



RFP O-00820

THEA Forms

The Tampa-Hillsborough County Expressway Authority

Small Business Enterprise (SBE) Policy For Design and Construction Projects

(Adopted February 25, 2002)

1. Introduction

In recognition of difficulties encountered by Small Business Enterprises (hereinafter "SBEs) in the transportation construction contracting industry, the Tampa-Hillsborough County Expressway Authority ("THEA") hereby adopts this policy to provide mechanisms that will enhance contracting opportunities for SBEs on THEA's design and construction contracts. This policy shall apply to design contracts in excess of \$250,000, and construction contracts in excess of \$1,000,000.00 (hereinafter also referred to as "Contracts " or "Design & Construction Contracts"), except that the provisions of the Sheltered Market Component covered by paragraph 4(e) hereof may involve contracts of any size and nature.

THEA shall utilize race-neutral, ethnic-neutral and gender-neutral mechanisms to enhance contracting opportunities for SBEs on THEA Design and Construction Contracts.

2. Definition of SBE

An SBE means a business enterprise that has obtained the required registration or certification from any of the following governmental entities in any one of the categories listed below:

- Hillsborough County as a WMBE or SBE
- City of Tampa as a WMBE or SBE
- Florida Department of Transportation as a DBE
- State of Florida as an MBE as defined in section 288.703(2), Florida Statutes or as an SBE as defined in section 288.703(1), Florida Statutes
- Small Business Administration as an SBE or SBA 8(a)
- Other governmental entities in the Greater Tampa Bay Area as an SBE, MBE, DBE, or WMBE. (Greater Tampa Bay Area means Hillsborough, Pinellas, Polk, Pasco, and Manatee Counties)

3. SBE Outreach Liaison

THEA shall designate an SBE Outreach Liaison to facilitate the participation of SBEs in THEA Design and Construction Contracts. The Outreach Liaison shall report directly to the Executive Director and shall manage and implement the SBE policy. The Outreach Liaison shall cooperate with firms seeking THEA contracts to assist them in identifying SBEs that are available to participate on the Project. THEA may retain consultants, as needed, to assist in the SBE Outreach efforts.

4. Mechanisms for promoting Equal Opportunities in Contracting

a) THEA's Outreach: To the extent deemed appropriate and as may be required by regulation, THEA shall include SBEs on solicitation mailing lists and solicit their participation in Design and Construction Contracts for which such businesses may be suited.

THEA shall maintain a list of SBEs that have indicated an ability and willingness to participate in THEA projects and shall make the list available to firms seeking Design and Construction Contracts from THEA for the purpose of encouraging participation from SBEs in Design and Construction Contracts.

THEA may assist businesses, including SBEs, with learning how to do business with THEA. THEA may refer SBEs to available training programs that may improve the ability of SBEs to provide design and construction services to THEA.

b) Outreach Plans For Prime Contractors and Firms: THEA encourages all firms and contractors seeking Design and Construction Contracts to actively pursue obtaining bids and quotes from SBEs. THEA shall require such firms and contractors to submit an SBE Outreach Action Plan that outlines their efforts in actively pursuing such bids and quotes.

c) Monitoring and Collection of Information: THEA shall monitor utilization of SBEs on Design and Construction Contracts to determine the extent to which firms and contractors provide equal employment and contracting opportunities to SBEs.

THEA shall collect information from firms serving as prime contractors on Design and Construction Contracts regarding their anticipated SBE participation on THEA Contracts. The information provided concerning anticipated SBE participation shall not become a mandatory part of the contract with THEA. It shall be available to assist THEA in tracking planned or estimated SBE utilization.

THEA shall require firms serving as prime contractors on Design and Construction Contracts to provide a Bidders' Opportunity List that includes all subcontractors or consultants who submitted bids or quotes to the prime contractor or firm for THEA Contract. THEA will also require the prime contractors and firms to report actual payments, retainage, SBE status, and the work type of all SBE subcontractors.

THEA shall require that information provided on SBEs be broken down into appropriate subcategories as established by THEA.

d) Progress Payments: THEA's Design and Construction Contracts may contain such special provisions for progress payments as deemed reasonably necessary to encourage SBE participation.

e) Sheltered Market Component: The Executive Director may recommend to the Board, from time to time, that certain contracts be made available only to SBEs. Such designated projects and/or contracts or portions of contracts shall be based on economic feasibility. The Executive Director may waive or modify bid bonds and performance and payment bonds under the Sheltered Market Component utilizing the same guidelines as subsection (f) below.

f) Waiver or Modification of Bonding: So long as consistent with, and within the limits established by State Law, the Executive Director may waive or modify bid bonds and performance and payment bonds normally required or accept alternative forms of security to the extent reasonably necessary to encourage participation from SBEs. An alternative form of security shall be in the form of cash, cashier's check, or irrevocable letter of credit, and shall be subject to the same conditions as the bond required for the contract. In reducing the level or types of bid bonds and performance and payment bonds normally required of SBEs, the Executive Director should take precautions to ensure that THEA and any third parties will be adequately protected.

5. Procedures and Annual Report to THEA Board

The Executive Director shall develop procedures as necessary to implement these policies, and shall annually report to the Board concerning the awarding of design consultant and construction contracts to SBEs during the preceding fiscal year. To the extent practicable, the report required by this Section should include the total dollar value of awards made in the fiscal year to SBEs.

6. Compliance with Federal Regulations.

Where a Design or Construction Contract involves the expenditure of federal assistance or contract funds, the Executive Director or designated representative shall comply with any mandatory federal law and authorized regulations. The Executive Director shall modify the procedures as necessary to obtain federal approval, consistent with these policies, and shall bring recommendations for any required modification of these policies to the Board for consideration.

7. Contracts controlled by Executive Director

In addition to those contracts subject to the SBE Policy as set forth above, it is the intent of THEA to authorize and encourage the Executive Director to consider opportunities to involve SBEs on those contracts that do not require Board approval but are solely within the Executive Director's authority.

REVISED: March 29, 2004

TAMPA HILLSBOROUGH COUNTY EXPRESSWAY AUTHORITY

/s/ J. Thomas Gibbs

J. Thomas Gibbs, Chairman

Approved as to Form and Legal Sufficiency:

/s/ Steven A. Anderson

Steven A. Anderson, Esq.

Ruden McClosky Smith Schuster & Russell, P.A.

General Counsel

ACKNOWLEDGEMENT OF RECEIPT OF ADDENDUM

Were Addenda issued on this Solicitation?

Yes

No

Were Letter of Clarification issued on this Solicitation?

Yes

No

I (We) hereby acknowledge receipt of the following Addendum/Addenda issued in reference to this solicitation by listing the Addenda by number, date and signing the form:

Addendum _____	Date: _____
Addendum _____	Date: _____
Addendum _____	Date: _____
Addendum _____	Date: _____
Letter of Clarification _____	Date: _____
Letter of Clarification _____	Date: _____
Letter of Clarification _____	Date: _____
Letter of Clarification _____	Date: _____

RESPONDENT:

By: _____
(AUTHORIZED SIGNATURE)

(Printed Name of Signer)

(Title of Signer)

(Date Signed)

CERTIFICATION REGARDING SCRUTINIZED COMPANIES LISTS

This certification is required pursuant to *Florida Statute*, Section 287.135.

A company that, at the time of submitting a proposal for a new contract or renewal of an existing contract, is on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or is engaged in business operations in Cuba or Syria, is ineligible for, and may **not** proposal on, submit a proposal for, or enter into or renew a contract with an agency or local government entity for goods or services of \$1 million or more.

Bidder / Bidder Name: _____

Bidder /Bidder FID or EIN: _____

Address: _____

City: _____ State: _____ Zip: _____

I hereby warrant that I am duly authorized to sign and bind on behalf of the company listed above as the "Bidder/Bidder".

I hereby certify and affirm that the company listed above as the "Bidder/Bidder" is not listed on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, created pursuant to *Florida Statute* Section 215.473, or engaged in business operations in Cuba or Syria.

I understand pursuant to *Florida Statute*, Section 287.135, the submission of a false certification may subject the Bidder/Bidder to civil penalties, attorney's fees and/or costs.

BIDDER:

By: _____
Authorized Signature

Printed Name of Signer

Title of Signer

Date Signed

[END OF FORM ~ CERTIFICATION REGARDING SCRUTINIZED COMPANIES LIST]



TAMPA-HILLSBOROUGH EXPRESSWAY AUTHORITY

MODIFIED FORM 375-020-17
CONTRACTS ADMINISTRATION
THEA - 05/17

**BID BLANK
DESIGN BUILD MAJOR**

Let by: Tampa-Hillsborough Expressway Authority

(Name of Bidder. Note: Void if used by any bidder other than one this Form issued to)

TAMPA-HILLSBOROUGH EXPRESSWAY AUTHORITY (THEA) PROJECT NO.: _____

THEA CONTRACT NO.: _____

FINANCIAL PROJECT NO(S).: _____

DATE BIDS DUE: _____

DATE OF AWARD: _____

DATE OF CONTRACT EXECUTION: _____

The total overall lump sum price for the Project shall consist of the sum of the individual lump sum prices for each of the following project segments based on the project stationing identified in the Concept Plans:

- 1. Signal Replacement Work Nebraska Ave/Twiggs St. Intersection FDOT Joint Project Agreement
437535-1-A8/58/68-01

AMOUNT: \$ _____

- 2. Remainder of Project Work

AMOUNT: \$ _____

TOTAL OVERALL AMOUNT: \$ _____

CONTRACT CALENDAR DAYS: _____ **% Small Business Enterprise Proposed:** _____

**PROPOSAL
FOR ABOVE PROJECT(S)**

The Bidder's Proposal must meet the requirements and design and construction criteria as stated in the THEA Request for Proposal. Materially unbalanced Bids are subject to rejection.

in _____ County(ies)

NOTE: Attach your Proposal Guaranty to this bid blank. All Extensions must be carried out. Any changes made in unit bid prices must be initialed by bidder.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOW BID DESIGN-BUILD TECHNICAL PROPOSAL

700-010-21
CONSTRUCTION
04/18
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Advertisement No.: _____ DOT FM Number: _____

Project Name: _____

Design-Build Firm Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Proposed responsible office location for firm: _____

Contact person: _____ Phone: _____

Contact email: _____

Firms: Please be aware that all font (including in graphics, tables, and captions on photos) must be standard Times New Roman, 10 point, single line spacing with no modification of font or spacing allowed. Paper size: 8 ½ X 11, single-sided, maximum of 2 pages. One half inch clear margin on all sides must be maintained on all pages. Character styling such as use of color, bold, and italics is allowed. It is the Firm's responsibility, due to font and format restrictions within this Form, to work within the constraints of the form and its format. After pasting your proposal into this Form, highlight all text and ensure the font size of Times New Roman, 10 point was retained. Recreation of the Form in another software application to modify the Form format is not permitted. This Form works best when saved with a .docx extension. The page layout may be modified to add columns, tables, graphics, and photos. All graphics and photos must be created in a clean, blank word document and the "text wrapping square" option applied before cutting and pasting into this Form. Use of a table is recommended for text boxes. Once your content is inserted, delete any additional blank pages that are generated by pressing your delete key after the last word in the proposal.

*Please retain the source document as it may be requested at a later date in the procurement, to verify adherence with aforementioned restrictions.

Note:

Provide the prequalification held by the Lead Contractor, the Lead Consultant and any proposed subconsultants on page 2 and 3 of this form.

Use pages 4 and 5 of this form to provide the following information or information as amended by the Request for Proposal.

- Proposed approach and understanding of the project.
- Proposed key personnel and their proposed roles (do not include resumes).
- Responsible Office

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOW BID DESIGN-BUILD TECHNICAL PROPOSAL

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STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOW BID DESIGN-BUILD TECHNICAL PROPOSAL

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PUBLIC ENTITY CRIMES STATEMENT

SWORN STATEMENT UNDER SECTION 287.133(3)(a), FLORIDA STATUTES

1. This sworn statement is submitted to Tampa-Hillsborough County Expressway Authority
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 a 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 public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any proposal 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 adjunction 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:
 - i. A predecessor or successor of a person convicted of a public entity crime; or
 - ii. 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 the 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 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 proposals or applies to proposal on contracts for the provision of goods or services let by 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 the information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. **[indicate with a check mark 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

entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

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

Date

State of _____
County of _____

PERSONNALLY APPEARED BEFORE ME, the undersigned authority,

_____ who, after first being sworn by me, affixed his/her signature in
[Name of individual signing]

the space provided above on this _____ day of _____, 20_____.

_____ My commission expires: _____
Notary Public

[Notary Seal]

[END OF FORM – PUBLIC ENTITY CRIMES STATEMENT]

DRUG-FREE WORKPLACE FORM

The undersigned firm, in accordance with Florida Status 287.087 hereby certifies that _____ does:

Name of Business

1. Publish a statement of 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 Paragraph 1.
4. In the statement specified in paragraph 1, notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employees will abide by the terms of a statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Florida Statute 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction of, or require the satisfactory participation in a drug abuse assistance or rehabilitation program is such is available in the employee's community, by any employee who is convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1 thru 5.

As the person authorized to sign this statement, I certify that this firm complies with the above requirements.

Firm's Signature

Date

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we _____

(Here In after called the "Principal") and _____

(Hereinafter called the "Surety"), a Corporation chartered and existing under the laws of the State of _____ with its principal offices in the City of _____ and authorized to do business in the State of Florida are held firmly bound unto the Tampa-Hillsborough County Expressway Authority, in the full and just sum of _____ Dollars (\$_____) good and lawful money of the United States of America, to be paid upon demand of the Tampa-Hillsborough County Expressway Authority, to which payment well and truly to be made we bind ourselves, our heirs, executors, administrators, and assigns, jointly and severally by these presents.

WHEREAS, the Principal is about to submit, or has submitted to the Tampa-Hillsborough County Expressway Authority, a proposal for the _____

WHEREAS, the Principal desires to file this bond in accordance with law, in lieu of a certified check or cashier's check otherwise required to accompany this Proposal.

"NOW, THEREFORE: The conditions of this obligation are such that if the Proposal is accepted, the Principal shall, within ten (10) days after the date of receipt of a written notice of Award of Contract, execute a contract in accordance with the Proposal and upon the terms, conditions and prices set forth therein in the form and manner required by the Tampa-Hillsborough County Expressway Authority and execute a sufficient and satisfactory Public Construction Bond, payable to the Tampa-Hillsborough County Expressway Authority and deliver documents which are condition to commencing the work... ". then this obligation to be void; otherwise to be and remain In full force and virtue in law; and the Surety shall, upon failure within the time specified above, immediately pay to the aforesaid Expressway Authority upon Demand the amount thereof in good and lawful money of the United States of America, not as a penalty, but as liquidated damages.

IN TESTIMONY THEREOF, the Principal and Surety have caused these presents to be duly signed and Sealed this _____ day of 20_____.

Principal

(Seal)

BY: _____

Surety

(Seal)

BY: _____

Countersigned

CERTIFICATE AND AFFIDAVIT FOR SURETY BOND INSURER

TO: TAMPA-HILLSBOROUGH EXPRESSWAY AUTHORITY

RE: REQUEST FOR PROPOSAL NO. O-00820

BIDDER: Name: _____

Address: _____

Telephone: _____

AMOUNT OF BOND: _____

SURETY BOND INSURER

Name: _____

Address: _____

Telephone: _____

Before me, the undersigned authority, personally appeared, _____
on this _____ day of _____, 20____ who hereby certifies
that, in accordance with Section 287.0935, Florida Statutes, the insurer named
above:

1. Is licensed to do business in the State of Florida;
2. Holds a certificate of authority authorizing it to write surety bonds in Florida;
3. Has twice the minimum surplus and capital required by the Florida Insurance Code at the time the invitation to bid is issued;
4. Is otherwise in compliance with the provisions of the Florida Insurance Code; and
5. Holds a currently valid certificate of authority issued by the United States Department of the Treasury under Section 9304-9308 of Title 31 of the United States Code.

Signature of Officer of Surety Insure

STATE OF: _____

COUNTY OF: _____

THE FOREGOING INSTRUMENT was sworn to, subscribed and acknowledged before me this
_____ day of _____, 20____ by who is personally known to me or
_____ has produced _____ as identification and did take an oath.

(Notary, check appropriate blank; and if obtaining identification, fill in appropriate identification number.)

Notary Public

(Printed Name of Notary)

My Commission Expires:

Serial Number,
if any)

ANTICIPATED SBE PARTICIPATION STATEMENT

Project: _____

Project Number: _____

Prime Bidder Name: _____

Contract Dollar Amount: _____

Is the prime Bidder an SBE as described in the Authority's Policy adopted February 25, 2002?
(Yes___) (No___)

Expected amount of contract dollars to be subcontracted to SBE(s): \$ _____

It is our intent to subcontract _____% of the contract dollars to SBE(s). Listed below are the proposed SBE sub bidders _____ (to the extent known, please indicate whether the company holds, Minority, Women or Disadvantaged Business Enterprise Status.):

<u>SBE(s) Name</u>	<u>Type of Work/Specialty</u>	<u>Dollar Amount/Percentage</u>	<u>Minority Status</u>
--------------------	-------------------------------	---------------------------------	------------------------

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Submitted by: _____

Title: _____

E-mail Address: _____

Telephone number: _____

Date: _____

[END OF FORM – ANTICIPATED SBE PARTICIPATION STATEMENT]

CONFLICT OF INTEREST STATEMENT

Check one of the boxes below:

- To the best of our knowledge, the undersigned bidder has no potential conflict of interest due to any other clients, contracts, or property interest for this solicitation and project.

OR

- The undersigned bidder, by attachment to this form, submits information which **may** be a potential conflict of interest due to other clients, contracts or property interest for this solicitation and project.

BIDDER:

By: _____
Authorized Signature

Printed Name of Signer

Title of Signer

Date Signed

[END OF FORM – CONFLICT OF INTEREST STATEMENT]