

BID FORM

**ITB #10-011: SECURITY SERVICES: CITY OF KEY WEST PORT OPERATIONS,
KEY WEST BIGHT, CITY MARINA**

*The approximate required security services for each facility is outlined in Section 3: Scope of Work

Mallory Square

Hourly Rate \$ 11.05 per security personnel

In Words: Eleven Dollars and five cents

Outer Mole at the Truman Waterfront

Hourly Rate \$ 11.05 per security personnel

In Words: Eleven Dollars and five cents

Key West Bight Ferry Terminal

Hourly Rate \$ 11.05 per security personnel

In Words: Eleven Dollars and five cents

Key West Bight

Hourly Rate \$ 11.05 per security personnel

In Words: Eleven Dollars and five cents

City Marina

Hourly Rate \$ 11.05 per security personnel

In Words: Eleven Dollars and five cents

Notice to Bidder: Use Black Ink or Type For Completing the Form.

BID

To: The City of Key West
Address: 525 Angela Street, Key West, Florida 33040
Project Title: SECURITY SERVICES: CITY OF KEY WEST PORT OPERATIONS, KEY WEST BIGHT, CITY MARINA
Project: ITB #10-011

BIDDER'S INFORMATION

Company Name: Excelsior Defense, Inc.
Address: 2232 Central Avenue
St. Petersburg, Fl. 33712

Contact Name: Patrick L. Farrow
Email: pfarrow@excelsiordefense.com
Telephone: 727-527-9600
Fax: 727-520-1199

BIDDER'S DECLARATION AND UNDERSTANDING

The undersigned, hereinafter called the Bidder, declares that the only persons or parties interested in this Bid are those named herein, that this Bid is, in all respects, fair and without fraud, that it is made without collusion with any official of the Owner, and that the Bid is made without any connection or collusion with any person submitting another Bid on this Contract.

The Bidder further declares that he/she has carefully examined the Contract Documents for the work, that he/she has personally inspected the work areas, that he/she has satisfied himself/herself as to the personnel needed, and conditions of work involved, including the fact that the description of the work and materials, as included herein, is brief and is intended only to indicate the general nature of the work.

SUBCONTRACTORS

The Bidder further proposes that the following subcontracting firms or businesses will be awarded subcontracts for the following portions of the work in the event that the Bidder is awarded the Contract:

Portion of Work: _____ NONE _____

Name: _____

Address: _____

Portion of Work: _____

Name: _____

Address: _____

Portion of Work: _____

Name: _____

Address: _____

BIDDER

The name of the Bidder submitting this Bid is: _____

Doing business at _____

City _____ State _____ Zip _____

Telephone No. _____

This address is where all communications concerning this Bid shall be sent.

The names of the principal officers of the Corporation submitting this Bid, or of the Partnership, or of all persons interested in this Bid as Principals are as follows:

Name	Title
<u>Kris Halverson</u>	<u>President</u>
<u>Evangelia Halverson</u>	<u>Secretary / Treasurer</u>

If Corporation

IN WITNESS WHEREOF the undersigned corporation has caused this instrument to be executed and its seal affixed by its duly authorized officers this 12th day of July, 2010.

(SEAL)

Name of Corporation

By: Excelsior Defense, Inc.

Title: Operations Manager

Attest:  _____

Secretary

If Sole Proprietor or Partnership

IN WITNESS hereto the undersigned has set his/her/its hand this _____ day of _____, 2010.

Signature of Bidder _____

Title _____

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

PROJECT ITB #10-011: SECURITY SERVICES: CITY OF KEY WEST PORT OPERATIONS, KEY WEST BIGHT, CITY MARINA

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 Bid, Bid or Contract No. ITB #: 10-011 for Security Services - City of Key West

2. This sworn statement is submitted by Excelsior Defense, Inc.
(Name of entity submitting sworn statement)

whose business address is 2232 Central Avenue
St. Petersburg, Fl. 33712 and (if applicable) its Federal Employer Identification Number (FEIN) is 59-3541210 (If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement.)

3. My name is Patrick L. Farrow and my relationship to
(Please print name of individual signing)

the entity named above is Employee - Operations Manager.

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 of 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 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 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 no 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.)

[Signature]
 (Signature)
July 12, 2010
 (Date)

STATE OF Florida

COUNTY OF Pinellas

PERSONALLY APPEARED BEFORE ME, the undersigned authority,

Patrick L. Farrow who, after first being sworn by me, affixed his/her signature in the
 (Name of individual signing)

space provided above on this 12th day of July, 2010.

My commission expires:

2/16/14

Beth M. Malcomb
 NOTARY PUBLIC



ANTI-KICKBACK AFFIDAVIT

PROJECT ITB #10-011: SECURITY SERVICES: CITY OF KEY WEST PORT
OPERATIONS, KEY WEST BIGHT, CITY MARINA

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

12th day of July, 2010.

Beth M. Malcomb
NOTARY PUBLIC, State of Florida at Large

My Commission Expires: 2/16/14



**LOCAL VENDOR CERTIFICATION PURSUANT TO CKW 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 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.
 - 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

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: NONE 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

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
(type of 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

**AGREEMENT FOR
SECURITY SERVICES**

This Agreement is made and entered into by and between the City of Key West, Florida, a municipal corporation of the State of Florida, whose address is 525 Angela Street, Key West, Florida 33040 (hereinafter referred to as "CITY") and Excelsior Defense., an _____ corporation, whose address is 2232 Central Avenue St. Petersburg, fl. 33712 (hereinafter CONTRACTOR.)

WITNESSETH:

WHEREAS, the CITY by Resolution No. _____, accepted the bid of CONTRACTOR to provide security services to CITY; and

WHEREAS, the parties agree as follows:

1. CONTRACTOR shall provide security services to CITY of Key West owned, operated, or leased properties including, but not limited to Key West Bight, Key West Bight Ferry Terminal, City Marina, Mallory Square, and the Outer Mole at the Truman Waterfront property as described in the bid specifications or modifications thereto contained in IB #10-011, which is incorporated by reference hereto.
2. CONTRACTOR is an independent contractor, and at its own cost and expense, shall perform the services as authorized by Purchase Order issued by CITY, and shall provide all materials, tools, labor, appliances, machinery, vehicles, and appurtenances necessary to perform the services.
3. All services shall be performed in a professional manner and form as required by all applicable Federal, State, and local rules, regulations, laws, codes, and ordinances, and in accordance with the "Contract Documents". State of Florida Class D Security License is required for all security personnel. TWIC Badging is required by at least one security personnel per shift at the Outer Mole.
4. In consideration of the performance of the services as set forth in IB #010-011, the City agrees to pay to the CONTRACTOR the hourly prices, as outlined in the Bid Form in accordance with IB #10-011, or as otherwise herein provided.
5. The CONTRACTOR shall have permanent representation of supervisory capacity residing in the City of Key West or Monroe County, and shall also have the ability, on short notice, to provide for additional security needs within a minimum twelve (12) hours of notification by the City. It is also understood that cruise ship schedules are subject to change and/or cancellations, which requires the CONTRACTOR to provide for flexible scheduling of security personnel