

**TOWN OF SOUTH PALM BEACH
REQUEST FOR QUALIFICATIONS**

CONTINUING CONTRACTS FOR PROFESSIONAL ENGINEERING SERVICES

RFQ NO. 2018-1

The Town of South Palm Beach is seeking Letters of Interest and Professional Qualifications from engineering consulting firms for professional services on a continuing contract basis for the Town of South Palm Beach, such service shall include but not be limited to; general engineering services, design and construction management of wastewater and stormwater infrastructure facilities, geotechnical services, coastal engineering, plat and plan review services, NPDES permitting/reporting, other environmental permitting, design and construction management services for facilities or parts thereof within the municipal limits of the Town of South Palm Beach. A potential upcoming Town project is the repair of sanitary sewer laterals, including engineering design and permitting.

RFQ packages shall be mailed or hand-delivered to the Town Clerk, 3577 South Ocean Boulevard, South Palm Beach, Florida, 33480, no later than 10:00 A.M. on April 12, 2018. No responses will be accepted after that time. RFQ packages shall include an original, one (1) copy, and a pdf copy on a USB drive in sealed envelopes/packages addressed to the Town Clerk, Town of South Palm Beach, and marked “**SEALED RFQ FOR PROFESSIONAL ENGINEERING SERVICES**”. Requests for Qualification Packages may be obtained from the Town’s website at www.southpalmbeach.com or from the address above, or call the Town Clerk at (561) 588-8889.

Selection will be in accordance with the Consultant’s Competitive Negotiations Act, section 287.055, Florida Statutes. The Town Manager shall evaluate the qualifications submitted by the firms using criteria as outlined in the RFQ and will select the firms considered best qualified to serve the Town’s interest for these assignments. The Town reserves the right in its sole discretion to withdraw this RFQ, to reject any or all qualifications, and/or to waive all nonmaterial irregularities on any and all qualifications. All costs and expenses, including reasonable attorneys’ fees, incurred by any firm in preparing and responding to this RFQ are the sole responsibility of the firms including without limitation any and all costs and fees related to a protest.

At the time of RFQ submission, firms must be properly certified/licensed in the State of Florida for the purpose of providing the specified services. All questions and requests for additional information in connection with this Request for Qualifications and selection shall be directed in writing or email only to Mo Thornton, Town Manager, 3577 South Ocean Boulevard, South Palm Beach, Florida 33480, email mthornton@southpalmbeach.com.

Dated: March 16, 2018
Town of South Palm Beach

Published: Palm Beach Post

I. PURPOSE:

The intent of this solicitation is to acquire professional services for the Town of South Palm Beach based on the definition of "Continuing Contract" in section 287.055, Florida Statutes:

A "continuing contract" is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which construction costs do not exceed \$2,000,000, for study activity when the fee for such professional service does not exceed \$200,000, or for work of a specified nature as outlined in the contract required by the agency, with no time limitation except that the contract must provide a termination clause.

The Town desires to establish "continuing contracts" by and between the Town and a manageable number of firms, with the intent of affording the Town a diverse consultant base and to facilitate the issuance of engagements for professional engineering services. Each firm must be a licensed, certified engineering business in the State of Florida and have a professional engineer licensed in the State of Florida on staff. The Town is interested in entering into such continuing contracts to assist in the implementation of projects that may relate to, but not be limited to, general engineering services, the design and construction management of wastewater and stormwater infrastructure facilities, geotechnical services, coastal engineering, plat and plan review services, NPDES permitting/reporting, other environmental permitting, design and construction management services for facilities or parts thereof and other needed services within the municipal limits of the Town of South Palm Beach. A list of potential upcoming projects is provided under Exhibit A, attached hereto.

Florida law requires the Town to make a determination of a consultant's qualification to perform professional services work prior to their employment. The information submitted in response to this Request for Qualifications (RFQ) will be used by the Town to make this determination.

Assignment of tasks to the selected consultants will be at the sole discretion of the Town. The Town may choose to select another firm or use in-house staff to perform any of the above described items in whole or in part. Task assignments will be subject to scope definition and fee negotiation on a task-by-task basis. No minimum amount of professional services or compensation is guaranteed to the selected firms.

1.1 No Oral Interpretations of the RFQ

No person is authorized to give oral interpretations of, or make oral changes to, this RFQ. Therefore, oral statements about the RFQ by the Town's representatives will not be binding on the Town and should not be relied upon by a firm. Any interpretation of, or change to, this RFQ will be made in the form of a written addendum to the RFQ. Any addendum to this RFQ will be posted on the Town's website. A firm can only rely upon those interpretations of, or changes to, this RFQ that are issued by the Town in an addendum. By submitting qualifications, a firm certifies that its submitted qualifications are made without reliance on any oral representation by the Town, its agents, or employees.

1.2 Reviewing the RFQ and Addenda

Each firm should closely examine all of the documents and requirements in this RFQ. It is the sole responsibility of the firm to ensure that he or she has received and understands all of the pages of the RFQ. In accordance with the provisions of the American with Disabilities Act, this RFQ may be requested in an alternate format.

No later than **2:00 P.M. on March 29, 2018**, each firm shall deliver to the Town all of the firm's questions concerning the intent, meaning, and interpretation of this RFQ. Each firm shall be deemed to have waived all questions that are not submitted to the Town in compliance with this Section. A firm's questions may be delivered to the Town by hand-delivery, mail or e-mail but all such submittals shall be in writing and addressed to:

Town of South Palm Beach
Mo Thornton, Town Manager
3577 South Ocean Boulevard
South Palm Beach, Florida 33480

If revisions to this RFQ become necessary, the Town will issue written addenda. The Town will endeavor to make sure all potential firms receive such addendum by posting the addendum on the Town's website (www.southpalmbeach.com) for the respective qualification solicitation or by emailing the addendum; however, it is the sole responsibility of every firm to verify with the Town whether any addendum has been issued prior to submitting sealed qualifications. The Town provides this website as a courtesy only and assumes no responsibility for errors or omissions that may affect qualifications submitted in response to this RFQ.

1.3 Schedule and Deadlines for the RFQ

A summary schedule of the major activities associated with this RFQ is presented below. The Town, in its sole discretion, may modify the schedule as the Town deems appropriate. The Town will provide notification of any changes to the schedule by issuing written addenda as set forth above.

The following is an estimated schedule to be followed for this RFQ.

Issuance of RFQ Package:	March 16, 2018	
Deadline for Written Questions:	March 29, 2018,	2:00 P.M.
Qualifications Due Date:	April 12, 2018,	10:00 A.M.
Short List Announcement:	April 17, 2018	
Oral Presentations (if required):	TBD	
Town Council Approval:	April 24, 2018 or as soon thereafter as possible	
Contract Negotiations & Execution:	May, 2018	

1.4 Property of the Town

All materials submitted in response to this RFQ become the property of the Town. The Town has the right to use any or all ideas presented in any response to this RFQ, whether amended or not, and selection or rejection of a qualifications does not affect this right.

1.5 Legal Requirements

Each firm must comply with all federal, state, and local laws, ordinances, rules and regulations that are applicable to this RFQ and the work to be performed under the Agreement. A firm's lack of knowledge about the Applicable Law shall not be grounds for relief from such laws, or constitute a defense against the enforcement of such laws.

By submitting qualifications in response to this RFQ, the firm represents that it is familiar with all federal, state, and local laws, ordinances, rules and regulations that are applicable to the services required under this RFQ. If

a firm discovers any provision in this RFQ that is contrary to or inconsistent with any law, ordinance, rule, or regulation, the firm shall promptly report it to the Town Manager.

1.6 Litigation Concerning the RFQ and Agreement

By submitting qualifications, the firm agrees that: (a) any and all legal actions necessary to interpret or enforce this RFQ or the Agreement shall be governed by the laws of the State of Florida; and (b) the exclusive venue for any litigation concerning this RFQ or the Agreement shall be the state and federal courts in and for Palm Beach County, Florida.

1.7 Public Records

Any material submitted in response to this RFQ will become a public record and shall be subject to public disclosure consistent with the Florida Public Records Law (Part 119, Florida Statutes), except as may be provided by the Public Records Law or other applicable state or federal law. If a firm contends that part of its qualifications is not subject to disclosure, the firm shall identify specifically any information contained in the qualifications that the firm considers confidential or otherwise exempt from disclosure under the Public Records Law, and the firm shall cite the specific section of the law creating the exemption for such information. The Town reserves its right to make all determinations concerning the applicability of the Florida Public Records Law to any documents submitted in response to this RFQ. The Town shall have no liability to a firm for the public disclosure of any material submitted to the Town in response to this RFQ.

1.8 Drug-Free Work Place

Preference shall be given to a business with a Drug-Free Work Place (DFW) program. Whenever the Town receives two or more qualifications that are equal with respect to price, quality, and service, the Town may give preference to qualifications received from a business that completes the attached DFW form, see Exhibit E, and certifies it is a DFW.

1.9 Cone of Silence

A cone of silence is hereby imposed and made applicable to this RFQ and in accordance with the "Palm Beach County Lobbyist Registration Ordinance", a copy of which can be accessed at: www.palmbeachcountyethics.com, is in effect. The firm shall read and familiarize themselves with all of the provisions of said Ordinance, but for convenience the provisions relating to the Cone of Silence have been summarized here. "Cone of Silence" means a prohibition on any non-written communication regarding this RFQ between any firm or firm's representative and any Town of South Palm Beach employee. The Cone of Silence is in effect as of the submittal deadline. The provisions of this Ordinance shall not apply to oral communications at any public proceeding, discussions or oral presentations before Town Manager, and contract negotiations during any public meeting. The Cone of Silence shall terminate at the time that the Town of South Palm Beach Council awards or approves a contract, rejects all qualifications or otherwise takes action which ends the solicitation process. A firm's representative shall include but not be limited to the firm's employee, partner, officer, director or consultant, lobbyist, or any, actual or potential subcontractor or consultant of the firm.

1.10 Lobbying

All firms are advised that the Town falls under the Palm Beach County Lobbyist Registration Ordinance and all firms must comply with that ordinance. Any violation of this requirement may cause the firm to be disqualified and prohibited from participating further in the RFQ process.

1.11 Prohibition on Scrutinized Companies

As provided in F.S. 287.135, by entering into any agreement with the Town, or performing any work in furtherance hereof, the successful firm certifies that Consultant and Consultant's affiliates, suppliers and subcontractors that will perform hereunder, have not been placed on the Scrutinized Companies that Boycott Israel List, Scrutinized Companies With Activities in Sudan List or Scrutinized Companies With Activities in the Iran Petroleum Energy Sector List created pursuant to section 215.473, Florida Statutes, or is engaged in business operations in Cuba or Syria. If the Town determines, using credible information available to the public, that (1) a false certification has been submitted by the successful firm; (2) the successful firm has been placed on the Scrutinized Companies that Boycott Israel List, or is engaged in a boycott of Israel; (3) the successful firm has been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List; or the successful firm has been engaged in business operations in Cuba or Syria, the Town's Agreement may be terminated, a civil penalty equal to the greater of \$2 million or twice the amount of the Agreement shall be imposed, and the successful firm shall be responsible for the Town's reasonable attorneys' fees and costs, including any costs for investigations, all pursuant to section 287.135, Florida Statutes.

1.12 Cost of Qualifications Preparation

The firm assumes all risks and expenses associated with the preparation and submittal of qualifications in response to this RFQ. The Town shall not be liable for any expenses incurred by the firm when responding to this RFQ, including but not limited to the cost of making presentations to the Town.

1.13 Inspector General

In accordance with Palm Beach County ordinance number 2011-009, any resulting contract with the selected firm may be subject to investigation and/or audit by the Palm Beach County Inspector General. Firms should review such ordinance in order to be aware of its rights and/or obligations under such ordinance and its applicability.

1.14 Protest Procedures

Firms may protest in accordance with all applicable laws, rules and regulations.

1.15 Non-collusion

The firm certifies that this qualifications is made without prior understanding, agreement, or connection with any individual, firm, partnership, corporation or other entity submitting a qualifications for the same services, and is in all respects fair and without collusion or fraud. No premiums, rebates, or gratuities are permitted with, prior to, or after any provisions of services. Any violation of this provision may result in contract cancellation or discontinuation of services, and the possible inability of firm to bid on future projects.

1.16 Code of Ethics

This RFQ is subject to the State of Florida Code of Ethics and the Palm Beach County Code of Ethics. Accordingly, there are prohibitions and limitations on the employment of Town officials and employees and contractual relationships providing a benefit to the same. Firms are highly encouraged to review these two codes in order to insure compliance with the same. If any firm violates or is a party to a violation of an applicable Code of Ethics, such firm may be disqualified from performing the work described in this RFQ or from furnishing the goods or services for which this RFQ is submitted and may be further disqualified from bidding on any future RFQ's (or other procurement requests and invitations) for work or for goods or services for the Town.

1.17 Conflict of Interest

The award of a contract under this RFQ is subject to any and all applicable conflict of interest provisions found in the policies or Code of Ordinances of the Town, the Palm Beach County Code of Ethics, and found in the Florida Statutes. All firms must complete the Conflict of Interest Form attached hereto as Exhibit D.

1.18 Insurance

Prior to execution of the resulting contract derived from this RFQ, the awarded firm(s) shall obtain and maintain in force at all times during the term of the resulting contracts insurance coverage as required herein. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida. The Certificates shall clearly indicate that the firm has obtained insurance of the type, amount, and classification required for strict compliance with this provision and that no material change or cancellation of the insurance shall be effective without thirty (30) days prior written notice to the Town. Compliance with the foregoing requirements shall not relieve the selected firms of their liability and obligations under the resulting contract.

A. The selected firms shall maintain during the term of the contract, standard Professional Liability Insurance in the minimum amount of \$1,000,000 per occurrence.

B. The selected firms shall maintain, during the life of the contract, commercial general liability, including public and contractual liability insurance in the amount of \$1,000,000 per occurrence (\$2,000,000 aggregate) to protect the firm from claims for damages for bodily and personal injury, including wrongful death, as well as from claims of property damages which may arise from any operations under the contract, whether such operations be by the firm or by anyone directly or indirectly employed by or contracting with the firm.

C. The selected firms shall carry Workers' Compensation Insurance and Employer's Liability Insurance for all employees as required by Florida Statutes.

D. The selected firms shall maintain comprehensive automobile liability insurance in the minimum amount of \$1,000,000 combined single limit for bodily injury and property damages liability to protect from claims for damages for bodily and personal injury, including death, as well as from claims for property damage, which may arise from the ownership, use, or maintenance of owned and non-owned automobiles, including rented automobiles whether such operations be by the firm or by anyone directly or indirectly employed by the firm.

All insurance, other than Professional Liability and Workers' Compensation, maintained by the selected Respondent shall specifically include the Town of South Palm Beach as an "Additional Insured."

1.19 Disclosure and Disclaimer

The information contained herein is provided solely for the convenience of responding firms. It is the responsibility of a firm to assure itself that information contained herein is accurate and complete. Neither the Town, nor its advisors provide any assurances as to the accuracy of any information in this RFQ. Any reliance

on the contents of this RFQ, or on any communications with Town representatives or advisors, shall be at each firm's own risk. Firms should rely exclusively on their own investigations, interpretations, and analyses in connection with this matter. The RFQ is being provided by the Town without any warranty or representation, expressed or implied, as to its content, accuracy or completeness and no firm or other party shall have recourse to the Town if any information herein contained shall be inaccurate or incomplete. No warranty or representation is made by the Town that any qualifications conforming to these requirements will be selected for consideration, negotiation or approval.

In its sole discretion, the Town may withdraw this RFQ either before or after receiving qualifications, may accept or reject qualifications, and may accept qualifications which deviate from the non-material provisions of this RFQ. In its sole discretion, the Town may determine the qualifications and acceptability of any firm or firms submitting qualifications in response to this RFQ. Following submission of qualifications, the firm agrees to promptly deliver such further details, information and assurances, including, but not limited to, financial and disclosure data, relating to the Qualifications and/or the firm, including the firm's affiliates, officers, directors, shareholders, partners and employees, as requested by the Town. Any action taken by the Town in response to qualifications made pursuant to this RFQ or in making any award or failure or refusal to make any award pursuant to such qualifications, or in any cancellation of award, or in any withdrawal or cancellation of this RFQ, either before or after issuance of an award, shall be without any expense, liability or obligation on the part of the Town, or its advisors.

Any recipient of this RFQ who responds hereto fully acknowledges all the provisions of this Disclosure and Disclaimer and agrees to be bound by the terms hereof. Any qualifications submitted pursuant to this RFQ is at the sole risk and responsibility of the firm submitting such qualifications.

1.20 Subconsultants

The Town reserves the right to pre-approve all subconsultants, if any, for any services performed under a resulting contract.

II. THE SUBMITTAL PACKAGE:

The RFQ is designed to provide the necessary information about your firm. RFQ packages shall include an original, one (1) copy, and a pdf copy on a USB drive. Each submittal must include the checklist attached as Exhibit B. This checklist must appear immediately after the Letter of Transmittal. To ensure that all submittals may be evaluated on an equitable basis, the RFQ requires each firm to provide the requested information in a prescribed format and organization that excludes supplemental materials. Any supplemental information included with the qualifications must appear **after** the required materials and tabbed "Additional RFQ Information", or under separate cover.

2.1 Contents. The submittal package shall be organized as listed below with one tab for each item.

A. Letter of Transmittal (not to exceed three single-sided pages)

This letter will summarize in a brief and concise manner the following:

- General summary of the firm; how long in business; general approach to tasks and projects; location; and summary of the firm's qualifications.
- The firm's brief understanding of the scope of services to be considered for Qualification.
- The letter must name all persons or entities interested in award as principals. Identify all of the persons authorized to make representations for the firm, including the titles, addresses, and telephone numbers of such persons.
- An authorized agent of the firm must sign the Letter of Transmittal and must indicate the agent's title or authority.

- The individual or firm identified on the Letter of Transmittal will be considered the primary firm.

B. Addenda (unlimited pages)

This section shall include a statement acknowledging receipt of each addendum issued by the town. Each firm is responsible for contacting the Town to obtain addenda.

C. References & Materials (not to exceed 30 double-sided pages plus the form).

1. **Evidence of ability, experience and skill:** Firms shall provide a summary of the firm's capability, experience and skill to provide the requested services (which shall not exceed three pages) and include the firm's organizational structure. Bullet point format is appreciated. Include evidence of adequate personnel to perform the work. Firms shall provide one page summaries or resumes of key personnel to be assigned to provide services to the Town. Resumes should include a description of:

- Training, education and degrees.
- Related experience and for whom.
- Professional certifications, licenses and affiliations.

Emphasis will be placed on individual's past experience on similar projects within the past five years in the Town and in Palm Beach County; individual's ability to have similar projects completed on time and within budget; and, knowledge of state, County and Town codes and regulations.

2. **Evidence of successful past performance for similar projects:** Firms shall identify successful past performance for similar projects. Firms shall provide a minimum of three (3) references demonstrating their successful past performance. Prior experience with other Florida municipalities is desirable. Firms are responsible for providing current phone numbers and contact information. Failure to provide accurate information may result in the reference not being obtained or considered. Emphasis will be placed on firm's past experience with similar projects within the past five years in the Town and in Palm Beach County; similar projects being completed on time and within budget; and knowledge of state, County and Town codes and regulations.

D. Evidence of Ability to Deliver on Time and within Budget (limited to three pages)

Firms shall provide a summary regarding their ability to deliver the requested services in a specific timeframe and within a specific budget. Information regarding dedicated staff and current and projected firm workload shall be provided. Emphasis will be placed on firm's identification of individuals to provide services and their availability for the same.

E. Proof of Licenses (unlimited)

Firms shall provide proof of required licenses for the firm and scope of services to be performed. This shall include:

- Proof of all applicable licenses for services to be rendered (including registration with State of Florida Division of Corporations if applicable);
- Statement or proof of required insurance; and,
- Proof of firm's Business Tax Receipt (as applicable).

F. Litigation and/or Terminations (unlimited)

Firms shall provide a summary of any litigation filed against their firm or key personnel in the past five (5) years which is related to the services sought under this RFQ and that the firm provides in the regular course of business. The summary shall state the nature of the litigation, a brief description of the case, the outcome or projected outcome, and the monetary amount involved. If none, state as such.

Firms shall also state if the firm has had contracts for the services sought under this RFQ which were terminated for default, non-performance or delay, in the past five (5) years. Firms shall describe all such

terminations, including the name and address of the other contracting party for each such occurrence. If none, state as such.

G. Evidence of minority business enterprise (unlimited)

Firms shall provide their certification(s) as a minority business enterprise. To qualify, the firm must be certified by a State agency, a Florida county, or a Florida municipality.

2.2 Additional Documents.

The firm shall also include the following documents in its Submittal Package: Checklist (see Exhibit B), Acknowledgment of Business Type and Insurance (Exhibit C), Conflict of Interest Form (see Exhibit D), and Drug Free Workplace Form (see Exhibit E).

2.3 Representations by Submittal of Qualifications.

By submitting Qualifications, the firm warrants, represents, certifies, and declares that:

A. Person(s) designated as principal(s) of the firm are named and that no other person(s) other than those therein mentioned has (have) any interest in the proposal or in the anticipated contract.

B. The Qualifications are submitted without connection, coordination or cooperation with any other persons, company, firm or party submitting Qualifications, and that the Qualifications are, in all respects, true and correct without collusion or fraud.

C. The firm understands and agrees to all elements of the RFQ unless otherwise indicated or negotiated, and that the RFQ shall become part of any contract entered into between the Town and the firm.

D. By signing and submitting Qualifications, firm certifies that it and any parent corporations, affiliates, subsidiaries, members, shareholders, partners, officers, directors or executives thereof are not presently debarred, proposed for debarment or declared ineligible to bid or participate in any federal, state or local government agency projects.

E. Pursuant to section 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted firm list maintained by the State of Florida may not submit Qualifications to the Town for 36 months following the date of being placed on the convicted firm list. The firm certifies that submittal of its Qualifications does not violate this statute.

F. Pursuant to section 287.135, Florida Statutes, the firm is not participating in a boycott of Israel, is not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List; and the firm does not have business operations in Cuba or Syria.

G. The firm recognizes and agrees that the Town will not be responsible or liable in any way for any losses that the firm may suffer from the disclosure or submittal of its Qualifications to third parties.

2.4 Copies and Deadlines.

An original, one (1) copy, and a pdf copy on a USB drive of the RFQ package must be received in the office of the Town Clerk, Town Hall, 3577 South Ocean Boulevard, South Palm Beach, Florida 33480, no later than by 10:00 a.m. on April 12, 2018, at which time a list of firms will be made public.

III. EVALUATION, SCORING, AND AWARD OF CONTRACT:

Selection will be in accordance with the Consultant's Competitive Negotiations Act, section 287.055, Florida Statutes.

3.1 Certification of Qualified Firms.

The Town Manager will evaluate and determine which firms are qualified to provide the requested services consistent with the qualification evaluation criteria. The qualification evaluation criteria follow:

Capabilities of the firm; adequacy of personnel; past record of performance; experience of the firm; licensing/certifications of firm; and whether the firm is a certified minority business enterprise (not required). The firm must be a licensed, certified engineering business in the State of Florida and have a professional engineer licensed in the State of Florida on staff.

3.2 Competitive Selection.

Once the Town Manager determines which firms are qualified, she shall rank the qualifications based on the competitive negotiations evaluation criteria and make a recommendation of the top three (3) firms to the Town Council. If less than three (3) firms submit qualifications or if less than three (3) firms qualify, the Town Manager, in her sole discretion, may move forward with a recommendation of less than (3) firms to the Town Council. The competitive negotiations evaluation criteria follow:

Ability, experience, skill of professional personnel	30 points
Successful past performance for similar projects/work	30 points
Willingness and ability to meet time and budget requirements	20 points
Location/convenience to Town staff	5 points
Required licensing and certifications	5 points
Terminations and/or litigation	5 points
Completeness and responsiveness of qualifications	5 points
Whether the firm is a certified minority business enterprise (not required)	5 points (bonus)

The selection process consists of evaluation and scoring by the Town Manager and the ranking of the top three (3) firms. Each category will be scored and when the scores awarded for all categories are totaled, the scores will be tabulated and added to achieve the total points awarded to each firm. The total points will be used to rank each firm 1st, 2nd, 3rd, 4th, etc. If desired, the Town Manager may require public presentations by the top three firms. The ranking of the top three firms will be presented to and approved by the Town Council at a duly noticed public meeting. It is anticipated that the Town Council will award the RFQ to the firm(s) that submits the best overall qualifications(s), based on the Town Council's determination of the Town's best interests and the best overall value for the Town. The Town Council shall have the exclusive authority to select the best overall qualifications and make any determinations concerning the responsiveness of the firms, the value of their qualifications, the firms' respective abilities to satisfactorily perform the work specified in the Town's RFQ, and all other related matters. **It is anticipated that the Town will award a contract to multiple firms.**

3.3 Negotiations.

After the Town Council has approved the ranking of the top firms, the Town Manager may negotiate a contract with the highest ranked firm(s) for professional services at compensation determined to be fair, competitive and reasonable. The terms and conditions of the resulting contracts will be negotiated with the successful firms. If the Town and a successful firm cannot agree on the terms and conditions of the resulting contract or fees, the Town reserves the right to terminate negotiations with said successful firm and move to the next ranked firm to commence negotiations. Negotiations may continue in this process until the Town is able to enter into contracts with firm(s) that best meets the needs of the Town.

While the Town anticipates awarding three contracts under this RFQ, the Town reserves the right to award more than or less than three contracts if it is in the best interest of the Town. The resulting non-exclusive continuing contracts shall be for an initial term of three (3) years with continuing automatic renewals for successive three (3) year periods unless otherwise terminated. The contracts will also include a termination provision allowing for either party to terminate the contract without cause upon thirty (30) days' notice. Each fiscal year of the contract and any future years will be subject to the availability of funds lawfully appropriated for its purpose by the State of Florida and the Town of South Palm Beach. The Town need not include a lack of appropriations provision in the resulting contract to avail itself of such legal right. Hourly rates shall remain

firm for the first three (3) years of the resulting contract subject to terms and conditions to be negotiated on requests for consideration of a price adjustment.

3.4 Miscellaneous Evaluation Process Information.

Qualifications must be fully responsive to the requirements described in this RFQ and to any subsequent requests for clarification or additional information made by the Town through written addenda to this RFQ. Qualifications failing to comply with the submission requirements, or those unresponsive to any part of this RFQ, may be disqualified. There is no obligation on the part of the Town to award to the most qualified, and the Town reserves the right to award the contracts to the firms submitting the best overall qualifications, in the best interest of the Town (consistent with the evaluation criteria and successful negotiations) and the best overall value.

As part of the evaluation process, the Town may conduct an investigation of references, including, but not limited to, a record check of consumer affairs complaints. By submitting qualifications, a firm acknowledges this process and consents to the Town's investigation.

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EXHIBIT A
TOWN OF SOUTH PALM BEACH
POTENTIAL UPCOMING PROJECTS LIST

1. Sanitary sewer lateral repair: engineering design and permitting

EXHIBIT B
CONSULTANT CHECKLIST

Note:

- 1) This Exhibit must be included in RFQ immediately after the Letter of Transmittal.
- 2) RFQ Package must be put together in order of this checklist.
- 3) Any supplemental materials must appear after those listed below and tabbed "Additional RFQ Information"

- _____ Letter of Transmittal
- _____ Copy of this Check List (Exhibit B)
- _____ Addenda Acknowledgment
- _____ References & Materials
- _____ Evidence of Ability to Deliver on Time and within Budget
- _____ Proof of Licenses
- _____ Litigation and/or Terminations
- _____ Minority Business Enterprise
- _____ Acknowledgment of Business Type and Insurance (Exhibit C)
- _____ Conflict of Interest Statement (Exhibit D)
- _____ Drug Free Workplace form (Exhibit E)

EXHIBIT C

ACKNOWLEDGEMENT OF BUSINESS TYPE AND INSURANCE

1. SUBMITTING FIRM NAME: _____

2. TYPE OF FIRM:
CORPORATION _____ INDIVIDUAL _____ OTHER _____

3. IF CORPORATION, COMPLETE THE FOLLOWING:

A. Date Incorporated: _____

B. State Incorporated: _____

C. Date Authorized in Florida: _____

D. President: _____

E. Vice President: _____

IF PARTNERSHIP, COMPLETE THE FOLLOWING:

A. Date organized: _____

B. Type: General _____ Limited _____

C. Name of Partners _____

5. SECRETARY OF STATE'S CHARTER NUMBER _____
(Attach Copy)

6. FLORIDA STATE BOARD OF PROFESSIONAL ENGINEERING REGISTRATION
NUMBER _____ DATE: _____ (Attach Copy)

7. FEDERAL EMPLOYERS IDENTIFICATION NUMBER _____

8. PROFESSIONAL LIABILITY INSURANCE? YES ____ NO ____
IF YES, ANSWER THE FOLLOWING:

A. Policy Number: _____

B. Company Name: _____

C. Amount: _____

D. Expiration Date: _____

EXHIBIT D

CONFLICT OF INTEREST STATEMENT

This Request for Qualifications is subject to the conflict of interest provisions of the policies and Code of Ordinances of the Town of South Palm Beach, the Palm Beach County Code of Ethics, and the Florida Statutes. The firm shall disclose to the Town any possible conflicts of interests. The firm's duty to disclose is of a continuing nature and any conflict of interest shall be immediately brought to the attention of the Town.

CHECK ALL THAT APPLY.

To the best of our knowledge, the undersigned business has no potential conflict of interest for this RFQ due to any other clients, contracts, or property interests.

To the best of our knowledge, the undersigned business has no potential conflict of interest for this RFQ as set forth in the policies and Code of Ordinances of the Town of South Palm Beach, as amended from time to time.

To the best of our knowledge, the undersigned business has no potential conflict of interest for this RFQ as set forth in the Palm Beach County Code of Ethics, as amended from time to time.

To the best of our knowledge, the undersigned business has no potential conflict of interest for this RFQ as set forth in Chapter 112, Part III, Florida Statutes, as amended from time to time.

IF ANY OF THE ABOVE STATEMENTS WERE NOT CHECKED, the undersigned business, by attachment to this form, shall submit information which may be a potential conflict of interest due to any of the above listed reasons or otherwise.

THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THE FAILURE TO CHECK THE APPROPRIATE BLOCKS ABOVE OR TO ATTACH THE DOCUMENTATION OF ANY POSSIBLE CONFLICTS OF INTEREST MAY RESULT IN DISQUALIFICATION OF YOUR QUALIFICATIONS OR IN THE IMMEDIATE CANCELLATION OF YOUR AGREEMENT, IF ONE IS ENTERED INTO.

COMPANY OR INDIVIDUAL NAME

AUTHORIZED SIGNATURE

NAME (PRINT OR TYPE)

TITLE, IF A COMPANY

EXHIBIT E

CONFIRMATION OF DRUG-FREE WORKPLACE

In accordance with Section 287.087, Florida Statutes, whenever two or more bids are equal with respect to price, quality, and service which are received by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. In order to have a drug-free workplace program, a business shall:

- (1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- (2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- (3) Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
- (4) In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than 5 days after such conviction.
- (5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community by, any employee who is so convicted.
- (6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign this statement on behalf of _____, I certify that _____ complies fully with the above requirements.

Authorized Representative's Signature

Date

Name:

Position: