



**Blue
Goose
Construction**

Heavy Civil / Underground Utilities / Complete Site Development / Marine

State Certified Licensed
General Contractor #CGC1517686
Pollutant System Contractor # PCC056727
Underground Utility & Excavation # CUC1225110
Marine Specialty Contractor # SCC131151860

April 3, 2017

Mr. Devon Steckly
City of Key West Engineering
Project Manager
1300 White Street
Key West, FL 33040

Transmitted via Email / dsteckly@cityofkeywet-fl.gov
Transmitted via Overnight Fed Ex Delivery 8115 7250 5832

Request for Proposal / Truman Annex / NOAA Seawall
RFP No. 004-17
Seawall Removal and Replacement

Dear Mr. Steckly

First, I would like to thank you and the City of Key West for allowing Blue Goose the ability to provide a proposal for the Removal and Replacement of the Seawall for Truman Annex / NOAA Station. We worked diligently to prepare this work paper proposal and further would like to thank you for the consideration. At this time, it has come to our attention, via research of the agenda items for this week, the City of Key West, is intending to award this contract to Ebsary Foundation. I have attached the proposed agenda for reference in case this intent is not the anticipated path being taken with this project.

Currently, Blue Goose is pondering the intent to award to Ebsary Foundation based solely upon a bid package being presented that should have been deemed "Non-Responsive". As we are all familiar, as well as warned by both documents and pre-bid staff, previous to every bid, detailed attention should be paid to the bid requirements, specifically the "required" bid certifications and affidavits. Pursuant to discussion on this topic, I have attached the City prepared bid tabulation sheet for this specific proposal request. As is typical, all contractors that submitted proposals for this project, are listed, airing either their faultlessness or deficiencies with regard to bid package presentation. As is evident on the bid tabulation sheet, Ebsary Foundation failed to remit, not one, but all of the required affiant forms with their original bid proposal. These forms include the Overall Indemnification Form, Anti Kick Back Affidavit, Public Entity Crimes Affidavit, Non-Collusion Declaration, Florida Trench Safety Act Affidavit, Cone of Silence Affidavit and the Domestic Partnership

Affidavit. Again, all of the aforementioned required forms were missing from the bid proposal package.

According to the Request for Proposal instructions, each proposal had to arrive in sealed envelopes as a complete packaged defined by the bid instructions. This complete package included the required affidavits as previously described. Furthering our speculation to award, the attached bidder's proposal checklist provides two simple instructions. First, inclusive to package No. 1, the following instruction is provided:

“Bidders shall execute and include the following with Package No.1:

- Indemnification Form – Attachment K
- Anti-Kickback Affidavit – Attachment L
- Public Entity Crimes Form – Attachment M
- Non-Collusion Declaration and Compliance – Attachment N
- Florida Trench Safety Act Compliance – Attachment O
- Cone of Silence Affidavit – Attachment P
- Equal Benefits for Domestic Partners Affidavit – Attachment Q

Final instructions for this section come as the following statement:

“Failure to include the above forms may result in a determination that the proposal is non responsive.”

Providing further example as definition for a non-responsive bid, please find attached the required affidavits mentioned above executed by Ebsary Foundation. Although producible at this point, it is quite clear Ebsary Foundation executed, as well as remitted, these forms after the bid deadline. Requests for Proposals were due on Thursday, March 2, 2017 at 3:00 pm. Although original submission by Ebsary appears timely, the March 24, 2017 execution date for the required affidavits is more than 3 weeks delinquent.

Currently, Blue Goose Construction is ranked #1 pertaining to price with a bid differential of \$1,975.00 lower than Ebsary Foundation's presentation on a comprehensive \$1.161 million construction package. Blue Goose is not privy to Ebsary Foundations technical approach, but by bid tabulation, Blue Goose finds ourselves a solid second. Overall rankings place Blue Goose second to Ebsary by the narrow margin of 11 points or a narrow 2% of rankings.

Based upon the lack for need of disqualification based upon price and the close ranking of each groups technical approach, Blue Goose feels at this time, a default to proper procedure and required requests should be the demarcation that provides settlement for this RFP bid process. With all required affidavit forms being omitted, executed and provided several weeks after bid presentation and the failure to provide these forms as a matter of rule, Blue Goose feels the RFP provided by Ebsary Foundation should be deemed Non-Responsive and should not be allowed for consideration.

Presently, we only became aware of the intention to award this project on Friday March 31, 2017. Blue Goose was never notified of an intention to award and garnered our education from the attached published agenda. The current agenda provides for a motion to award this project on behalf of Ebsary Foundation for the installation of the Truman Annex Improvements based upon what Blue Goose would determine to be final ranking. As mentioned previous, current ranking for this proposal should not even be considered as the bid fell short of required affidavits and should be deemed Non-Responsive.

Should the City of Key West move forward with the award to Ebsary Foundation, without providing fair and equal weight for mandated and required bid preparation requirements, Blue Goose will have no other recourse but to file a formal protest.

Please feel free to call and discuss this matter. Blue Goose considers this review extremely important and given that time is of the essence, we are requesting an expedited response.

Continued thanks,

Sincerely,

A handwritten signature in blue ink, appearing to read 'S.H.', is written over a faint, larger signature that is mostly obscured.

Scott Holmes
Vice President / GM
Blue Goose Construction, LLC

Cc James Bouquet P.E. / Engineering Director / jbouquet@cityofkeywest-fl.gov
Sue Snider / Purchasing Agent / ssnider@cityofkeywest-fl.gov
Richard Carnell / Blue Goose Construction / rcarnell@bluegooseconstruction.com
Teri Weyandt / Blue Goose Construction / tweyandt@bluegooseconstruction.com
Joe Frederickson / Blue Goose Construction / jfrederickson@bluegooseconstruction.com

RFP 004-17 Truman Annex / NOAA Seawall
Proposals Ranking - Friday, March 10, 2017 at 2 PM

Base Bid:

1. Administrative NTP No. 1
2. Design NTP No. 2
3. Construction NTP No. 3

	Blue Goose Const.	Charley Toppino	*Ebsary Foundation*	Inland Construction	Shoreline Foundation
\$	100,540.00	20,000.00	50,000.00	55,000.00	28,501.00
\$	21,500.00	85,000.00	210,000.00	105,000.00	158,342.00
\$	1,039,560.00	1,233,912.00	903,575.00	1,415,575.00	1,127,190.00
\$	1,161,600.00	1,338,912.00	1,163,575.00	1,575,575.00	1,314,033.00

Total Base Bid Amount

Bid Alternates (Recommended Acceptance in Bold):

A. Targuard Coal Tar Epoxy (Lump Sum)	\$ 65,124.00	\$ 59,000.00	\$ 149,000.00	\$ 40,000.00	\$ 99,160.00
B. Seawall Length Deduct (Unit Price per Lineal Foot of Seawall)	\$ 2,809.62	\$ 1,900.00	\$ 1,050.00	\$ 2,500.00	\$ 1,689.00
C. Targuard Coal Tar Epoxy Deduct (Unit price per Lineal Foot of Seawall)	\$ 2,985.63	\$ 160.00	\$ 415.00	\$ 75.00	\$ 268.00

Grand Total Bid Amount with Selected Bid Alternates in Bold

\$	1,161,600.00	\$ 1,338,912.00	\$ 1,163,575.00	\$ 1,575,575.00	\$ 1,314,033.00
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Evaluation Panel Highest Ranked Proposer

Design/Build Proposal Qualifications:

Letter of Transmittal - Technical Proposal -					
Executed Proposal -	X	Unavailable	X	Unavailable	X
Proposed Engineer of Record (Project Designer) -	X	Weiler Engineering	Moffat and Nichol	G.M. Hill Engineering	Cummins Cederberg
Engineer of Record (Project Designer) Qualifications/Experience -	X	X	X	X	X
Construction (Project Contractor) Qualifications/Experience -	X	X	X	X	X
Subcontractor Listing -	X	X	X	No Subs Listed	X
Project Design/Build Approach Statements -	X	X	X	X	X
Time Schedule with Milestones -	X	Unavailable	X	Unavailable	X
Financial Information -	X	X	X	X	X
Local Vendor Certification -	X	X	Vendor is not Local	Vendor is not Local	Vendor is not Local
Indemnification Form -	X	X	Unavailable	X	X
Anti-Kickback Affidavit -	X	X	Unavailable	X	X
Public Entity Crimes Form -	X	X	Unavailable	X	X
Non-Collusion Declaration and Compliance Affidavit -	X	X	Unavailable	X	X
Florida Trench Safety Act Compliance Affidavit -	X	X	Unavailable	X	X
Cone of Silence Affidavit -	X	X	Unavailable	X	X
Domestic Partnership Affidavit -	X	X	Unavailable	X	X
Florida State Business Licenses -	X - Designer, X - Builder	X - Designer, X - Builder	X - Designer, X - Builder	X - Designer, X - Builder	X - Designer, X - Builder
Certificate of Insurance Coverage Limits (not a requirement) -	X	X	X	X	X
Technical Proposal Evaluation Panel Scores	231	226	252	185	261

Cost Proposals -

5% Bid Security -	X	X	X	X	X
Security Bond Power of Attorney Execution same date as Bond Execution -	X	See Notes	X	X	X
Addendum 1 -	X	X	X	X	X
Addendum 2 -	X	X	X	X	X
Addendum 3 -	X	X	X	Unavailable	X
Addendum 4 -	X	X	X	Unavailable	X
Schedule of Values -	X	X	X	Unavailable	X
City of Key West Business Tax Receipt (not a requirement)		X			X
Cost Proposal Scores	200	120	190	100	130
Combined Technical Proposal and Cost Proposal Scores	431	346	442	285	391
Notes -		Security Bond Power of Attorney Incomplete			



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Meeting Agenda Full Detail

City Commission

Tuesday, April 4, 2017

6:00 PM

City Hall

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

ALL VISUAL PRESENTATIONS FOR AGENDA ITEMS MUST BE RECEIVED (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

CALL MEETING TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

- 1 45th Anniversary of the Florida Association of City Clerks

Sponsors: Mayor Cates
Attachments: [Proclamation](#)

- 2 Fair Housing and Development Month

Sponsors: Mayor Cates
Attachments: [Proclamation](#)

- 3 Motorcycle Safety Awareness Month

Sponsors: Mayor Cates
Attachments: [Proclamation](#)

- 4 Leadership Monroe County

Sponsors: Mayor Cates
Attachments: [Proclamation](#)

- 25 *Awarding the bid of Ebsary Foundation Company in response to City of Key West Request for Proposals (RFP) No. 004-17 for Truman Annex/NOAA Seawall Design - Construction (Project TR1503) in an amount not to exceed \$1,163,575.00; Directing the City Manager to negotiate and execute a contract in substantial conformance with the RFP; Approving the use of Owner Direct Purchase pursuant to Section 2-797(4), Best Interests of the City, of the Code of Ordinances to eliminate sales tax fees on selected project materials; Approving necessary budget transfers.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[Bid Tabulation](#)

[Evaluation Panel Member Technical Proposals Ranking Comparison 170310](#)

[Proposal Ranking & Summary](#)

[Engineer Recommendation](#)

[Ebsary Foundation](#)

[Blue Goose](#)

[Charley Toppino and Sons](#)

[Inland Construction and Engineering](#)

[Shoreline Foundation](#)

[Proposal Presubmittal Questions](#)

[RFP 004 17](#)

[Addendum 1](#)

[Addendum 2](#)

[Addendum-3](#)

[Addendum 4](#)

[Resolution 15-333](#)

[Ebsary Certification Forms](#)

- 26 *Ratifying and approving a Contract Agreement between the City and M.T. Causley, Inc. for Florida DBPR Licensed Professional Substitute Staffing on a Sole Source Basis pursuant to Section 2-797(1) of the Code of Ordinances; Approving necessary budget transfers and amendments to increase funding by \$25,000.00; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[*Large File* MT Causley, LLC. Contract](#)

REQUEST FOR PROPOSAL

For the Design and Construction of the

Truman Annex / NOAA Seawall

City of Key West

RFP No. 004-17



FEBRUARY 2017

Prepared in conjunction by:



759 South Federal Highway
Suite 314, Stuart, FL 34994
Phone: (772) 781-3404
CA No: 2429

and
City of Key West
Engineering Services Department

INFORMATION TO PROPOSERS

SUBJECT: REQUEST FOR PROPOSALS RFP NO. 004-17
TRUMAN ANNEX NOAA SEAWALL

ISSUE DATE: SUNDAY, FEBRUARY 5, 2017

MAIL OR SPECIAL
DELIVERY REPOSSES TO: CITY CLERK
CITY OF KEY WEST
1300 WHITE STREET
KEY WEST, FL 33040

DELIVER PROPOSALS TO: SAME AS

ABOVE PROPOSALS MUST BE
RECEIVED: THURSDAY, MARCH 2, 2017

NOT LATER THAN: 3:00 P.M. LOCAL TIME

SUE SNIDER
PURCHASING AGENT
CITY OF KEY WEST

ses

Enclosures

PROPOSAL CHECKLIST

1. _____ LETTER OF TRANSMITTAL (Not Included)

2. _____ TECHNICAL PROPOSAL - PACKAGE NO. 1

- PART I - TECHNICAL STATEMENT - QUALIFICATIONS
- PART II – TECHNICAL STATEMENT - EXPERIENCE
- PART III – TECHNICAL STATEMENT - PROJECT APPROACH
- PART IV – TECHNICAL STATEMENT - FINANCIAL INFORMATION
- OTHER FORMS LISTED BELOW

Bidders shall execute and include the following with Package No. 1:

- Indemnification Form – Attachment K
- Anti-Kickback Affidavit – Attachment L
- Public Entity Crimes Form – Attachment M
- Non-Collusion Declaration and Compliance - Attachment N
- Florida Trench Safety Act Compliance – Attachment O
- Cone of Silence Affidavit – Attachment P
- Equal Benefits for Domestic Partners Affidavit – Attachment Q

Failure to include the above forms may result in a determination that the proposal is non-responsive.

3. _____ COST PROPOSAL - PACKAGE NO. 2
(SEPARATE FROM PACKAGE NO. 1 & SEALED)

- COST PROPOSAL
- BID BOND
- PRELIMINARY SCHEDULE OF VALUES

Attachment J
Local Vendor Certification Pursuant to City of Key West Ordinance
09-22
Section 2-798

LOCAL VENDOR CERTIFICATION PURSUANT TO CITY OF KEY WEST ORDINANCE 09-22
SECTION 2-798

The undersigned, as a duly authorized representative of the vendor listed herein, certifies to the best of his/her knowledge and belief, that the vendor meets the definition of a "Local Business." For purposes of this section, "local business" shall mean a business which:

- a) Principle address as registered with the FL Department of State located within 30 miles of the boundaries of the city, listed with the chief licensing official as having a business tax receipt with its principle address within 30 miles of the boundaries of the city for at least one (1) year immediately prior to the issuance of the solicitation;
- b) Maintains a workforce of at least 50 percent of its employees from the city or within 30 miles of its boundaries; and
- c) Having paid all current license taxes and any other fees due the city at least 24 hours prior to the publication of the call for bids or request for proposals.
 - Not a local vendor pursuant to Ordinance 09-22 Section 2-798
 - Qualifies as a local vendor pursuant to Ordinance 09-22 Section 2-798

SK

If you qualify, please complete the following in support of the self certification & submit copies of your County and City business licenses. Failure to provide the information requested will result in denial of certification as a local business.

Business Name: _____ Phone: _____ Current
Local Address: _____ Fax: _____ (P.O Box numbers
may not be used to establish status)
Length of time at this address: _____

Signature of Authorized Representative

Date

NOTARY

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20__.

By _____, of _____

(Name of officer or agent, title of officer or agent) Name of corporation acknowledging)

or has produced _____ as identification.

Signature of Notary

Return Completed form with
Supporting documents to: City
of Key West Purchasing

Print, Type or Stamp Name of Notary

Title or Rank

**Attachment K
Indemnification Form**

CITY OF KEY WEST INDEMNIFICATION FORM

DESIGN-BUILDER agrees to protect, defend, indemnify, save and hold harmless The City of Key West, all its Departments, Agencies, Boards, Commissions, officers, City's Consultant, agents, servants and employees, including volunteers, from and against any and all claims, debts, demands, expense and liability arising out of injury or death to any person or the damage, loss of destruction of any property which may occur or in any way grow out of any act or omission of the DESIGN-BUILDER, its agents, servants, and employees, or any and all costs, expense and/or attorney fees incurred by the City as a result of any claim, demands, and/or causes of action except of those claims, demands, and/or causes of action arising out of the negligence of The City of Key West, all its Departments, Agencies, Boards, Commissions, officers, agents, servants and employees. The DESIGN-BUILDER agrees to investigate, handle, respond to, provide defense for and defend any such claims, demand, or suit at its sole expense and agrees to bear all other costs and expenses related thereto, even if it (claims, etc.) is groundless, false or fraudulent. The City of Key West does not waive any of its sovereign immunity rights, including but not limited to, those expressed in Section 768.28, Florida Statutes.


These indemnifications shall survive the term of this agreement. In the event that any action or proceeding is brought against the City of Key West by reason of such claim or demand, DESIGN-BUILDER shall, upon written notice from the City of Key West, resist and defend such action or proceeding by counsel satisfactory to the City of Key West.

The indemnification provided above shall obligate DESIGN-BUILDER to defend at its own expense to and through appellate, supplemental or bankruptcy proceeding, or to provide for such defense, at the City of Key West's option, any and all claims of liability and all suits and actions of every name and description covered above which may be brought against the City of Key West whether performed by DESIGN-BUILDER, or persons employed or utilized by DESIGN-BUILDER.

The DESIGN-BUILDER's obligation under this provision shall not be limited in any way by the agreed upon Contract Price as shown in this agreement, or the DESIGN-BUILDER's limit of or lack of sufficient insurance protection.

DESIGN-BUILDER: Ebsary Foundation Co. COMPANY SEAL

2154 N.W. North River Dr., Miami, FL 33125
Address


Signature

Scott Alfele
Print Name

3/24/17
Date

President
Title

NOTARY FOR THE DESIGN-BUILDER

STATE OF Florida

COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 24th day of March, 2017.

By Scott Aifele of Ebsary Foundation Co.

(Name of officer or agent, title of officer or agent) Name of corporation acknowledging)

or has produced _____ as identification. Personally Known

Amy C. Nunez
Signature of Notary



Return Completed form with
Supporting documents to: City
of Key West Purchasing

Print, Type or Stamp Name of Notary

President

Title or Rank

Attachment L
Anti-Kickback Affidavit

ANTI-KICKBACKAFFIDAVIT

STATE OF FLORIDA)
 : SS
COUNTY OF MONROE)

I, the undersigned hereby duly sworn, depose and say that no portion of the sum herein Bid will be paid to any employees of the City of Key West as a commission, kickback, reward or gift, directly or indirectly by me or any member of my firm or by an officer of the corporation.

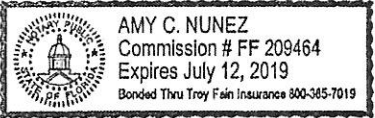
BY: 

Sworn and subscribed before me this

24th day of March, 2017.


NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

My Commission Expires: 7.12.19



Attachment M
Public Entity Crimes Form

SWORN STATEMENT UNDER SECTION 287.133(3)(a) FLORIDA
STATUTES, ON PUBLIC ENTITY CRIMES

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

1. This sworn statement is submitted with RFP, Bid or Contract No. 004-17 for
Truman Annex / NOAA Seawall
2. This sworn statement is submitted by Ebsary Foundation Co. (Name of entity submitting sworn statement)
whose business address is 2154 N.W. North River Dr.,
Miami, FL 33125 and (if
applicable) its Federal Employer Identification Number (FEIN) is
59-0229150 (If the entity has no FEIN, include the Social
Security Number of the individual signing this sworn statement.)
3. My name is Scott Alfele and my relationship to
(Please print name of individual signing)
the entity named above is President, Principal Owner
4. 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 public entity or with an agency or
political subdivision of any other state or with the United States, including but not limited to,
any Bid or contract for goods or services to be provided to any public entity or an agency or
political subdivision of any other state or of the United States and involving antitrust, fraud,
theft, bribery, collusion, racketeering, conspiracy, material misrepresentation.
5. 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 guilt, in any federal or state trial court of record
relating to charges brought by indictment information after July 1, 1989, as a result of
a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
6. 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 t 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 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.
7. I understand that a "person" as defined in Paragraph 287.133(1)(8), 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.
8. 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, nor any affiliate of the entity have 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 the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989, AND (Please indicate which additional statement applies.)
- There has been a proceeding concerning the conviction before a hearing of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer did not place the person or affiliate on the convicted vendor list. (Please attach a copy of the final order.)
- The person or affiliate was placed on the convicted vendor list. There has been a subsequent proceeding before a hearing officer of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer determined that it was in the public interest to remove

the person or affiliate from the convicted vendor list. (Please attach a copy of the final order.)

___The person or affiliate has not been put on the convicted vendor list. (Please describe any action taken by or pending with the Department of General Services.)

[Handwritten Signature]
(Signature)
3/24/17
(Date)

STATE OF Florida

COUNTY OF Miami Dade

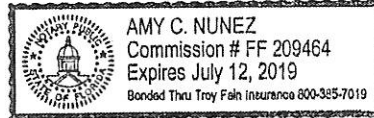
PERSONALLY APPEARED BEFORE ME, the undersigned authority,

Scott Alcebe who, after first being sworn by me, affixed his/her signature in the
(Name of individual signing)

space provided above on this 24th day of March, 2017.

My commission expires: 7.12.19

[Handwritten Signature]
NOTARY PUBLIC



Attachment N
Non-Collusion Declaration and Compliance

NON-COLLUSION DECLARATION AND COMPLIANCE WITH 49 CFR §29

ITEM/SEGMENT NO.: _____
F.A.P. NO.: _____
PARCEL NO.: _____
COUNTY OF: _____
BID LETTING OF: AFP No: 004 - 17

I, Scott Aifele, hereby
declare that I am President of Ebsary Foundation Co.
Of Miami, Florida

and that I am the person responsible within my firm for the final decision as to the price(s) and amount of this Bid on this Project.

I further declare that:

1. The prices(s) and amount of this bid have been arrived at independently, without consultation, communication or agreement, for the purpose of restricting competition with any other contractor, bidder or potential bidder.
2. Neither the price(s) nor the amount of this bid have been disclosed to any other firm or person who is a bidder or potential bidder on this project, and will not be so disclosed prior to the bid opening.
3. No attempt has been made or will be made to solicit, cause or induce any other firm or person to refrain from bidding on this project, or to submit a bid higher than the bid of this firm, or any intentionally high or non-competitive bid or other form of complementary bid.
4. The bid of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary bid.
5. My firm has not offered or entered into a subcontract or agreement regarding the purchase of materials or services from any firm or person, or offered, promised or paid cash or anything of value to any firm or person, whether in connection with this or any other project, in consideration for an agreement or promise by any firm or person to refrain from bidding or to submit a complementary bid on this project.
6. My firm has not accepted or been promised any subcontract or agreement regarding the sale of materials or services to any firm or person, and has not been promised or paid cash or anything of value by any firm or person, whether in connection with this or any other project, in consideration for my firm's submitting a complementary bid, or agreeing to do so, on this project.
7. I have made a diligent inquiry of all members, officers, employees, and agents of my firm with responsibilities relating to the preparation, approval or submission of my firm's bid on this project and have been advised by each of them that he or she has not participated in any communication, consultation, discussion, agreement, collusion, act or

other conduct inconsistent with any of the statements and representations made in this Declaration.

8. As required by Section 337.165, Florida Statutes, the firm has fully informed the City of Key West in writing of all convictions of the firm, its affiliates (as defined in Section 337.165(l)(a), Florida Statutes), and all directors, officers, and employees of the firm and its affiliates for violation of state or federal antitrust laws with respect to a public contract or for violation of any state or federal law involving fraud, bribery, collusion, conspiracy or material misrepresentation with respect to a public contract. This includes disclosure of the names of current employees of the firm or affiliates who were convicted of contract crimes while in the employ of another company.

9. I certify that, except as noted below, neither my firm nor any person associated therewith in the capacity of owner, partner, director, officer, principal, investigator, project director, manager, auditor, and/or position involving the administration of Federal funds:

(a) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions, as defined in 49 CFR §29.110(a), by any Federal department or agency;

(b) has within a three-year period preceding this certification been convicted of or had a civil judgment rendered against him or her for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, State or local government transaction or public contract; violation of Federal or State antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;

(c) is presently indicted for or otherwise criminally or civilly charged by a Federal, State or local governmental entity with commission of any of the offenses enumerated in paragraph 9(b) of this certification; and

(d) has within a three-year period preceding this certification had one or more Federal, State or local government public transactions terminated for cause or default..

10. I(We), certify that I(We), shall not knowingly enter into any transaction with any subcontractor, material supplier, or vendor who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this contract by any Federal Agency unless authorized by the Department.

Where I am unable to declare or certify as to any of the statements contained in the above stated paragraphs numbered (1) through (10), I have provided an explanation in the "Exceptions" portion below or by attached separate sheet.

EXCEPTIONS:

(Any exception listed above will not necessarily result in denial of award, but will be considered in determining bidder responsibility. For any exception noted, indicate to whom it applies, initiating agency and dates of agency action.

Providing false information may result in criminal prosecution and/or administrative sanctions.)

I declare under penalty of perjury that the foregoing is true and correct.

CONTRACTOR:

(Seal)

BY: Scott Alfele, President WITNESS: *W. J. Rain*
NAME AND TITLE PRINTED
BY: *Scott Alfele* WITNESS: *[Signature]*
SIGNATURE

Executed on this 24 day of March, 2017

**FAILURE TO FULLY COMPLETE AND EXECUTE THIS DOCUMENT MAY RESULT
IN THE BID BEING DECLARED NONRESPONSIVE**

Attachment O
Florida Trench Safety Act Compliance

FLORIDA TRENCH SAFETY ACT COMPLIANCE
Trench Excavation Safety System and Shoring

CERTIFICATION

All excavation, trenching, and related sheeting, bracing, etc. on this project shall conform to the requirements of the Florida Trench Safety Act (90-96, CS/SB 2626), which incorporates by reference, OSHA's excavation safety standards, 29 CFR 1926.650 Subpart P including all subsequent revisions or updates to these standards.

By submission of this bid and subsequent execution of this Contract, the undersigned certifies compliance with the above mentioned standards and further stipulates that all costs associated with this compliance are detailed below as well as included in their lump sum bid amount.

Summary of Costs:

Trench Safety Measure	Units	Quantity	Unit Cost	Extended Cost
A. <u>Sloping</u>	<u>LF</u>	<u>370</u>	<u>\$20/LF</u>	<u>\$7,400.00</u>
B. _____	_____	_____	_____	_____

Scott Alcala
Signature
3/24/17
Date

STATE OF FLORIDA

COUNTY OF Miami Dade

PERSONALLY APPEARED BEFORE ME, the undersigned authority,

Scott Alcala, who, after first being sworn by me affixed his /her signature in the space,

provided above on the 24th day of March, 2017.

Amy C. Nunez
Notary Public

MY COMMISSION EXPIRES: 7.12.19

(Seal)



Attachment P
Cone of Silence Affidavit

CONE OF SILENCE AFFIDAVIT

STATE OF Florida)

: SS

COUNTY OF Miami-Dade)

I the undersigned hereby duly sworn depose and say that all owner(s), partners, officers, directors, employees and agents representing the firm of Ebsary Foundation Co. have read and understand the limitations and procedures regarding communications concerning City of Key West issued competitive solicitations pursuant to City of Key West Ordinance Section 2-773 Cone of Silence (attached).



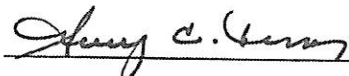
(signature)

3/24/17

(date)

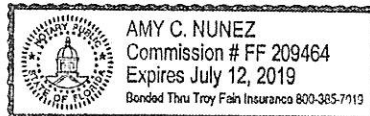
Sworn and subscribed before me this

24th Day of March, 2017.



NOTARY PUBLIC, State of Florida at Large

My Commission Expires: 7.12.19



Attachment Q
Equal Benefits for Domestic Partners

EQUAL BENEFITS FOR DOMESTIC PARTNERS AFFIDAVIT

STATE OF Florida)

: SS

COUNTY OF Miami Dade)

I, the undersigned hereby duly sworn, depose and say that the firm of Ebsary Foundation Co provides benefits to domestic partners of its employees on the same basis as it provides benefits to employees' spouses per City of Key West Ordinance Sec. 2-799.

[Signature]

By:

Sworn and subscribed before me this

24th day of March, 2019.

[Signature]

NOTARY PUBLIC, State of Florida at Large

My Commission Expires: 7.12.19

