THE COUNTY'S HOMEPAGE. NO OTHER NOTICE WILL BE POSTED.

PROSPECTIVE BIDDERS ARE NOTIFIED THAT THE FAILURE TO FILE A WRITTEN PETITION INITIATING A FORMAL PROTEST PROCEEDING WITHIN THE TIMES AND IN THE MANNER PRESCRIBED IN SECTION 8.(N), OF SAID POLICY, SHALL CONSTITUTE A WAIVER OF THE RIGHT TO PROTEST THE BID SOLICITATION, ANY ADDENDUM THERETO, OR THE BID DECISION, AS APPLICABLE, AND TO INITIATE A FORMAL PROTEST PROCEEDING UNDER SAID POLICY. THE COUNTY'S PURCHASING POLICY CAN BE VIEWED AT THE COUNTY'S WEBSITE BY FOLLOWING THE APPROPRIATE LINKS FROM THE HOMEPAGE ADDRESS SET FORTH ABOVE.

IF A PROSPECTIVE BIDDER IS IN DOUBT WHETHER THIS SOLICITATION REQUIRES A BID BOND, SUCH PROSPECTIVE BIDDER IS SOLELY RESPONSIBLE FOR MAKING THE APPROPRIATE INQUIRY.

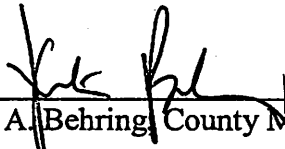
-----END OF NOTICE-----

RFQ No. 09/10-18, FIRMS/CONTRACTORS INTERESTED IN SITING, PERMITTING, DESIGNING, CONSTRUCTING, AND OPERATING A SOLID WASTE LANDFILL IN CLAY COUNTY, FLORIDA

CLAY TODAY For Publication on Monday, January 7, 2010.

PLEASE SEND INVOICE AND PROOF OF PUBLICATION TO:

CLAY COUNTY BOARD OF COUNTY COMMISSIONERS
PURCHASING DIVISION/ATTN.: KAREN THOMAS
P.O. BOX 1366
GREEN COVE SPRINGS, FLORIDA 32043



Fritz A. Behring, County Manager

REQUEST FOR QUALIFICATIONS INSTRUCTIONS

PROJECT: RFQ No. 09/10-18, FIRMS/CONTRACTORS INTERESTED IN SITING, PERMITTING, DESIGNING, CONSTRUCTING, AND OPERATING A SOLID WASTE LANDFILL IN CLAY COUNTY, FLORIDA

1. All sealed qualifications submitted shall be received by the Purchasing Division of Clay County, Florida.

A. Qualifications submitted by mail will be received at:

Clay County Board of County Commissioners
Purchasing Division
Attn.: Karen Thomas
P.O. Box 1366
Green Cove Springs, Florida 32043

B. Qualifications submitted in person will be received at:

Clay County Administrative Building
477 Houston Street
Fourth Floor
Purchasing Division
Green Cove Springs, Florida 32043

FIVE sets of the qualifications package shall be submitted in the format outlined in Item #13 of Request for Qualifications Instructions, IN WRITING, AND SEALED in an envelope. Proof of liability insurance, qualifications, page 24 of this RFQ signed by an Officer of the responding Firm, and form W-9 taxpayer identification number and certification shall be included with all responses submitted.

These documents will become the property of Clay County, and such will not be returned. The expenses associated with the preparation of this document and all others submitted by the firm/CONTRACTOR are to be born by the firm/CONTRACTOR.

The title RFQ No. 09/10-18, FIRMS/CONTRACTORS INTERESTED IN SITING, PERMITTING, DESIGNING, CONSTRUCTING, AND OPERATING A SOLID WASTE LANDFILL IN CLAY COUNTY, FLORIDA shall be clearly marked on the front and back of the envelope containing the qualifications.

2. Qualifications will be received by mail or in person until 4:00 p.m., Thursday, February 18, 2010, and will be opened after 1:00 p.m., on Friday, February 19, 2010, in the Clay County Administration Building, Conference Room "B", Fourth Floor, 477 Houston Street, Green Cove Springs, Florida. Qualifications will be reviewed by Clay County as soon thereafter as possible.

- A. All qualifications will be “clocked” at the time they are received to indicate the time and date of receipt.
 - B. Qualifications **WILL NOT** be accepted in person after the time and date specified.
 - C. Qualifications received by mail **WILL NOT** be accepted if they are received after the time and date specified regardless of the postmark or circumstances.
- 3. It is the intent of Clay County to qualify a list of firms who will then be notified and allowed to submit a Proposal to a subsequent Request for Proposal.
 - 4. Inquiries concerning the Request for Qualifications should be directed to:

Clay County Purchasing Division/Clay County Administrative Building
P.O. Box 1366, 477 Houston Street
Green Cove Springs, Florida 32043
904-278-3735 or karen.thomas@co.clay.fl.us

Written inquiries must be received by Monday, February 1, 2010.

- 5. Each firm receiving an invitation should reply as noted above or reply with a written **“NO REPOSE”**.
- 6. If submitting qualifications as a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985, please include documentation of the same.
- 7. Any firm affected adversely by Clay County’s decision shall file with the Clay County Board of County Commissioners a Notice of Protest in writing within 72 hours after the posting of the selected vendor(s). Failure to file a written notice of Protest shall constitute a waiver of proceedings under Chapter 120.57(3)(a)(3) (Administrative Procedures Act), Florida Statutes.
- 8. During the qualification and bidding processes, all prospective bidders (which includes contractors, engineers, subcontractors, landowners or any others associated with a firm/contractor who is responding to the RFQ & RFP) are hereby instructed NOT to contact any Clay County Elected Officials, County Manager, or County Employees other than the Clay County Purchasing Director for meetings, conferences, or discussions related to the Request for Qualifications and Request for Proposals. This time period extends from the time the Request for Qualifications is advertised until the time that the Board has signed a contract with the Firm/Contractor for award of the contract to perform the services identified in the Request For Proposal. Unauthorized contact with Elected Officials, County Manager, or County Employees may result in rejection of the Vendor’s Bid. All communications with the County regarding this Bid should be directed to: Karen Thomas, Purchasing Director, Clay County Purchasing Division, 477 Houston Street, Green Cove Springs, Florida 32043, 904- 278-3735 or by email at karen.thomas@co.clay.fl.us. All interested vendors must receive the Bid documents through the Clay County Purchasing Division. All questions regarding the RFQ shall be submitted in writing to Karen Thomas by 5:00 PM on Monday, February 1, 2010.

9. The Board of County Commissioners reserves the right to waive formalities in any response, to reject any or all responses with or without cause, including the lack of availability of adequate funds, regulatory agency requirements, and/or to accept the response(s) that, in its judgment, will be in the best interest of the County of Clay.
10. Indemnification Statement, Firm must agree to defend, protect, indemnify and hold harmless the County and all its principals, employees, officers, agents and servants (collectively, and Indemnitees), from and against any and all suits, claims, demands, liabilities and costs, and all damages, including reasonable attorney's fees and court costs, asserted against the Indemnitees or any of them by reason of injury to the persons or property of others, including any Participant, which is caused by the fault, acts, omissions, or comparative negligence, whether active or passive, attributable the performance of its duties and obligations under any Agreement, or to any employees, officers, agents or servants, or to any subcontractor of the firm. The firm's obligations under this paragraph shall also apply to actions by third parties performed on behalf of the firm pursuant to any Agreement.
11. The firm selected through the RFP process will be required to maintain, at a minimum, the following insurance coverage from the date of project commencement through the date of project completion, and provide that the coverage will include all independent contractors and subcontractors. In addition, a certificate verifying the same must be provided to Clay County.

Bidder must include, within its initial bid response, proof of the following insurance, in effect continuously from the date of submittal through the 60 days subsequent to the scheduled bid opening date:

a. Commercial General Liability

1. General Aggregate	\$1,000,000
2. Products and Completed Operations Aggregate	\$1,000,000
3. Personal and Advertising Injury	\$1,000,000
4. Each Occurrence	\$1,000,000
5. Fire Damage (any one fire)	\$ 50,000
6. Medical Expense (any one person)	\$ 5,000

b. Automobile Liability

1. Any automobile-Combined bodily injury/property damage, with minimum limits for all additional coverages as required by Florida law	\$1,000,000
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c. Workers Compensation/Employers Liability

1. Workers Compensation	statutory limits
2. Employers Liability	
a. Each Accident	\$ 100,000
b. Disease-Policy	\$ 500,000
c. Disease-Each Employee	\$ 100,000

d. Professional Liability

1. When required by contract-per occurrence

\$1,000,000

2. Upon being awarded the bid, the contractor must provide proof that such insurance will be in effect from the date of commencement of the project. The contractor will maintain insurance coverage at the above-prescribed levels through the date of completion of the project and that coverage will include all independent contractors and subcontractors. Either prior to or simultaneously with the execution of the contract, the successful bidder must deliver certificates of insurance for the required insurance coverages to the County naming "Clay County, a political subdivision of the State of Florida; The Board of County Commissioners, Clay County, Florida; and all public agencies of Clay County, as their interests may appear" as "Additional Insureds." Said certificates of insurance shall also include a thirty day prior written notice of cancellation, modification or non-renewal to be provided to the County.

3. The Board reserves the right to waive, raise or lower the minimum coverages required for particular projects prior to bid solicitation by affirmative action. The Board will not waive any defects in a bid submittal pertaining to matters under this subsection.

12. **Both the County seal and the County logo are being registered for copyright. This means that neither the Clay County seal nor the logo should be used or provided to non-Clay County government users for use on company proposals, presentations, etc.**
13. In addition to the submittal requirements found in paragraph number 1 of this request for qualifications, all submittals should contain the information required in Sections 3 and 4 of the attached PROJECT DESCRIPTION.

PROJECT DESCRIPTION

1.0 INTRODUCTION

This Request for Qualification (RFQ) is being issued by Clay County Board of County Commissioners (COUNTY) to solicit qualifications for firms/contractors (CONTRACTORS) that have capabilities to (1) site, (2) design, (3) permit, (4) construct, and (5) operate a County-owned solid waste disposal facility (SWDF).

The CONTRACTOR'S responsibility for the Project will be as follows:

- A) Locate a suitable SWDF site for a Class I SWDF along with other ancillary facilities in accordance with applicable Statutes of the State of Florida, rules of the Department of Environmental Protection (DEP), rules of the St. Johns River Water Management District (SJRWMD), rules of the U.S. Army Corp of Engineers (COE), and any other applicable rules, permits, or regulations including all applicable requirements set forth in the Clay County Land Development Regulations.
- B) Conduct all necessary environmental and permit investigations including, but not limited to: soil borings and hydrogeological study; ecological study; wetland assessment and mitigation assessment; cultural (archeological) study; surface water management study; groundwater management study; transportation study; and preparation of necessary plans and documents for all permits for the SWDF.
- C) Submit all required permit information, including complete permit applications to the DEP, SJRWMD, COE, COUNTY, and all other applicable agencies, including a COUNTY Development Review Committee Permit Application.
- D) Serve as lead primary advocate on any permit hearings, conferences, or negotiations and subsequent appellate action.
- E) Secure all permits necessary for constructing, operating, and incremental closure activities on the SWDF.
- F) Construct the SWDF.
- G) Operate and maintain the SWDF under franchise contract with the COUNTY.

This RFQ is issued by the COUNTY to provide CONTRACTORS with information, guidelines, and rules to prepare and submit qualification documents. Each qualification document must satisfy all criteria established in this RFQ to qualify for evaluation of its merits.

The selection of CONTRACTORS shall be based on documentation demonstrating professional, technical, and financial qualifications which are in the best interest of the COUNTY.

Written qualification documents, other submittals, correspondence, and all records thereof pursuant to this RFQ shall be open and public in compliance with Florida Law governing public records and meetings (in particular, 119.07 and 286.011 Florida Statutes).

1.1 Background Information

The COUNTY is located in northeast Florida, southwest of the City of Jacksonville. The County encompasses approximately 644 square miles and has a population of approximately 191,000.

Under applicable acts and COUNTY ordinances the Department of Environmental Services provides facilities that accept commercial and residential Class I and C&D waste, including recyclables, yard trash, waste tires, and household hazardous wastes, from sources within the incorporated and unincorporated areas of the County.

The County provides universal solid waste collection services for residential dwellings in the unincorporated areas of the County; residents of the Town of Orange Park, the City of Green Cove Springs, the City of Keystone Heights, and Penney Farms provide residential solid waste collection services to their residents. The County also provides for private franchise collection services for commercial waste. All solid waste and recyclables generated and collected in the County are delivered to the Rosemary Hill Solid Waste Management Facility in Green Cove Springs, Clay County. The final disposal of Class I (i.e., municipal solid waste generated by households and commercial businesses) and Construction and Demolition Debris solid waste is at the Chesser Island Road Landfill in Folkston, Georgia. The County's current disposal contract expires September 30, 2013.

The Rosemary Hill Facility consists of the following:

- Class I Transfer Station
- C&DD Transfer Station
- Materials Recovery Facility (MRF) (for recycling paper, cardboard, glass, plastic, aluminum cans, and steel cans)
- Yard trash storage and processing
- Tire storage and processing
- Household and Hazardous Solid Waste Facility (HHWF)

In addition, the County operates and maintains five Environmental Convenience Center (ECC) facilities for residential use only. These facilities supplement residential curbside collection services and provide locations at which residents can discard special solid waste.

In 2009, the Rosemary Hill Facility received approximately 131,400 tons of Class I waste; 24,400 tons of construction and demolition debris; 26,700 tons of yard waste; 980 tons of white goods (appliances) and scrap metal; and 340 tons of tires. The SWDF proposed by the CONTRACTOR for this RFQ process shall be capable of disposing an initial rate of approximately 450 tons/day of Class I waste and approximately 100 tons per day of C&D waste. Based upon projected tonnages and the potential to take out-of-County waste the CONTRACTOR should be able to dispose of a rate of approximately 2,000 tons/day of solid waste. Clay County has a universal wastes collection services program for residential, a commercial franchise system, and ordinances that require County derived wastes be delivered to a County designated facility. The CONTRACTOR shall note that these tonnages are not guaranteed and are provided for planning for this RFQ only. Tonnage requirements will be clearly identified in the subsequent RFP.

2.0 SWDF SITES

2.1 Site Locations

Any site considered to be acceptable by a CONTRACTOR must be within boundaries of Clay County. Sites not within Clay County will not be acceptable. During the RFP process if a proposal is submitted with a site outside Clay County that proposal will be rejected. Please note that a site is not required to be submitted as part of this RFQ process.

2.3 Site Ownership

Once CONTRACTORS are qualified through this RFQ process, they will be eligible to submit a proposal for a SWDF to the COUNTY as described in 1.3. The CONTRACTOR, in their submittal, will be required to demonstrate to the satisfaction of the COUNTY that the CONTRACTOR has ownership or means of ownership (option to purchase) of the property and can deed the property to the COUNTY at the close of the permitting process (actual obtainment of all required permits for construction). If a CONTRACTOR does not have ownership or an option to purchase the SWDF property, and a means to own the SWDF, the proposal may be deemed incomplete and be rejected.

The CONTRACTOR shall allow the County to have and operate ancillary facilities such as but not limited to tire processing, yard waste processing, citizens drop-off center, white goods processing, household hazardous waste facility, recovered recyclable material drop-off, processing, and marketing, and administrative offices at the Site. The County may request the Contractor to operate some of these ancillary facilities as part of the Contract or under separate contract.

3.0 EVALUATION CRITERIA AND SCORING

The RFQ responses will be evaluated and scored in the four areas described below:

3.1 **General Management**

The CONTRACTOR will be evaluated on the basis of its demonstrated overall management and experience and reflected in the successful and timely implementation of a mixed municipal solid waste landfill and ancillary facilities, including siting, permitting, constructing, and operating. This item is worth a maximum of 15% of the final score.

3.2 **Financial Stability and Strength**

The CONTRACTOR will be evaluated on the basis of its overall financial strength, liquidity, total assets, credit worthiness, and net worth as an indication of their ability to establish and meet operation guarantees and maintain a financially-sound, efficient SWDF. This item is worth a maximum of 25% of the final score.

3.3 **Solid Waste Experience**

The CONTRACTOR will be evaluated on the basis of its demonstrated experience in the design, permitting, construction, and operation of a SWDF and construction management. The COUNTY will give particular attention to the performance data provided for the respondent's referenced SWDF. This item is worth a maximum of 45% of the final score.

3.4 **Project Approach**

The CONTRACTOR'S technical approach will be evaluated in terms of its effectiveness in meeting local needs. The CONTRACTOR shall provide evidence of a technically-sound and reliable approach to the design, constructing, and operation of a SWDF. This item is worth a maximum of 15% of the final score.

4.0 REQUIRED INFORMATION

The following information is required from an interested CONTRACTOR in response to the RFQ. The CONTRACTOR must respond to items 4.1 through 4.4 in the format outlined herein.

4.1 **General Management**

Key contact person—provide the name, address, and telephone number of the CONTRACTOR and key contact person.

Type of organization—describe the type of organization (corporation, partnership, joint venture, etc.), history, and the ownership and organizational background and structure of the CONTRACTOR.

- A) List full names and business addresses of all officers.
- B) List full names and business addresses of all partners or stock holders who hold 10 percent of ownership.
- C) If the responding CONTRACTOR is a partially-owned or fully-owned subsidiary of another firm, a statement of the levels of corporate management that will have to approve any subsequent contracts resulting from this project must be appended.
- D) Provide comparable data to that listed herein for each member of a partnership or joint venture.
- E) List the name and address of the company's Registered Agent if any.
- F) List the date of corporate organization. Provide a copy of the articles of incorporation.
- G) Provide information as to any pending, threatened, or current litigation affecting the company or any of its principals.
- H) Describe the CONTRACTOR'S intention regarding the subcontracting of major portions of either: design, constructing, or operation of the proposed systems. If other subcontractors are involved, give the names, qualifications, and degree of involvement of the intended subcontractors. The same information is required of a joint venture.

4.2 **Financial Qualifications**

The CONTRACTOR must submit all required financial information. These criteria are designed to ensure that the CONTRACTOR will be capable of performing and meeting all design, constructing, and operation guarantees and bonds.

- A) A copy of the CONTRACTOR'S latest Form 10-K and 10-Q filed with the Securities and Exchange Commission (SEC), a statement regarding any material changes that have occurred since the filing must be submitted and a copy of the last 2 years Annual Financial Statements that have been audited by a CPA.
- B) Any CONTRACTOR not required to file 10-K's or 10-Q's must submit equivalent information and disclosures in the form of annual financial statements that have been audited by Certified Public Accountants as to accuracy. Any additional information necessary to clearly demonstrate the CONTRACTOR'S financial strength and capability to design and construct a SWDF and operate it over a sustained period must be submitted.
- C) Copies of the latest quarterly financial reports, if any.
- D) A copy of the latest annual report, if any.

- E) Provide information on any material changes in the mode of conducting business, bankruptcy proceedings, and mergers or acquisitions within the past three years.
- F) A description of any contractual arrangements (affiliation or association) that may have a bearing on the financing of the proposed SWDF with respect to:
 - 1. Corporate guarantees
 - 2. Affiliations
 - 3. Partnerships and/or joint ventures (describe assets)
 - 4. Other sources of guarantees that may exist.
- G) The rating on outstanding corporate debt, if any has been issued within the last 5 years, with copies of the rating agency reports on that outstanding corporate debt.
- H) Describe the CONTRACTOR'S experience and ability to obtain construction and/or performance bonds and liability insurance.
- I) The obligation of the CONTRACTOR to provide information concerning financial qualifications is continuous, any material change must be reported to the COUNTY in a timely fashion.
- J) Provide information and assurance that the CONTRACTOR can and is willing to be bonded for the security of the COUNTY to cover liability in the event there is a release of a hazardous material or other pollution or contamination on the site.
- K) Provide information and assurance that the CONTRACTOR can and is willing to hold and save the COUNTY harmless from any liability with regard to environmental damage penalties, costs, or remedial action at any time (now and forever) resulting from the disposal of the solid waste, together with attorneys fees and costs for any judicial and/or administrative proceedings related to violation of any local, state, or federal law, order, or regulation. Explain how the CONTRACTOR will accomplish the foregoing.
- L) Contractor shall provide a copy of their Dunn and Bradstreet report no older than 30-days from the RFQ submittal due date. The report must include the Contractor's Dunn and Bradstreet rating.
- M) Contractor shall provide the status of any current IRS or other taxing authority audits or any open potential liabilities to the IRS or other taxing authorities for disputed tax matters.

4.3 Solid Waste Experience

The CONTRACTOR shall submit general information on its overall solid waste experience and detailed technical information on one Reference Facility as required in the following sections.

4.3.1 Overall Solid Waste Experience

Describe the CONTRACTOR'S technical experience as it relates to designing, permitting, constructing, and operating a SWDF. List all SWDF designed, permitted and built, or currently under construction by your firm (or team) and the exact involvement of the CONTRACTOR in each phase. The list must identify the address, operation director, and telephone number for each SWDF. Provide information on the SWDF capacity, contractual arrangement for providing services, and ownership.

Describe the CONTRACTOR'S experience as it relates to the operation of a SWDF.

List the expected key in-house management and technical personnel who would be assigned to this project should your firm be qualified, and describe their experience and expertise.

List who would handle the permitting responsibility (i.e. attorneys, engineering consultants, etc.) and give a review of their experiences in and out of the State of Florida.

If the CONTRACTOR does not have direct experience in SWDF, but does have closely related experience (such as solid waste processing), that information must be provided, regarding experience comparable to this request.

4.3.2 Reference Facility Technical Data

The CONTRACTOR must submit data on at least one SWDF that it is currently operating. The referenced SWDF must have been in continuous operation for at least two years and currently in operation. It is preferable that the facility be capable of handling more than 1,000 tons/day.

The following information regarding the referenced FACILITY must be provided:

- A) Location
- B) Project participants and contractual parties
- C) Name, address, and telephone number of owner, operator, and contact person.
- D) Operations data (date SWDF began operating at design capacity).
- E) Description of equipment (i.e. number and type).
- F) Description of operation.

- G) Design capacity in TPD, TPW, TPY.
- H) Listing of staff by job classification, including member and essential staff for operation that may be provided by others.
- I) Solid waste type and amount in tons/day delivered to the referenced FACILITY (residential, commercial, industrial, etc.).
- J) Indicate percentage of involvement of the CONTRACTOR in each of the following areas (if the CONTRACTOR was not directly involved, indicate who performed each):
 - 1. Conceptual design
 - 2. Detailed design
 - 3. Site preparation
 - 4. Permitting
 - 5. SWDF construction
 - 6. Construction management
 - 7. Financing/Ownership
 - 8. Start-up
 - 9. Operations.
- K) Indicate original performance schedule for each of the functions set forth in J., describe any significant departure(s) from that schedule and reasons for that departure(s). Any delay more than 90 days shall be considered to be a significant departure from the schedule.
- L) Delineate the permits required and obtained for design, constructing, and operating the SWDF.
- M) Describe any ancillary facilities of the SWDF such as waste tire processing, recovered recyclable material drop-off, processing, and marketing yard waste processing, citizens drop-off center, white goods processing, household hazardous waste facility, and administrative offices.
- N) Describe experience in managing hazardous waste at a SWDF.
- O) Describe experience in managing asbestos waste at a SWDF.
- P) Provide the name of the regulatory agency permitting the referenced SWDF.

4.4 Project Approach

The CONTRACTOR shall submit a detailed project approach describing how it would propose to provide overall solid waste management services to the COUNTY independent of the requirements that the COUNTY may propose in the upcoming RFP. Please note that this IS NOT a request for proposal and any submittal of a cost based proposal will be grounds for disqualification from the RFQ and subsequent RFP processes. The following information should be provided for the project approach:

- A) Engineering approach to site selection.
- B) Engineering approach to site design and permitting through all applicable permitting agencies.
- C) Operational approach to operating and maintaining the facility in accordance with all applicable regulations.
- D) Financial approach to how Contractor would be compensated for the property, engineering and legal fees, construction costs, and operational costs.

**SWORN STATEMENT UNDER 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 OFFICER AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to _____
[print name of public entity]

By _____
[print individual's name and title]

for _____
[print name of entity 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:
_____.)

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), **Florida Statutes**, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any 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 a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

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

1. A predecessor or successor of a person convicted of a public entity crime; or

2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. 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 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. **[indicate which statement applies.]**

_____ Neither the entity submitting this sworn statement, nor any 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 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 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. 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 _____

(Type of Identification) My commission expires _____

(Printed typed or stamped Commissioned name of Notary Public)

**SWORN STATEMENT
CLAY COUNTY DISCLOSURE OF RELATIONSHIPS**

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

1. This sworn statement is submitted with Bid, Proposal or Contract No. RFQ # 09/10-18 for FIRMS/CONTRACTORS INTERESTED IN SITING, PERMITTING, DESIGNING, CONSTRUCTING, AND OPERATING A SOLID WASTE LANDFILL IN CLAY COUNTY, FLORIDA

2. This sworn statement is submitted by: _____
whose business address is:

_____ and its Federal Employer Identification

Number (FEIN) is _____

3. My name is _____
(Please print name of individual signing)

and my relationship to the entity named above is _____

4. I understand that an "affiliate" as defined, means:

The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of the entity.

5. I understand that the relationship with a County Commissioner or County employee that must be disclosed as follows:

Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, or grandchild.

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 statement 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, have any relationships with any Clay County Commissioner or Clay County employee.

_____ 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 have the following relationships with a County Commissioner or County employee:

Name of Affiliate	Name of County Commissioner	Relationship or entity
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_____	_____	_____
_____	_____	_____

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 Commissioned name of Notary Public)

RFQ # 09/10-18,

**FIRMS/CONTRACTORS INTERESTED IN SITING, PERMITTING, DESIGNING,
CONSTRUCTING, AND OPERATING A SOLID WASTE LANDFILL IN CLAY COUNTY,
FLORIDA**

CORPORATE DETAILS:

THIS FORM MUST BE COMPLETED AND RETURNED WITH QUALIFICATION SUBMITAL.

COMPANY NAME: _____

ADDRESS: _____

TELEPHONE: _____

FAX #: _____

E-MAIL: _____

Name of Person submitting Bid: _____

Title: _____

Signature: _____

Date: _____

CHAPTER 8: PROCEDURES FOR PUBLIC BID OPENINGS

(A) **Purpose:** The purpose of this chapter is to specify procedures for the submittal, receipt, opening and recording of all formal bids required by all of the various laws, ordinances, and other procedures and manuals governing the solicitation and awarding of public bids in Clay County, Florida, including but not limited to:

- a. Section 336.44, Florida Statutes (2001).
- b. Applicable Provisions of Clay County Code.
- c. Florida Department of Transportation Standard Specifications, most recent edition.

(B) **Time of Opening:** All bids shall be submitted to the Purchasing division, 4th Floor, Clay County Administration Building, 477 Houston Street, Green Cove Springs, Florida, which shall record receipt thereof by date and time on the bid envelope. Upon receipt, the Purchasing division will maintain custody and control of all bid submittals until after they have been opened. The deadline for a particular bid submittal shall be 4:00 P.M., of the Monday immediately preceding the Tuesday upon which the bid is to be opened. No bid shall be opened unless and until proof by publisher's affidavit of publication of the bid solicitation is received and filed by the Purchasing division. Bidders and the public are welcomed to attend the opening and all subsequent committee and commission meetings related to the bids.

(C) **Form of Bid Submittal:** All bids shall be submitted in triplicate, (and if applicable only on the forms provided by the County or its staff). Each bid and its accompanying materials shall be submitted in a single, sealed and opaque envelope. The following items shall be prominently marked on the cover of the envelope by the party making the submittal prior thereto:

- a. The number assigned to the particular bid solicitation.
- b. The title of the bid exactly as it appeared in the published solicitation.
- c. The date of the bid opening.

(D) **Bid Receipt Procedure:** The County Manager shall, in cooperation with his or her Department heads and the Purchasing division, assign a specific and discrete number and title to each bid solicitation, which shall be contained in the Request for Bids, the newspaper publication, specifications and the Bid Form thereof. Three copies of each request for bid shall be submitted to the Purchasing division for distribution as provided in Section F hereof, and the "Request For Bids" (see Example 2 attached) shall be signed prior to publication.

(E) **Place of Opening:** All bids properly submitted shall be opened in a public location so designated in the bid solicitation.

(F) **Distribution of Copies:** Upon the opening of a bid, one copy shall be distributed to the head of the originating department. Purchasing shall submit to the Finance committee of the Board a tabulated list of all bidders and their bids, including bid number, name, staff assigned, a recommendation to include but not be limited to the lowest responsive and responsible bid, or in a proper circumstance the best bid, budget information and alternatives (see Example 3 attached). All staff assigned to evaluate bid and RFP responses shall do so observing all requirements of the Sunshine Law and in meetings noticed at least 72 hours in advance thereof. The Purchasing division shall serve as the permanent record holder for the County Manager.

(G) **Committee Review, Report and Recommendations:** Bids shall be reviewed by the Board's Finance committee following the bid opening. The Committee should, in the absence of unusual circumstances, report its recommendation to the Board at the Board's next regularly scheduled meeting, which shall include a tabulated list of all bidders and their bids. In all events, the County Manager shall cause to be spread upon the minutes of the regular meeting of the Board next following the opening of a particular bid, a list of all bidders and their bids. Upon being awarded a bid, and if a contract is entered into with the successful bidder then the County's Standard Addendum and IRS Form W-9, Request for Taxpayer Identification and Certification must be completed (see Example 4 attached).

(H) **Ineligible Bid:** Any bid that does not meet the foregoing requirements for form, time of submittal, number of copies or the specifications advertised will be rejected and the reasons stated therefore; provided that the Purchasing division shall reject and return unopened all bids which do not meet the foregoing requirements for time of submittal, or envelope markings. Bids that do not meet requirements for form will be rejected and declared "No Bid". The Board reserves the power to reject all bids and in its discretion to re-advertise the solicitation.

(I) **Bid Withdrawal Period:** Any bid submitted requires a five (5) percent bond unless waived by the Board prior to solicitation, which cannot be withdrawn for a period of 30 days subsequent to the date of the bid opening, notice of which shall be incorporated in all requests for bids. As used herein, the term bond shall include cashier or certified checks payable to the County. All such checks shall be held by the Finance department for safekeeping immediately upon acceptance of the bid (but not deposited). The Finance department is hereby authorized to return each bond to the submitting party, as soon as practicable, upon written request to the Finance department, but only after a bid and contract have been awarded and executed between the County and the successful bidder for a particular project, or in the event that all bids have been rejected by the Board, or in the event the time provided that the bid shall remain in effect shall have expired and the bid submitter requests its return in writing.

(1) Vendors bidding on SHIP rehabilitation projects are exempt from the bid bond requirements delineated in 8(I) above or as may be otherwise stated elsewhere in this policy document.

(2) Vendors bidding on commodities price contracts, or any other type of contract that does not commit the Board to an actual exchange transaction (purchase) but rather seeks only a fixed unit price commitment from a vendor in the event a future purchase decision is made, shall be exempt from the bid bond requirements delineated in 8(I) above or as may be otherwise stated elsewhere in this policy document.

(J) **Bid Addenda:** All addenda distributed subsequent to the initial distribution of specifications shall be sent by certified mail/return receipt requested, said return receipt to be returned to the Purchasing division identified by bid number. Prior to mailing, a copy of each addendum shall be received by the Purchasing division, provided that no addendum shall be mailed later than five (5) working days prior to the scheduled bid opening date.

(K) **Bid Tabulation Form:** The bid Tabulation Form used at bid openings shall include a place thereon for three witnesses to sign. This procedure will eliminate the need for signing each individual bid at the time of opening, thus requiring the three witnesses to sign only once for each bid number submitted (see Example 3 attached).

(L) **Authority to Delay Bid Openings:** The County Manager is hereby authorized, without seeking prior approval of the Board in any particular case, to order a delay of any bid opening from its scheduled date and time to a time certain on the agenda of the next regularly scheduled meeting of the Board, or such special meeting called for such purpose. The delay may be ordered at any time prior to the time of the scheduled opening, provided that such order be in writing, addressed and delivered to the Purchasing division with a copy delivered to the County Manager, and that copies thereof be mailed by certified mail, return receipt requested to all responding bidders as soon thereafter as is reasonably practicable. Upon receipt of the order, the Purchasing division shall immediately record the date and time thereof. The Purchasing division shall continue to accept sealed bids up until the applicable deadline. At the date and time originally scheduled for the bid opening, the Purchasing division shall announce the delay order to all in attendance and shall continue to maintain in its custody all properly submitted sealed bids until further order of the Board. At the time certain scheduled before the Board, the County Manager shall present his reason or reasons for the delay order and his recommendation for disposition of bids submitted. The Board may order the bids to be opened then and there, or at some other time and date certain; it may cancel the bid and order the return of all bids unopened; it may order a further delay of the bid opening; or it may make any other order appropriate to the circumstances. If the bids are ultimately opened, they shall be reviewed as provided elsewhere herein. If a delay occurs as provided herein, then the 30 day withdrawal period as provided in 8(I) shall commence upon the date of the actual bid opening, provided such date is not more than 60 days subsequent to the originally scheduled date. No delay shall be ordered beyond such 60 day period, unless the parties submitting timely bids consent to such delay in writing. In no event is the County Manager authorized to extend the deadline for bid submittals for any particular project, only the bid opening date.

(M) Contractor's Insurance Requirement:

1. Any Contractor submitting a bid for any public works project must include, within its initial bid response, proof of the following insurance, in effect continuously from the date of submittal through the 60 days subsequent to the scheduled bid opening date:

a. Commercial General Liability

1. General Aggregate	\$1,000,000
2. Products and Completed Operations Aggregate	\$1,000,000
3. Personal and Advertising Injury	\$1,000,000
4. Each Occurrence	\$1,000,000
5. Fire Damage (any one fire)	\$ 50,000
6. Medical Expense (any one person)	\$ 5,000

b. Automobile Liability

1. Any automobile-Combined bodily injury/property damage, with minimum limits for all additional coverages as required by Florida law	\$1,000,000
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c. Workers Compensation/Employers Liability

1. Workers Compensation	statutory limits
2. Employers Liability	
a. Each Accident	\$ 100,000
b. Disease-Policy	\$ 500,000
c. Disease-Each Employee	\$ 100,000

d. Professional Liability

1. When required by contract-per occurrence	\$1,000,000
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2. Upon being awarded the bid, the contractor must provide proof that such insurance will be in effect from the date of commencement of the project. The contractor will maintain insurance coverage at the above-prescribed levels through the date of completion of the project and that coverage will include all independent contractors and subcontractors. Either prior to or simultaneously with the execution of the contract, the successful bidder must deliver certificates of insurance for the required insurance coverages to the County naming "Clay County, a political subdivision of the State of Florida; The Board of County Commissioners, Clay County, Florida; and all public agencies of Clay County, as their interests may appear" as "Additional Insureds." Said certificates of insurance shall also include a thirty day prior written notice of cancellation, modification or non-renewal to be provided to the County.

3. The Board reserves the right to waive, raise or lower the minimum coverages required for particular projects prior to bid solicitation by affirmative action. The Board will not waive any defects in a bid submittal pertaining to matters under this subsection.

(N) **Bid Awards and Protests:**

1. Both the **INSTRUCTIONS** and the **PUBLISHED NOTICE** for every sealed bid solicitation shall include conspicuously the following statements:

FOLLOWING THE BID OPENING AND TABULATION, A “NOTICE OF INTENT TO AWARD BID” OR A “NOTICE OF REJECTION OF ALL BIDS” WILL BE POSTED ON THE INTERNET AT: [insert bid notice web address¹]. THIS WEBPAGE CAN ALSO BE ACCESSED FROM THE HOMEPAGE OF THE COUNTY’S WEBSITE AT: [insert County’s homepage address²] BY [insert suitable directions³]. NO OTHER NOTICE WILL BE POSTED.

PROSPECTIVE BIDDERS ARE NOTIFIED THAT THE FAILURE TO INCLUDE WITHIN THE SEALED BID ENVELOPE A PROPER BID BOND OR OTHER SECURITY APPROVED UNDER THE COUNTY’S PURCHASING POLICY, IF REQUIRED FOR THIS SOLICITATION, OR THE FAILURE TO FILE A WRITTEN NOTICE OF PROTEST AND TO FILE A WRITTEN PETITION INITIATING A FORMAL PROTEST PROCEEDING WITHIN THE TIMES AND IN THE MANNER PRESCRIBED IN SECTION 8.N. OF SAID POLICY, SHALL CONSTITUTE A WAIVER OF THE RIGHT TO PROTEST THE BID SOLICITATION, ANY ADDENDUM THERETO, OR THE BID DECISION, AS APPLICABLE, AND TO INITIATE A FORMAL PROTEST PROCEEDING UNDER SAID POLICY. THE COUNTY’S PURCHASING POLICY CAN BE VIEWED AT THE COUNTY’S WEBSITE BY FOLLOWING THE APPROPRIATE LINKS FROM THE HOMEPAGE ADDRESS SET FORTH ABOVE.

IF A PROSPECTIVE BIDDER IS IN DOUBT WHETHER THIS SOLICITATION REQUIRES A BID BOND, SUCH PROSPECTIVE BIDDER IS SOLELY RESPONSIBLE FOR MAKING APPROPRIATE INQUIRY.

2. Unless otherwise expressly directed by the Board in its decision on a bid award, immediately following such decision the County Manager shall cause a “Notice of Intent to Award Bid” or a “Notice of Rejection of All Bids” to be posted on the County’s website, with

¹ As of the date on which this Purchasing Policy was adopted, the bid notice web address was: http://www.claycountygov.com/Departments/Finance/decision_bids.htm.

² As of the date on which this Purchasing Policy was adopted, the County’s homepage address was: <http://www.claycountygov.com/>.

³ As of the date on which this Purchasing Policy was adopted, suitable directions would be: “FOLLOWING THE “Notice of Intent Bids” LINK UNDER THE “Business” ROLLOVER BUTTON”.

the time and date of posting appearing thereon. Notice shall not be posted elsewhere. The notice shall be posted in portable document format or other secure format.

3. The failure on the part of a prospective bidder to include within the sealed bid envelope a proper bid bond or other security approved under this policy, if required for the particular bid solicitation, or the failure by a prospective bidder to file a written notice of protest and to file a written petition initiating a formal protest proceeding within the times and in the manner prescribed in this section shall constitute a waiver of the prospective bidder's right to protest the bid solicitation, any addendum thereto, the Board's bid decision, as applicable, and to initiate a formal protest proceeding hereunder.

4. A prospective bidder is solely responsible for determining whether a particular bid solicitation requires a bid bond, and for resolving any doubt by making appropriate inquiry.

5. The County Manager shall cause a copy of this policy to be posted on the County's website in portable document format or other secure format. The County Manager shall cause to be established conspicuous and easy-to-follow links to the policy from the homepage.

6. Any person who is adversely affected by a bid solicitation, by any addendum thereto, or by a bid decision may file with the County Manager a written notice of protest no later than 4:30 p.m. on the third business day immediately following the date notice is published, with respect to a bid solicitation; no later than 4:30 p.m. on the third business day immediately following the date of issuance, with respect to a bid addendum; and within 72 hours after the posting of the notice, exclusive of hours occurring during days that are other than business days, with respect to a bid decision.

7. A formal protest proceeding shall be deemed commenced upon the timely filing of a written petition initiating the same. A written petition initiating a formal protest proceeding must be filed with the County Manager no later than 4:30 p.m. on the tenth calendar day immediately following the date on which the written notice of protest was filed; provided, if the tenth calendar day is not a business day, then the petition must be filed no later than 4:30 p.m. on the first business day immediately following said tenth calendar day. The petition must set forth with particularity the facts and law upon which the protest is based. The petition must conform substantially with the requirements for petitions set forth in Rule 28-106.201, Florida Administrative Code. References in this section to a petition shall mean a written petition initiating a formal protest proceeding filed in accordance with this subsection.

8. Any protest of a bid solicitation or bid addendum shall pertain exclusively to the terms, conditions, and specifications contained in a bid solicitation or bid addendum, including any provisions governing the methods for ranking bids, proposals, or replies, awarding contracts, reserving rights of further negotiation, or modifying or amending any contract.

9. Upon receipt of a formal written notice of protest that has been timely filed, the County Manager shall suspend the bid solicitation or bid award process until the subject of the protest is resolved by final action as specified in this section, unless the County Manager sets forth in writing particular facts and circumstances which require the continuance of the solicitation or award process without delay in order to avoid an immediate and serious danger to the public health, safety, or welfare. Such suspension shall be lifted immediately in the event the protesting party shall have failed to timely file a petition.

10. Intervenors shall be permitted to participate in the formal protest proceeding in accordance with the procedures governing intervenor practice set forth in Rule Chapter 28-106, Florida Administrative Code, and shall be subject to all limitations provided therein applicable to intervenors.

11. In his or her discretion, the County Manager may provide an opportunity to resolve the protest by mutual agreement between the County Manager and the protesting party within 7 calendar days after receipt of a timely petition. Such agreement must be reduced to writing, signed by the County Manager and the protesting party or such party's authorized agent, and submitted to the Board at the earliest opportunity. The agreement shall not be deemed effective unless ratified by the Board. If the Board shall fail to ratify the agreement, then the protest shall proceed to resolution as hereinafter provided.

12. Within 10 business days following the timely filing of a petition, or, if the Board shall have considered but failed to ratify an agreement submitted to it under subsection 11, then within 10 business days thereafter, a hearing shall be conducted pursuant to subsection 13 before a hearing officer, who shall be the County Manager or his or her designee. The County Manager may designate any department head as the hearing officer; provided, a department head who is substantially involved in or connected with the bid solicitation or bid award process shall be deemed disqualified from serving as the hearing officer, unless such involvement or connection is purely ministerial in nature.

13. All hearings shall be conducted pursuant to written notice to the protesting party, the County Attorney's Office and all intervenors by the hearing officer specifying the time, date and place of the hearing. Particular rules and procedures governing each such hearing are as follows:

a. The audio thereof shall be recorded electronically.

b. Prior to the hearing only, motion practice may be permitted by the hearing officer in his or her discretion in accordance with the rules governing the same set forth in Rule Chapter 28-106, Florida Administrative Code. All motions shall be ruled upon prior to or at the start of the hearing, except that rulings on motions in limine may be deferred to an appropriate time during or after the hearing.

- c. Prior to the hearing, the protesting party, the County and all intervenors must confer and endeavor to stipulate to as many relevant and undisputed facts upon which the decision is to be based as may be practicable. Such stipulation must also identify those issues of material fact, if any, that remain in dispute. The stipulation must be reduced to a writing signed by or on behalf of the protesting party, the County and all intervenors, and be submitted to the hearing officer at least two business days prior to the hearing. The stipulation may include an appendix comprising documents that shall be deemed admitted and considered as evidence for purposes of the hearing, or referring to tangible items deemed admitted and considered as evidence for purposes of the hearing, which items shall either be presented at the hearing or, if such presentation is impractical, submitted to the hearing officer by graphic, descriptive, representational, photographic, videotape or similar medium properly depicting or characterizing the items.
- d. The protesting party and all intervenors shall have the right to appear before the hearing officer at the hearing in proper person or through counsel and, as to those issues of material fact, if any, that remain in dispute, as identified in the stipulation, to present relevant testimonial, documentary and tangible evidence, and to be heard on the substantive issues bearing on the protest. The County shall be deemed a party to the proceeding, and the County Attorney or any assistant county attorney may participate in the protest proceeding, appear before the hearing officer, present evidence and be heard on behalf of the County.
- e. All witnesses shall be placed under oath by the hearing officer prior to testifying, and shall be subject to cross-examination by any hearing participant.
- f. Hearsay evidence shall be admissible unless the hearing officer shall determine the same to be redundant, unreliable or prejudicial.
- g. At the hearing any hearing participant may offer appropriate argument and summation, and submit a written brief and a proposed order, but only after the conclusion of the evidentiary portion of the hearing, if any.
- h. Immediately following the hearing, the County Manager shall cause a written transcript of all testimonial evidence introduced at the hearing to be prepared expeditiously based upon the audio recording, and shall provide copies of the same to all of the hearing participants.
- i. Within 7 business days following the hearing, the hearing officer shall submit a recommended order to the County Manager and serve copies on all hearing participants; provided, if the County Manager is the hearing officer, then within 7 business days following the hearing, the County Manager shall issue a recommended order and serve copies on all hearing participants. The recommended order shall contain findings of fact and, based upon such facts, a disposition of the protest; provided, no finding of fact may be predicated solely upon the basis of hearsay.

j. The recommended order shall thereafter be submitted to the Board along with the transcript of the hearing testimony and the entire written and tangible record of the protest proceedings at the earliest opportunity to be considered at a time certain, with notice thereof served upon the hearing participants. Each of the hearing participants shall be allowed 3 minutes to address the Board regarding the recommended order, unless the Chairman in his or her discretion shall allow additional time. If a hearing participant intends to challenge any finding of fact in a recommended order that was based upon testimonial evidence, such participant shall be allowed 2 additional minutes for such purpose, and may direct the attention of the Board members to any portion of the transcript relevant to the challenge. The other hearing participants shall each have the right to offer argument in rebuttal to the challenge, and to direct the attention of the Board members to any portion of the transcript relevant to the rebuttal. No testimony or other evidence beyond the record and the transcript shall be presented to the Board. Thereafter the Board shall render its decision on the protest. In so doing the Board shall be bound by the findings of fact in the recommended order that are based upon testimonial evidence, except those for which it upholds a challenge. A challenge shall be upheld only if the finding of fact is not supported by competent, substantial evidence in the record or in the transcript. Otherwise, the Board shall not be bound by any of the provisions of the recommended order. The decision of the Board shall be reduced to a written order signed by the Chairman, and shall constitute final action of the County on the protest.

k. The date, type and substance of all ex parte communications between any Board member and a hearing participant, including counsel therefor or any agent thereof, and between any Board member and third party, must be publicly disclosed by the Board member prior to the rendering of the Board's decision. All such communications that are written or received electronically must be filed for the record, and copies thereof provided to each Board member and hearing participant.

14. All proceedings before the hearing officer shall be informal, and customary rules of evidence shall be relaxed. In all respects both the hearing officer and the Board shall observe the requirements of procedural and substantive due process that are the minimum necessary for accomplishing a fair, just and expeditious resolution of the protest.

15. Ex parte communications between a hearing participant and the hearing officer are forbidden. The hearing officer may take such steps as he or she may deem just and appropriate to prevent or sanction attempted ex parte communications, including promptly disclosing the attempted communication, or requiring the offending hearing participant to disclose promptly the attempted communication, to the other hearing participants. Where necessary, the hearing officer may recuse himself or herself, and the subsequently designated hearing officer may order the offending participant to pay for all or any portion of the costs incurred by the County and any other hearing participant strictly as a consequence of the ex parte communication or attempted ex parte communication, else be excluded from further participation. Neither the County Attorney

nor any assistant county attorney shall be subject to this subsection or prohibited from engaging in ex parte communications with the hearing officer.

16. The purpose of this policy is to promote fairness and public confidence in the competitive bidding process. To further such end, and except as otherwise specifically provided herein, the substantive law governing the resolution of bid protests found in the decisions of the Florida appellate courts, as well as any statutes or agency rules that may be applicable to the particular bid solicitation, shall guide the hearing officer and the Board in rendering a decision on a bid protest under this section. The significant principles of law governing the bid protest and the resolution thereof, which shall prevail to the extent not otherwise in conflict with any governing statutes or agency rules, are as follows:

- a. The burden is on the party protesting the award of the bid to establish a ground for invalidating the award.
- b. The standard of proof for the protest proceeding shall be whether the proposed award was clearly erroneous, contrary to competition, arbitrary, or capricious.
- c. The proposed award shall be deemed arbitrary or capricious if it is contrary in a material way to any governing statutes, the County's rules or policies, or the bid or proposal instructions or specifications.
- d. The scope of the inquiry is limited initially to whether the proposed award is improper under the foregoing standard of proof. If and only if the hearing officer first determines on the basis of competent and substantial evidence that the proposed award is improper, then the hearing officer may recommend, in accordance with the law and this policy, an alternate disposition for the proposed award. Such disposition may include, but shall not be limited to, rejecting all bids, or awarding all or a portion of the bid to the protesting party.
- e. A bid protest proceeding may not serve as a vehicle for the Board to revisit the proposed award absent a determination of impropriety as set forth above.

17. By written agreement amongst the protesting party, the County, and all then-existing intervenors, any provision of this section pertaining to the procedures for resolving a protest for which a petition has been timely filed may be modified or waived so long as such modification or waiver shall not hinder or thwart the proper and expeditious resolution of the protest, or otherwise operate to undermine the salutary purposes of competitive, public bidding.

18. Only to the extent necessary to avoid a miscarriage of justice or to prevent a manifest violation of a hearing participant's procedural or substantive due process rights, a hearing officer may modify or suspend the applicability of any of the provisions or requirements of this section in the course of conducting a protest proceeding hereunder; provided, a hearing officer may not

modify or suspend any of the provisions or requirements of subsections 3, 4, 6, 7, 8, 16, 20, 21 and 22 hereof.

19. Except and to the extent specifically provided in this section, and except and to the extent otherwise specified provided by written agreement amongst the protesting party, the County, and all then-existing intervenors, no provisions of Rule Chapter 28-106, Florida Administrative Code, shall be deemed applicable to the resolution of protests under this section.

20. For purposes of this section, the filing with the County Manager of a written notice of protest or of a written petition initiating a formal protest proceeding shall be deemed accomplished only when the original written notice or original written petition has been physically received by the County Manager or his or her designee. A notice or petition shall be deemed original only if it bears the original signature of the protesting party or such party's authorized agent. No notice or petition may be filed by facsimile transmission or by e-mail, and any notice or petition received in such manner shall be deemed unfiled and ineffective. The use of an overnight delivery service or of the United States Postal Service to file a notice or petition shall be entirely at the risk of the person submitting the same, and any such notice or petition so received after the applicable deadline shall be deemed untimely.

21. For purposes of this section, a business day shall mean any 24-hour day that is not a Saturday, a Sunday, or a holiday observed by the County.

22. For purposes of this section, counsel shall mean an attorney who is a member of the Florida Bar in good standing.

23. For purposes of this section, all notices of protest and petitions initiating formal protest proceedings, and all stipulations, briefs, proposed findings of fact, written motions and proposed orders submitted to a hearing officer shall be on white, opaque paper 8 ½ by 11 inches in size. The pages of all such documents shall have margins on all sides of not less than 1 inch; shall be in Times New Roman or Courier New font no smaller than 12 in size, including footnotes and endnotes; shall have standard double-spacing between lines, excluding quotations, footnotes and endnotes; and shall be numbered at the bottom. All quotations shall be indented. Briefs shall not exceed 15 pages in length, and may not include any appendices. A digital copy of all written stipulations, briefs, proposed findings of fact, written motions and proposed orders submitted to the hearing officer must be simultaneously provided to the hearing officer in Word format, version 2000 or later, on compact disc or 3 ½" diskette.

24. For purposes of this section, a hearing participant shall mean and include the protesting party, the County and any intervenor.

25. This section shall be construed and implemented so as to secure the just, speedy, and inexpensive resolution of bid protests.

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)

Business name, if different from above

Check appropriate box: ☐ Individual/Sole proprietor ☐ Corporation ☐ Partnership
☐ Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶
☐ Other (see instructions) ▶

☐ Exempt
payee

Address (number, street, and apt. or suite no.)

Requester's name and address (optional)

City, state, and ZIP code

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number

: :
: :

or

Employer identification number

:
:

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

**Sign
Here**

Signature of
U.S. person ▶

Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate Instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

Limited liability company (LLC). Check the "Limited liability company" box only and enter the appropriate code for the tax classification ("D" for disregarded entity, "C" for corporation, "P" for partnership) in the space provided.

For a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Regulations section 301.7701-3, enter the owner's name on the "Name" line. Enter the LLC's name on the "Business name" line.

For an LLC classified as a partnership or a corporation, enter the LLC's name on the "Name" line and any business, trade, or DBA name on the "Business name" line.

Other entities. Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name" line.

Note. You are requested to check the appropriate box for your status (individual/sole proprietor, corporation, etc.).

Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the business name, sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
2. The United States or any of its agencies or instrumentalities,
3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
5. An international organization or any of its agencies or instrumentalities.

Other payees that may be exempt from backup withholding include:

6. A corporation,
7. A foreign central bank of issue,
8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
9. A futures commission merchant registered with the Commodity Futures Trading Commission,
10. A real estate investment trust,
11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
12. A common trust fund operated by a bank under section 584(a),
13. A financial institution,
14. A middleman known in the investment community as a nominee or custodian, or
15. A trust exempt from tax under section 664 or described in section 4947.

The chart below shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 13. Also, a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 7 ²

¹See Form 1099-MISC, Miscellaneous Income, and its instructions.

²However, the following payments made to a corporation (including gross proceeds paid to an attorney under section 6045(f), even if the attorney is a corporation) and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, and payments for services paid by a federal executive agency.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited liability company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting www.irs.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt payees, see *Exempt Payee* on page 2.

Signature requirements. Complete the certification as indicated in 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ³
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
5. Sole proprietorship or disregarded entity owned by an individual	The owner ³
For this type of account:	Give name and EIN of:
6. Disregarded entity not owned by an individual	The owner
7. A valid trust, estate, or pension trust	Legal entity ⁴
8. Corporate or LLC electing corporate status on Form 8832	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership or multi-member LLC	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or "DBA" name on the second name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

Call the IRS at 1-800-829-1040 if you think your identity has been used inappropriately for tax purposes.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS personal property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@uce.gov or contact them at www.consumer.gov/idtheft or 1-877-IDTHEFT(438-4338).

Visit the IRS website at www.irs.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA, or Archer MSA or HSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, the District of Columbia, and U.S. possessions to carry out their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 28% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.

**CLAY COUNTY, FLORIDA
FIRMS/CONTRACTORS INTERESTED IN SITING, PERMITTING, DESIGNING,
CONSTRUCTING, AND OPERATING A SOLID WASTE LANDFILL IN CLAY COUNTY,
FLORIDA**

SELECTION SYSTEM EVALUATION FORM

CONTRACTOR/FIRM: _____ DATE EVALUATED: _____

TOTAL POSSIBLE POINTS: 100

TOTAL SCORE: _____

(GENERAL MANAGEMENT)

_____ Contractor's/Firm's demonstrated overall management and experience and reflected in the successful and timely implementation of a mixed municipal solid waste landfill and ancillary facilities, including siting, permitting, constructing, and operating. **(15 POINTS MAX.)**

(FINANCIAL STABILITY AND STRENGTH)

_____ Contractor's/Firm's overall financial strength, liquidity, total assets, credit worthiness, and net worth as an indication of their ability to establish and meet operation guarantees and maintain a financially-sound, efficient SWDF. **(25 POINTS MAX.)**

(SOLID WASTE EXPERIENCE)

_____ Contractor's/Firm's demonstrated experience in the design, permitting, construction, and operation of a SWDF and construction management. The County will give particular attention to the performance data provided for the respondent's referenced SWDF. **(45 POINTS MAX.)**

(PROJECT APPROACH)

_____ Contractor's/Firm's technical approach will be evaluated in terms of its effectiveness in meeting local needs. The Contractor/Firm shall provide evidence of a technically-sound and reliable approach to the design, constructing, and operation of a SWDF. **(15 POINTS MAX.)**