

# City of Key West City Clerk



## **REQUEST FOR PROPOSAL RFP #004-12**

Proposal for:  
**FEDERAL GOVERNMENT  
RELATIONS SERVICES**

**BECKER &  
POLIAKOFF**  
Legal and Business Strategists

Omar Franco  
Managing Director  
Becker & Poliakoff, P.A.  
1275 K Street, N.W., Suite 850  
Washington, D.C. 20005  
(202) 731-3401 (C)  
(202) 621-7122 (O)  
(202) 559-8750 (F)  
[ofranco@becker-poliakoff.com](mailto:ofranco@becker-poliakoff.com)

## TABLE OF CONTENTS

	<b>Page</b>
Section 1: Introduction.....	1
Section 2: Firm Experience and References .....	2
Section 3: Personnel Qualifications and Availability .....	6
Section 4: Implementation of Scope of Services .....	9
Section 5: Fees .....	14
Section 6: Forms.....	15

## Section 1: Introduction

Proposer's name and address of central and satellite offices

Becker & Poliakoff, P.A.

Central Office: 3111 Stirling Road  
Fort Lauderdale, FL 33132

Satellite Offices:

DC: 1275 K Street, NW Suite 850  
Washington, DC 20005

Key West: 422 Fleming Street  
Key West, FL 33040

Project manager: telephone number and fax number

Project Manager: Omar Franco  
Phone: (202) 731-3401  
Fax: (202) 559-8750

Current client list, including local governments

Algenol Biofuels, Avanti Wellness Center, City of Hialeah, City of Hialeah Gardens, City of North Bay Village, Cortiza Construction Group, Dade Medical College, Florida Gulf Coast University, Florida Memorial College, Gold Coast Florida Regional Center, International Bancshares Corporation, Intuit, Jetaire Aerospace and Technology, Friends of the Nation Museum of the America Latino, Fuentes Rodriguez Consulting Group, Medica HealthCare Plans, Palantir Technologies, Palm Beach County, Prometrix Consulting, Realauction.com, Secure Wrap, STS International, Town of Southwest Ranches

## Section 2: Firm Experience and References

### Firm Experience

Becker & Poliakoff (“B&P”) is deeply rooted in Florida through its active presence in legal, business, political, and civic organizations. Today, the firm has an office in Key West where the attorneys and staff have strong ties throughout the City with business, political and civic leaders and serve as leaders in various community organizations. In addition to the Key West office, the law firm includes more than one hundred and twenty-five attorneys in offices throughout Florida (Miami, Hollywood, Boca Raton, West Palm Beach, Sarasota, Orlando, Tallahassee, Fort Walton Beach, Tampa Bay, Homestead, Fort Myers, Port St. Lucie, Melbourne, Miramar and Naples). B&P is a diverse commercial law firm with offices not only in Florida, but also in New York City, New Jersey, Prague, and Washington, D.C.

B&P provides its clients with legal services in seven primary areas of law including homeowner and community association; civil and complex commercial litigation; construction; real estate; custom and international trade; government law and lobbying; corporate and securities law plus other areas such as offshore asset protection, tax, and estate planning; land use and zoning; technology and telecommunications; intellectual property; collections and foreclosure; gaming, bankruptcy and financial restructuring; and more. The full resources, experience and staff of Becker & Poliakoff will be available for consultation on federal lobbying issues on an as needed basis.

Government law and lobbying is and has always been a core practice for B&P. Several firm attorneys currently serve or have served in government positions (local, state and federal), giving the Becker & Poliakoff team significant first-hand working knowledge of government practices and procedures. For example, Alan Becker served in the Florida Legislature in the 1970’s and has maintained a strong network of contacts at the highest levels of government and business. Shareholder Bernie Friedman served as Chief of Staff to a South Florida Congressman. Shareholder Nelson Diaz was Chief of Staff to former Florida House Speaker and current U.S. Senator Marco Rubio during his tenure in the Florida House. Shareholder Miguel Diaz de la Portilla currently serves as a State Senator and previously served on the Miami Dade County Commission. Over the last several years, Shareholder Yolanda Cash Jackson has worked very closely with key Members of the Congressional Black Caucus including Representatives Jim Clyburn, Bennie Thompson, Donna Christensen, Marcia Fudge and of course Floridians Corrine Brown, Alcee Hastings and Frederica Wilson. As such, our team has many years of experience working with Members of the Florida Congressional delegation on a wide variety of issues.

The firm is well versed in the nuances of governmental representation serving several governmental entities, including cities (e.g. Hialeah, Hialeah Gardens,

Southwest Ranches, and North Bay Village), counties (e.g. Palm Beach County), Special Districts (e.g. Palm Beach Solid Waste Authority), school boards (e.g. Miami Dade and Broward), higher education institutions (e.g. Florida Memorial University, Dade Medical College, Florida Gulf Coast University), transportation agencies (e.g. MDX) and numerous private clients from varied industries.

### Principal Staff

Becker & Poliakoff will assign Omar Franco as the project manager. As such, Omar will deal primarily with the Congressional members and their staffs. Clarence Williams will assist Omar and will be assigned to deal with the federal departments and agencies and also assist with the Congressional offices.

**Omar Franco** has the expertise and experience to help the City seek federal funding through both the annual appropriations, legislative and grants processes. Omar previously headed Franco Government Relations, a results-driven, Washington, D.C.-based government relations firm. As such, he is well-suited to serve the City as its federal governmental relations consultant. His relationships with the members of the Florida Congressional Delegation and access to senior leadership in Congress and the Executive Branch will allow Becker & Poliakoff to positively affect public policy outcomes to benefit the City of Key West.

Omar is intimately familiar with the processes by which earmarked and program-funding proposals are drafted and approved at each step of the legislative process. As changes to the earmark process are underway in the new Congress, it is important to have access to key decision makers on appropriations such as Congressman Mario Diaz-Balart and the House Transportation Chair John Mica, as well as the two Florida Senators, Bill Nelson and Marco Rubio. Such federal funding has been a hallmark of our success and we are well positioned to continue this trend in the new Congress.

**Clarence Williams** is a senior consultant in the firm's Government Law & Lobbying Practice Group in Washington, D.C. A former Chief of Staff for Congressman Kendrick B. Meek of Florida, he served as the Congressman's chief policy advisor and strategist on all issues before the U.S. House of Representatives. He directly managed the Congressman's portfolio of issues relating to the Committees on Ways and Means, Armed Services, Homeland Security, and Budget.

On Capitol Hill, Clarence specialized in issues involving health care, armed services, taxation, alternative energy, local government issues, and domestic and international trade. Additionally, he was actively involved in the passage of several pieces of tax policy, including a delay of a 3% tax withholding requirement for most procurement by local governments. Clarence holds a "Top Secret" security clearance and has extensive experience working with the Department of Defense on issues

ranging from policy and procurement to logistical planning in the aftermath of various natural disasters including Haiti.

As primary liaison for Mr. Meek to appropriations staff, Clarence shepherded nearly \$53 million directly to South Florida local governments, nearly \$20 million to educational entities, and over \$13 million to South Florida hospitals and community centers. As well, he negotiated with Health and Human Services (HHS) Secretary Kathleen Sebelius to advance payments totaling \$12 million to Jackson Health Systems to help avoid shut down of this important institution.

B&P Managing Director Omar Franco has worked on many funding successes for his clients in each annual appropriations cycle and is intimately familiar with the processes by which earmarked and program-funding proposals are drafted and approved at each step of the legislative process. Omar has extensive expertise and experience in effectively securing federal appropriations dollars for municipalities and other local governmental or quasi-governmental agencies. Most recently, Omar successfully lobbied for federal appropriations funding for the following municipalities and governmental entities:

- Hialeah, FL - Secured \$500,000 for street and sidewalk improvements in the FY10 Transportation-HUD Appropriations bill and \$250,000 for the police equipment upgrades in the FY10 Commerce-Justice-State Appropriations under the COPS account.  
Fred Marinelli, Director of Grants and Human Services, (305) 883-5839
- Miccosukee Tribe, FL - Secured \$760,000 in FY09 for the Snake Road Improvements to address significant safety concerns associated with Snake Road (BIA). In the FY10 bill, the Tribe received funding for \$1,750,000 for Tamiami Trail (U.S. 41) safety improvements. For FY11, \$1.1 million for road resurfacing was included in the Omnibus bill that failed in Congress.  
Julio Martinez, (305) 318-9459
- North Bay Village, FL - Secured \$475,000 in FY09 for a Bus Facility Project within the new Municipal Public Safety Complex. In addition, Omar worked with Rep. Debbie Wasserman Schultz's office to assist North Bay Village in receiving \$4,655,000 from the American Recovery & Reinvestment Act for the Force Main Project.  
Dennis Kelly, City Manager, (305) 756-7171
- Miami Lakes, FL - Secured \$570,000 in FY09 Transportation-HUD bill for vehicle procurement of two hybrid electric vehicles to provide this trolleybus service for the Port.  
Alex Rey, Town Manager, (305) 364-6100

The entire B&P team is engaged on a daily basis in support of or opposition to various statutory (Congressional) or regulatory (Executive) policy proposals of critical interest to either our clients or the public at large. Many of these efforts

have ultimately resulted in significant savings, operational adjustments, or increased protections for both clients and the consumers involved. Examples of work on these include:

- Federal Emergency Management Agency (FEMA) on approval of reimbursement for clean-up costs associated with hurricane debris removal;
- Transportation Security Administration (TSA) to promulgate new rules and regulations for the baggage wrapping industry in the U.S.;
- Department of Transportation (DOT) on funding issues to draw down federal funds for hybrid bus procurement for the Town of Miami Lakes;
- Federal Aviation Administration (FAA) to draw down federal dollars from discretionary funds in the Airport Improvement Program to extend the runway at the Kendall-Tamiami Airport;
- Department of Housing & Urban Development (HUD) to seek a waiver for the new Executive Director for the Hialeah Housing Authority;
- Department of Agriculture (USDA) Rural Health Programs to seek a loan modification for DeSoto Memorial Hospital.

In conclusion, a bipartisan team-based approach will be used assigning team members to specific Congressional offices and Executive branch agencies. These assignments are strategically assigned to best combine each team member's strength in their contacts with the Congressional offices and the Federal agencies.



### Section 3: Personnel Qualifications and Availability

Omar Franco will serve as primary point of contact for our representation for the City of Key West. Because of his years of experience and deep professional relationships, we feel that would best serve the City. Omar will dedicate approximately eighty (80) percent of his time to this project. In addition, Clarence Williams will assist in servicing of the account, as directed by Omar Franco and City officials, and will do research on grant opportunities for the City. Clarence will dedicate the remaining twenty (20) percent of the time to the project.



**Omar Franco** is a lobbyist in the Government Law & Lobbying Practice and is the Managing Director of the Washington D.C. office. A former Chief of Staff to U.S. Congressman Mario Diaz-Balart, Omar has an insider's knowledge of U.S. Congress and the Federal agencies. Since starting his federal lobbying practice, he has served as the lead government relations representative for Florida Gulf Coast University, Secure Wrap, Inc., Medica HealthCare Plans, Dade Medical College and the municipalities of Hialeah, Miami Lakes and North Bay Village. Over the last three years he has worked on federal issues for the Miccosukee Tribe of Florida, Stratus Pharmaceuticals, Pacer Health and FalconTrust Air, among others.

While serving as Chief of Staff for more than four years, Omar managed Congressman Diaz-Balart's Washington D.C. and District operations and closely counseled the Congressman in his areas of expertise which include federal appropriations, health care, higher education and issues dealing with the state of Florida. Omar coordinated with staff on all the transportation projects submitted for authorization in the SAFTEA-LU reauthorization bill. In addition, he has worked closely with Chairman John Mica for transit issues of importance to Florida, such as the 95% initiative to return 95 cents on the dollar back to Florida from the Highway Trust Fund.

Omar began his government service in 1993 as the District Legislative Assistant for Florida State Representatives Art Simon and Annie Betancourt. He also worked as a Field Office Director for the Florida Medical Association as the Field Office Director and the Director of Governmental Relations for the University of Miami – School of Medicine. University of Miami President Donna Shalala promoted him to Assistant Vice President of Governmental Relations for the university where he represented the University at the federal and state levels of government.

Since joining Becker & Poliakoff, Omar has successfully signed on numerous clients such as Algenol Biofuels, Intuit, Friends of the National Museum of the American Latino, Gold Coast Florida Regional Center, Avanti Wellness Center and Realauction.com. In addition, he represents Palm Beach County, FL, and the Town of Southwest Ranches, FL.



### Activities and Memberships

He has been named to the Marquis Who's Who in America since 2002 and the Marquis Who's Who in the World since 2004. He has also been named Member of the Year to Madison's Who's Who. He was a member of the Growing Healthy Task Force and the South Florida Healthcare Executive Forum in Miami. He served as Vice President for the Kendale Lakes Master Condominium Association Board of Directors and was also on the Board of Directors for the Kendall Federation of Homeowner Associations.

Graduating from the Leadership Miami Program of the Greater Miami Chamber of Commerce and the Hispanic Leadership Training Program of the Cuban American National Council, Omar has also been recognized for his leadership by the National Multiple Sclerosis Society and the Florida Legal Services.

### Education

Florida State University, B.A., 1988

St. Thomas University, International Trade Institute International Import/Export Certificate



**Clarence Williams** is a consultant and advocate in the firm's Government Law & Lobbying Practice Group in Washington, D.C. A former Chief of Staff for Congressman Kendrick B. Meek of Florida, he served as the Congressman's chief policy advisor and strategist on all issues before the U.S. House of Representatives. He directly managed the Congressman's portfolio of issues relating to the Committees on Ways and Means, Armed Services, Homeland Security, and Budget.

On Capitol Hill, Clarence specialized in issues involving health care, armed services, taxation, alternative energy, local government issues, and domestic and international trade. He is uniquely qualified in issues relating to health care reform, having logged well over 100 hours in briefings, consultation, and collaboration on legislative language with Ways and Means and House leadership staff on the Patient Protection and Affordable Care Act. Additionally, he was actively involved in the passage of several pieces of tax policy, including a delay of a 3% tax withholding requirement for most procurement by local governments. Clarence holds a "Top Secret" security clearance and has extensive experience working with the Department of Defense on issues ranging from policy and procurement to logistical planning in the aftermath of various natural disasters including Haiti.

As primary liaison for Mr. Meek to appropriations staff, Clarence shepherded nearly \$53 million directly to South Florida local governments, nearly \$20 million to educational entities, and over \$13 million to South Florida hospitals and community

centers. As well, he negotiated with Health and Human Services (HHS) Secretary Kathleen Sebelius to advance payments totaling \$12 million to Jackson Health Systems to help avoid shut down of this important institution.

Clarence also has extensive state government experience in Tallahassee working in the Florida Legislature. He served as a senior policy advisor to Florida Senate Minority Leaders Ken Jenne, John H “Buddy” Dyer, and Tom Rossin, for whom he served as the primary policy writer and strategist on issues relating K-12 education, commerce, tax, and local government. He secured numerous legislative victories despite operating in the minority, including passage of Class Size Reduction, 2000 comprehensive school safety legislation, and the 1997 school construction legislation which generated nearly \$2 billion for Florida public schools.

Since joining Becker & Poliakoff, Clarence has represented at the federal level Jetaire Aerospace and Technology, Palantir Technologies, International Bancshares Corporation, Florida Memorial College, STS International and APIA XXI Engineering. He has represented these clients before the Department of Transportation (Office of the Secretary, FRA, FAA); the Department of Defense, including the separate Departments of the Army, Navy, and Air Force; the Department of Energy; the Commerce Department; the Department of Education; the Department of the Interior; and the Secretary of State.

#### Education

Florida State University, (B.A., Political Science).

The City of Key West will have access to all the team members assigned to your account both at the office, on their cell phones/PDA's, and at home when necessary. Your calls will not go unanswered. The B&P team will be available 24 hours a day/7 days a week.

## Section 4: Implementation of Scope of Services

Working in consultation with the City Manager and/or his designee, Becker & Poliakoff (B&P) will work closely with the City to obtain all necessary project information. We will work to secure federal funding for the City including proactive identification of specific funding opportunities and will monitor federal legislation and programs of federal agencies to identify new funding sources. We will also prioritize funding opportunities according to their potential as funding sources for the city. B&P will then develop time lines giving dates when certain activities should begin, or when materials should be compiled, to meet Federal guidelines and deadlines.

B& P will act as the representative of the City and its projects and we will coordinate with the County and State Congressional Delegation in gaining support for federal funding for the City as well as assist in drafting appropriate correspondence, schedule briefings and meetings. We will then identify and meet with key federal agencies, officers of the federal government and members of Congress related to specific funding sources; propose and implement lobbying and advocacy strategies for gaining their support for City projects. We will establish and maintain liaisons with key federal agencies and officers, and elected officials to gain support for City projects and if requested, prepare federal grant applications.

B&P plans to provide technical assistance and guidance to City staff in preparing correspondence and reports for Federal funding contacts and, as requested or necessary, arrange meetings between federal agencies and members of Congress and the Mayor, City Commission Members and the City Manager to promote the funding of City projects or to discuss legislative issues affecting the City. We shall also identify agencies or local governments which may be competing for specific grants or appropriations, and help align support for City projects.

B& P is prepared to provide quarterly reports to the City Manager demonstrating the progress of the firm toward securing funding for City projects. The report shall provide sufficient information as needed in order for the City Commission, City Manager and staff to support any lobbying strategies. We will also appear before the City Commission as requested to report on funding development activities, approximately two times annually. Appearances will be scheduled in advance at the request of the Commission.

Therefore, we propose the following goals and tasks to provide the best service to City of Key West:

**GOAL 1: Effectively develop funding initiatives, inclusive of annual appropriations requests and agency specific grant opportunities for City.**

Strategic development is critical to any successful lobbying effort -- planning, coordinating and executing strategies to achieve the policy goals. We will work with the City to re-examine its current government affairs plan and, if chosen, would recommend an in-depth strategy session among all the team members and the City as soon as possible. We will:

#### TASK 1

- a) Meet with all senior leadership at the City to analyze the current federal appropriations requests, and conduct strategic long-term analysis for future requests.
- b) Assist the City in development, drafting and submission of appropriation requests and all the supporting documentation to the Congressional offices.
- c) Meet with the Congressional offices and the representatives of the City to introduce the 2013 legislative agenda.

#### TASK 2

- a) Attend Congressional hearings and markups on appropriations in the U.S. House and U.S. Senate.
- b) Coordinate meetings between City representatives and the leadership in the U.S. House and U.S. Senate Appropriations Committee members.
- c) Identify and meet with Executive Branch officials to discuss alternative funding opportunities for City projects through the Executive Branch and target the following agencies for funding opportunities: Department of Energy, Department of Agriculture, Department of the Interior, Department of Commerce, and Department of Homeland Security, among others.

#### TASK 3

- a) Develop and execute a strategy to ensure that City projects are included in the preliminary bills in both the U.S. House and U.S. Senate.
- b) Encourage City representatives to initiate a second round of meetings with the City delegation members and key Appropriation leadership members.

#### TASK 4

- a) Develop a strategy to ensure that every project funded in the preliminary bills makes it into final conference reports.

These are just a few examples of areas through which we believe the City could pursue federal funding.

**GOAL 2: Establish and maintain liaison services, establish regular interaction, and assist the City in building their influence with the entire U.S. Congress, and the Florida Congressional Delegation.**

TASK 1: Work to identify public policy issues of importance to the City and develop specific position papers on each issue area, working with the government relations team and leadership at the City. These issue papers will be updated on a regular, and as warranted, basis.

TASK 2: Present the revised agenda to the Congressional Delegation and as appropriate, advance components of the agenda with members of the U.S. House and the U.S. Senate with legislative jurisdiction over targeted issues.

TASK 3: Coordinate site visits by Congressional members, specifically the local Congressional Delegation, to the City to enhance the visibility and recognition of City's exemplary projects.

TASK 4: Identify opportunities for the City leadership to testify before Congress on issues of importance and priority.

TASK 5: Identify specific actions to be appropriately advanced that will enhance the City's relationships with the Congressional Delegation members and their staff.

TASK 6: Establish relationships with Appropriations Committee members of the U.S. House and U.S. Senate outside of Florida, including their key staffers.

TASK 7: Assist with the management of visits/fly-ins of City representatives to Washington, D.C. for the purpose of meeting with members of Congress and their appropriations staff.

TASK 8: Coordinate and accompany site visits by Appropriations members and staff to the City to enhance the visibility and recognition of City's exemplary projects.

**GOAL 3: Establish and maintain liaison services, establish regular interaction, and assist the City in establishing long-term relationships with the Executive Branch agencies.**

It is important that the federal agencies be familiar with and feel comfortable calling upon the City at both the political appointee and career service levels. As

part of our efforts on behalf of the City, we will establish and maintain relationships with the new key policymakers. We will:

**TASK 1:** Set up and coordinate meetings on behalf of the City with the Obama Administration to communicate the City's perspectives on new policy initiatives for the 112<sup>th</sup> Congress as it will be important for the City to establish a relationship with the Administration leadership.

**TASK 2:** Advance relationships in these key departments/agencies including:

- a) White House, Offices of the President & the Vice President
  - a. Director for Legislative Affairs
  - b. Chief of Staff to the Vice President
- b) Department of Energy
  - a. Assistant Secretary, Energy Efficiency and Renewable Energy
  - b. Assistant Secretary, Electricity Delivery and Energy Reliability
  - c. Director, Office of Science (OS)
- c) Department of Homeland Security
  - a. Administrator, Federal Emergency Management Administration (FEMA)
- d) Department of Justice
  - a. Director, Community Oriented Policing Services (COPS)
  - b. Assistant Attorney General, Office of Justice Programs (OJP)
- e) Department of Housing and Urban Development
  - a. Director, Economic Development
- f) Department of Transportation
  - a. Secretary, Office of the Secretary
  - b. Administrator, Federal Aviation Administration (FAA)
  - c. Program Manager, Airport Improvement Program (AIP)
  - d. Administrator, Federal Highway Administration (FHWA)
  - e. Administrator, Federal Railroad Administration (FRA)
  - f. Administrator, Federal Transit Administration (FTA)
- g) Department of Interior
  - a. Assistant Secretary, Water and Science (WS)
  - b. Director, U.S. Geological Survey
  - c. Director, U.S. Fish & Wildlife Service
- h) Department of Labor

- a. Assistant Secretary, Employment and Training Administration
- i) Department of Health and Human Services
  - a. Director, Centers for Disease Control and Prevention (CDC)
  - b. Assistant Secretary, Administration on Aging
  - c. Administrator, Administration for Children and Families
  - d. Administrator, Health Resources and Services Administration (HRSA)
  - e. Administrator, Substance Abuse and Mental Health Services Administration (SAMHSA)
    - i. Director, Center for Substance Abuse Prevention (CSAP)
    - ii. Director, Center for Substance Abuse Treatment (CSAT)
- j) Department of the Army
  - a. Director, United States Army Corps of Engineers
    - i. Jacksonville District, South Atlantic Division and Headquarters

**TASK 3:** Coordinate site visits by Administration officials to City to enhance the visibility and recognition of the City's exemplary projects among the pertinent federal departments and agencies.



## Section 5: Fees

In consideration of the foregoing federal lobbyist services, the City of Key West would agree to pay Becker & Poliakoff, P.A. \$4,000 per month. Becker & Poliakoff, P.A., if selected, agrees to sign a formal agreement in the standard form currently used by the City of Key West for professional services.

Any expenses incurred by the B&P in the representation of the City of Key West will be included in the monthly retainer. These will include meals, local transportation, lodging, business expenses, messenger and long distance services. Travel outside of the Washington, D.C. metropolitan area will be reimbursed only if authorized in advance by the City of Key West.

The cost basis of this RFP is derived from our years of experience in working with other municipalities and an estimate of how many hours will be required to successfully perform the scope of service.

In addition, B&P is also available to provide other legal services from customs and international trade, corporate and securities, business litigation, to real estate and other specialized areas. Of course such services are not within the scope of our lobbying efforts and would be subject to separate retainer.

Section 6: Forms

ANTI-KICKBACK AFFIDAVIT

<sup>VA</sup>  
STATE OF FLORIDA

SS

COUNTY OF ~~MONROE~~ FAIRFAX

I, the undersigned, hereby duly sworn, depose and say that no portion of the sum herein bid will be paid to any employee 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: *[Signature]*  
Becker & Poliakoff, P.A.

sworn and prescribed before me this 19 day of March, 2012

*[Signature]*  
NOTARY PUBLIC, State of Florida  
<sup>VA</sup>

MELVIN JONATHAN REYES  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES JULY 31, 2013  
COMMISSION # 7275817

My commission expires: 07/31/2013

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

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

1. This sworn statement is submitted to City of Key West  
by Omar Franco, Managing Director  
(Print individual's name and title)  
for Becker & Poliakoff, P.A.  
(print name of entity submitting sworn statement)

whose business address is 1275 K Street, NW, Suite 850, Washington, DC 20005  
and (if applicable) its Federal Employer Identification Number (FEIN) is 59-1640708  
(If the entity has no FEIN, include the Social security Number of the individual signing  
this sworn statement: \_\_\_\_\_)

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "conviction" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment of information after July 01, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:
1. A predecessor or successor of a person convicted of a public entity crime;  
or



2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. the term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment of income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.
6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement (indicate which statement applies).

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

The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 01, 1989.

The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 01, 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 ONE (1) 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 THE CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

*Omar Franco*  
(SIGNATURE)

3/19/12  
(DATE)

STATE OF VA

COUNTY OF Fairfax

PERSONALLY APPEARED BEFORE ME, the undersigned authority Omar Franco who, after first being sworn by me, (name of individual)

affixed his/her signature in the space provided above of this 19 day of March, 2012

*Melvin Jonathan Reyes*  
NOTARY PUBLIC

My commission expires: 07/31/2013

MELVIN JONATHAN REYES  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES JULY 31, 2013  
COMMISSION # 7275817