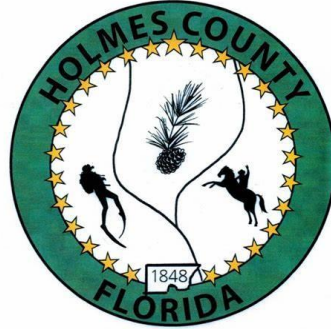


HOLMES COUNTY BOARD OF COUNTY  
COMMISSIONERS



**REQUEST FOR PROPOSAL (RFP) NO: 2022-05  
for Courthouse Generator**

**PROPOSAL ADVERTISE DATE: April 20, 2022  
PROPOSAL RELEASE DATE: April 20, 2022  
RESPONSE DUE DATE AND TIME:  
June 2, 2022, 2:00 PM CST**

**BID OPENING AND EVALUATION:  
June 3, 2022 – 11:00 AM CST**

**COMMISSION APPROVAL: April 5, 2022  
MAIL OR DELIVER RESPONSES TO:  
(hand-delivery or express mail services)**

Holmes County Board of County  
Commissioners  
ATTN: RFP 2022-05  
107 E Virginia St  
Bonifay, FL  
32425

**Contact:**

Whitney Milburn, Administrative Assistant  
Holmes County Board of County Commissioners  
107 E. Virginia Ave.  
Bonifay, FL. 32425  
Ph: (850)547-1119  
Fax: (850) 547-4134  
[hcadmin@holmescountyfl.org](mailto:hcadmin@holmescountyfl.org)

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## **RFP 2022-05 COURTHOUSE GENERATOR**

### **INTENT AND GENERAL INFORMATION**

Holmes County, Florida through Request for Proposal (RFP) No. 2022-05, is soliciting Proposals from qualified businesses registered to do business in the State of Florida to provide (Courthouse Generator) for the Holmes County Courthouse in Holmes County, Florida. The Board of County Commissioners invites interested vendors to respond.

This RFP intends to enter a contract with the successful Respondent to begin upon approval of the Board of County Commissioners and the issuance of a Notice to Proceed (NTP), for the Work.

Firms interested in preparing a proposal for this RFP must complete the requirements outlined in this RFP, its attached documents, and documents incorporated by reference (collectively referred to as the "RFP"). Under the proposal process of Holmes County, the conditions set forth herein are binding on the Respondent as confirmed by the signature of a person with legal authority to bind the Respondent on the cover letter transmitting its Proposal to the County in response to this RFP.

If this RFP is amended, the County will issue an appropriate addendum to the RFP. If an addendum is issued, all terms and conditions of this RFP that are not specifically modified in the addendum shall remain unchanged. An addendum to this RFP will be issued if any of the dates and/or times change unless the date(s) falls after the date the RFP Proposal(s) are due. Specific dates/times will be determined at each phase.

It is understood and the Respondent hereby agrees to be solely responsible for obtaining all materials and determining the best methods that will be utilized to meet the intent of the specifications of this RFP. Failure by the Respondent to acquaint themselves with the available information will not relieve them from responsibility for estimating properly the difficulty or cost of successfully performing the work. Respondents are expected to examine the specifications and all instructions on the required commodities/services. Failure to do so will be at Respondent's risk.

The County reserves the right to reject any Proposal found to be non-responsive, vague, or non-conforming. The County also reserves the right at any time to withdraw all or part of this RFP to protect its best interests. The County is not liable for any costs incurred by the Respondent in preparing its response, nor is a response an offer to contract with any Respondent. Pursuant to Chapter 119, Florida Statutes (FS), all responses are subject to Florida's public records laws.

While every effort is made to ensure the accuracy and completeness of information in the RFP, it is recognized that the information may not be complete in every detail and that all work may not be expressly mentioned in the RFP. It is the responsibility of the Respondent to include in its Proposal all pertinent information in accordance with the objectives of the RFP.

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Respondents interested in the Work are instructed to submit **one (1) original hard copy and one (1) electronic copy** (CD or USB flash drive) of its **complete** Proposal in accordance with this RFP, no later than, unless otherwise changed through an addendum to this RFP, to the HOLMES COUNTY BOARD OF COUNTY COMMISSIONERS' OFFICE, 107 EAST VIRGINIA AVE, BONIFAY, FL 32425. Proposals received after this date and time will not be considered and shall be returned unopened.

- **Holmes County is an Equal Opportunity Employer.**
- **MBE/WBE businesses are encouraged to participate.**
- **Holmes County enforces open and fair competition.**

**ADA – Special Accommodations:** Any person requiring accommodations by the County due to a disability should call 850-547-1119 at least five (5) working days before any response, opening, or meeting. If you are hearing or speech impaired, please contact the County office by the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

The RFP and any addenda issued are available on the Holmes County website at <https://holmescountyfla.com> or by contacting the County at 850-547-1119. All questions pertaining to this RFP should be submitted in writing in accordance with the RFP instructions set forth in Section 1.1 of the RFP.

### **SECTION 1.0 SCHEDULE OF EVENTS**

Failure to comply with this or any other paragraph of this RFP shall be sufficient reason for rejection of the Proposal.

*All times listed in the Schedule of Events are Central Standard Time (CST).*

<b><i>Event</i></b>	
Proposal Advertisement Date:	Wednesday April 20, 2022
Release of Request for Proposal	Wednesday, April 20, 2022
Technical Questions Due from Prospective Respondent	May 18, 2022
Responses to technical questions due	May 25, 2022
PROPOSALS DUE TO BOCC	June 2, 2022 on or before 2:00 p.m. Central
Proposal Opening and Evaluation	June 3, 2022 at 11:00 a.m. Central
Board Consideration of Intended Award & Posting of Notice of Award	June 7, 2022 at 6:00pm

**RFP 2022-05 COURTHOUSE GENERATOR**

- 1.1 All inquiries and questions concerning this RFP must be in writing (e-mail is acceptable), received in accordance with Section 1.0 Schedule of Events, and must be directed to:

**Technical Questions:**

Contact Adrienne Owens, Director, Office of Emergency Management  
1001 E Highway 90  
Bonifay, FL 32425  
(850) 703-2656

Questions and responses will be posted on the County's Website and, if necessary, an Addendum(s) will be issued.

- 1.2 All **Proposals** and all attachments must be bound and delivered **SEALED** to the County at the address shown below no later than the time and date set for receipt of proposals in Section 1.0, Schedule of Events.

Deliver or mail the proposal in a sealed envelope/package to:

**HOLMES COUNTY ADMINISTRATION OFFICE**  
**ATTN: RFP 2022-05**  
**107 E. Virginia St.**  
**Bonifay, FL 32425**

- 1.3 The front lower-left corner of each SEALED envelope/package shall contain the following Information for proper identification:

COURTHOUSE GENERATOR PROJECT RFP 2022-05 ATTENTION: Adrienne Owens
--

- 1.4 All Proposals received will be recorded and date stamped at the Holmes County Board office located at 107 E Virginia Ave. Bonifay, Florida 32425. The responsibility for submitting the Proposal to the County Administration Office no later than the specified time and date is solely that of the Respondent. The County will in no way be responsible for delays in mail delivery or delays caused for any other occurrence.

## RFP 2022-05 COURTHOUSE GENERATOR

- 1.5 Submission of Proposals by fax or other electronic means will not be accepted. Late Proposals will not be accepted, i.e., any Proposal submitted/received after June 2, 2022, unless otherwise changed through the issuance of an addendum to this RFP.
- 1.6 Any proposals received after the stated time and date will not be considered. Late proposals shall not be opened at the public opening. Arrangements may be made for the unopened proposal to be returned at the Respondent's request and expense.
- 1.7 A Proposal may be withdrawn or modified only by written notification from the Respondent before the time fixed for the opening of Proposals. Negligence on the part of the Respondent in preparing the Proposal confers no right for withdrawal of the proposal after it has been opened.

### **SECTION 2.0 CONE OF SILENCE**

- 2.1 A Cone of Silence will be in effect for this RFP beginning with the advertisement date of
- 2.2 The prospective Respondent shall not have any communication with any County officers, an agent, or employees regarding this RFP or project. No interpretation of the meaning of the plans, specifications or RFP shall be made to a Respondent orally. Any such oral or other interpretations or clarifications shall be without legal effect.
- 2.3 All requests for interpretations or clarifications shall be in writing, addressed to the contact person as shown in Section 1.0, Schedule of Events. All such requests for interpretations or clarifications must be received in writing in accordance with Section 1.0, Schedule of Events. All such interpretations and supplemental instructions shall be in the form of a written addendum which, if issued, shall be posted on the County's website on the date indicated in Section 1.0 Schedule of Events. Such writing addenda shall be binding on the Respondent and shall become part of the RFP document (s).

### **SECTION 3.0 SCOPE OF WORK**

**Installation of a 4'x10' concrete pad mounted 150 kw, 3-phase diesel generator with a 72-hr fuel tank and two automatic generator transfer switches. Due to property size constraints and in order to accommodate installation, the existing electrical service of the Courthouse must be relocated to the northwest corner at the rear of the building, approximately twenty feet from where the generator will be installed. Concrete in the vicinity will need to be excavated for burial of conduits and the new transfer switches will be wired into the existing 1600 amp disconnect that feeds the building. Install a generator enclosure with a 180 mph wind load.**

## RFP 2022-05 COURTHOUSE GENERATOR

### Materials:

**150 kw Diesel Generator & Installation**  
**Double Transfer Switch & Installation**  
**Electrical Work (Panel relocation & conduit/wiring)**  
**Crane Rental**  
**Concrete Work (cut-outs & new pad)**  
**Fuel tank size included with generator is 785 gal)**  
**Cummins generator enclosure 180 mph windload**

### Location of Work:

**Holmes County Courthouse**  
**201 North Oklahoma Street**  
**Bonifay, FL 32425**

## **SECTION 4.0 PROPOSAL RESPONSE REQUIREMENTS**

### **Overview**

- 4.1 The County has established certain mandatory requirements that must be included as part of any Proposal. The use of the terms “shall,” “must,” or “will” (except to indicate simple futurity) in this RFP indicates a mandatory requirement or condition. The words “should” or “may” in this RFP indicate desirable attributes or conditions but are permissive. Deviation from, or omission of, such a desirable feature will not by itself cause rejection of a Proposal.
- 4.2 Proposals not meeting all material requirements of this request, or which fail to provide all required information, documents, or materials such as to request forms, bonds, etc., will be rejected as non-responsive. Material requirements of the proposal are those set forth as mandatory, or without which an adequate analysis and comparison of replies are impossible, or those which affect the competitiveness of replies or the cost to the County. A Respondent whose Proposal, past performance, or current status that does not reflect the capability, integrity, or reliability to perform fully and in good faith the requirements of the Contract may be rejected as non-responsible.
- 4.3 The County reserves the right to determine which Proposals meet the material requirements of the RFP and which Proposals are responsible and/or responsive. Further, the Board of County Commissioners may reject all Proposals and seek new Proposals when it is in the best interest of the County to do so.
- 4.4 A Proposal by a corporation shall be executed in the corporate name by the president or a vice-president or other corporate officer accompanied by evidence of authority to sign. The corporate seal shall be affixed and attested by the secretary or an assistant secretary. The corporate address and state of incorporation shall be provided on the Proposal Form, for a Proposal by a/an:
- 4.5 A partnership shall be executed in the partnership name and signed by a partner (whose title must appear under the signature), accompanied by evidence of authority to sign. The official address of the partnership shall be provided on the Proposal Form.

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- 4.6 Limited liability company shall be executed in the name of the firm by a member and accompanied by evidence of authority to sign. The state of formation of the firm and the official address of the firm shall be shown.
- 4.7 The individual shall show the Respondent's name and business address.
- 4.8 Proposal by a joint venture shall be executed by each joint venture member in the manner indicated on the Proposal Form. The official address of the joint venture must be provided on the Proposal Form.
- 4.9 All names shall be printed in ink below the signatures.
- 4.10 The Proposal shall contain an acknowledgment of receipt of all Addenda, the numbers, and dates of which shall be filled in on the Proposal Form.
- 4.11 The postal and email addresses and telephone numbers for communication regarding the Proposal shall be shown.
- 4.12 A Respondent seeking to do business with the County shall, at the time of submitting a Proposal, be appropriately registered with the Department of State in accordance with the provisions of Chapters 605, 607, 617, or 620 Florida Statutes, as applicable. For further information on required filing and forms, please go to the following sites: <http://sunbiz.org/index.html> or <http://www.dos.state.fl.us/doc/index.html>. The Proposal shall contain evidence of Respondent's authority and qualification to do business in the state or locality where the Project is located or Respondent shall covenant in writing to obtain such qualification prior to award of the Contract and attach such covenant to the Proposal. Respondent's state contractor license number, if any, shall also be shown on the Proposal Form.

### **Instructions to Respondents**

- 4.13 The Proposal should address the requirements in a clear and concise manner in the order stated herein.
- 4.14 Proposals must be tabbed as follows and must include the information/documents specified in the applicable tab. Proposals that do not adhere to the following format or include the requested information/documents may be considered incomplete and therefore unresponsive by the County.
- 4.15 The County reserves the right to seek additional/supplemental representation on specific issues as needed.
- 4.16 Proposals should be typed. No changes in or corrections to Proposals will be allowed after the Proposals are opened.



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- 4.17 The signer of the Proposal must declare that the Proposal in all respects is fair and in good faith without collusion or fraud and that the signer of the Proposal has the authority to bind the principal Respondent.
- 4.18 The County shall not be liable for any costs incurred by Respondent prior to entering a contract. Therefore, all Respondents are encouraged to provide a simple, straightforward, and concise description of their ability to meet the RFP requirements.

### **PROPOSAL CONSTRUCTION**

Respondents shall construct their Proposal in the following format as outlined and a tab must separate each section as prescribed.

### **PROPOSAL TRANSMITTAL FORM ON THE FIRM LETTERHEAD (APPENDIX A)**

All signatures must be by an individual with authority to legally bind the Respondent, witnessed, and corporate and/or notary seal (as applicable.) If the individual signing the Proposal Transmittal Form does not have apparent authority to legally bind the Respondent, attach documentation demonstrating such authority. The corporate or mailing address must match the company information as it is listed on the Florida Department of State Division of Corporations. Attach a copy of the webpage(s) from <http://www.sunbiz.org> as certification of this required information. Verify that all addenda and tax identification numbers have been provided.

### **TAB 1 – QUALIFICATIONS, EXPERIENCE, AND ABILITY OF PROFESSIONAL PERSONNEL**

The Respondent shall provide a history of the organization, its areas of expertise and show the individual(s) providing these services will fulfill the needs of the BOCC if awarded a contract pursuant to this RFP. Provide an organizational profile of the firm and five (5) years of experience for the “Work”, and a list of professional staff, years with the firm, and a brief bio that may be assigned to a project and any professional certifications or licenses held.

### **TAB 2 – REQUIRED FORMS DOCUMENTS AND CERTIFICATIONS (APPENDIX C)**

The following forms must be filled out and signed by a person with authority to bind the Respondent:

- C-1: Indemnification and Hold Harmless Statement
- C-2: Public Entity Crimes Sworn Statement
- C-3: Equal Employment Opportunity/Affirmative Action Statement
- C-4: Drug-Free Workplace Certification
- C-5: Discloser Statement, Conflict of Interest Discloser
- C-6: Non-Collusion Affidavit
- C-7: Ethics Clause Certification

C-8: Proposed Subcontractors\* and Services to Be Performed

***\*The Respondent Shall Not Award Work to Subcontractor(s) more than 50% of the Base Contract***

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- C-9: Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions
- C-10: E-Verify Compliance Certification
- C-11: Insurance Verification
- C-12: References/Conflicts
- C-13: Certification Regarding Lobbying for Contracts, Grants, Loans, and Cooperative Agreements
- C-14: Comments on Proposed Contract

### **TAB 3 – EXPERIENCE FOR SIMILAR PROJECTS AND QUALIFICATION QUESTIONNAIRE (APPENDIX D)**

Provide a list of similar projects worked on in the last 5 years including the project description, location, dates, and team members, and include the Qualification to Proposal Application and Questionnaire.

### **TAB 4 - PROPOSED PRICING INFORMATION (ref: Appendix B)**

All proposal prices must be based on the approved activities as determined which all respondents choosing to proposal \ must attend. Pricing information must be submitted on the designated forms and signed by the appropriate parties. Pricing submitted based on lease or lease to purchase options will not be accepted.

## **SECTION 5.0 PROPOSAL OPENING**

- 5.1 All Proposals will be opened on the date and time indicated in **Section 1.0, Schedule of Events** (i.e., date Proposals are due) or as modified by addendum.

## **SECTION 6.0 EVALUATION OF PROPOSALS AND SELECTION PROCESS**

- 6.1 Respondents who satisfy the required qualifications and are deemed responsible Respondents and who timely submit a responsive proposal will be considered by the County. Proposals received from prospective Respondents who have been suspended or debarred will not be accepted or considered.

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- 6.2 As provided in the Holmes County Procurement policy as recorded in the code of ordinances, the county may consider the following factors in addition to price when determining whether a Respondent is responsive and responsible:
- a. Ability, capacity, and skill of the Respondent to perform the contract.
  - b. Whether the respondent can perform the contract within the time specified, without delay, interference, or conflict with the current workload.
  - c. Character, integrity, reputation, judgment, experience, and efficiency of the Respondent.
  - d. Quality of performance of previous contracts.
  - e. Previous and existing compliance by the vendor with laws and regulations relating to the contract.
  - f. Sufficiency of the financial resources and ability of the vendor to perform the contract or provide the Work.
  - g. Quality, availability, and adaptability of the supplies or contractual services to the particular use required.
  - h. The ability of the Respondent to provide further maintenance and service for the use of the subject of the contract, if applicable.
  - i. Number and scope of conditions attached to the proposal or quote.
  - j. Qualifications of personnel, licensing, and corporate qualifications.
  - k. Evidence of improper litigation.
  - l. Use of one or more subcontractors with a record of poor performance.
- 6.3 For this section, the county may consider evidence from the five years preceding the subject proposal.
- 6.4 In the event the lowest, responsive, responsible proposal for a construction project exceeds the architectural or engineering cost estimates, the county administrator or designee is authorized, when time or economic considerations preclude a procurement may get reissued for a reduced scope, to negotiate an adjustment of the scope of work with the lowest, responsive, responsible respondent, to bring the proposal within the number of available funds. After award of this Proposal, the County reserves the right to add or delete items/services at prices to be negotiated at the time of addition or deletion. At Contract renewal time(s) or in the event of significant industry-wide market changes, the County may negotiate justified adjustments such as price, terms, etc., if, in its sole judgment, the County considers such adjustments to be in its best interest.
- 6.5 The County reserves the right to reject any or all Proposals, including without limitation, nonconforming, nonresponsive, unbalanced, or conditional Proposals. The County further reserves the right to reject the proposal of any Respondent whom it finds, after reasonable inquiry and evaluation, to be non-responsible. The County also reserves the right to waive all informalities not involving price, time, or changes in the Work and to negotiate contract terms with the Successful Respondent.

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- 6.6 More than one Proposal for the same Work from an individual or entity under the same or different names will not be considered. Reasonable grounds for believing that any Respondent has an interest in more than one Proposal for the Work may be cause for disqualification of that Respondent and the rejection of all Proposals in which that Respondent has an interest.
- 6.7 In evaluating Proposals, the County will consider whether or not the Proposals comply with the prescribed requirements, and such alternates, unit prices, and other data, as may be requested in the Proposal Form or prior to the Notice of Award.
- 6.8 In evaluating Respondents, the County will consider the qualifications of Respondents and may consider the qualifications and experience of Subcontractors, Suppliers, and other individuals or entities proposed for those portions of the Work for which the identity of Subcontractors, Suppliers, and other individuals or entities must be submitted as provided in the Supplementary Conditions.
- 6.9 The County may conduct such investigations as the County deems necessary to establish the responsibility, qualifications, and financial ability of Respondents, proposed Subcontractors, Suppliers, individuals, or entities to perform the Work in accordance with the Contract Documents. Any Respondent or sub-contractor that will have access to County facilities or property may be required to be screened to a level that may include but is not limited to fingerprinting and a statewide criminal background check. There may be fees associated with these procedures. These costs are the responsibility of the Respondent or sub-contractor.
- 6.10 If the Contract is to be awarded, the County will award the Contract to the responsible Respondent whose Proposal, conforming with all the material terms and conditions of the Instructions to Respondents, is lowest, price, and other factors considered. If detailed in the proposal form, factors such as discounts, transportation costs, and life cycle costs may be used to determine which respondent, if any, is to offer the award.
- 6.11 Responses to this RFP not meeting the requirements specified herein will be considered non-responsive or not responsible, as applicable. In the best interest of the County, the Holmes Board of County Commissioners reserves the right to reject all responses or waive any minor irregularity or technicality in responses received. Respondents are cautioned to make no assumptions unless their response has been deemed responsive.
- 6.12 Whenever two or more Proposals, which are equal with respect to price, quality, and service, are received for procurement of commodities or contractual services, from responsive and responsible Respondents the following steps will be taken to establish the award to the lowest Respondent. This method shall be used for all ties.

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### Step 1: Local Businesses:

Between a Local Business and a Non-Local Business, a Contract award, or the first opportunity to negotiate, as applicable, shall be made to the Local Business.

### Step 2 Drug-Free Workplace:

After step 1 if all is equal, the Respondent with a Drug-Free Workplace program shall be given preference, over a Respondent with no Drug-Free Workplace program. The contract award, or the first opportunity to negotiate, as applicable, shall be made to the Respondent with the Drug-Free Workplace program. To have a drug-free workplace program, a business shall comply with the requirements of § 287.087, F.S.

### Step 3 Coin Flip:

After Step 1, and Step 2 if all is equal, the Contract award, or the first opportunity to negotiate, as applicable, shall be determined by the flip of a coin to determine the outcome.

When the tie has been broken pursuant to the above procedures, the Contract award, or the first opportunity to negotiate, as applicable, shall be made.

If an award or negotiation is unsuccessful with the initial Respondent, award or negotiations may commence with the next highest Respondent, utilizing the tiebreaker steps above to make the determination of the next lowest Respondent if necessary.

When the County gives a Notice of Award to the Successful Respondent, it shall be accompanied by the required number of unsigned counterparts of the Contract with the other Contract Documents which are identified in the Contract as attached thereto. Within two (2) days thereafter, Successful Respondent shall sign and deliver the required number of counterparts of the Contract and attached documents to the County. The County shall deliver one fully signed counterpart to Successful Respondent with a complete set of the Drawings with appropriate identification.

## **SECTION 7.0 INTENT TO AWARD AND CONTRACT EXECUTION**

- 7.1 The County reserves the right to incorporate the successful Proposal into the Contract. Failure of a Respondent to accept this obligation may result in the cancellation of the award. The Contract document and its exhibits are included as Appendix D, which is attached hereto and incorporated herein by reference.
- 7.2 The construction, interpretation, and performance of this RFP and all transactions under it shall be governed by the laws of the State of Florida and Holmes County. The Contract shall include all terms and conditions of this RFP, any addenda, response, and the County's contract issued as a result of this RFP.
- 7.3 The County reserves the right to make award(s) by individual item, group of items, all or none, or a combination thereof. The County reserves the right to reject any and all proposals and

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waive any minor irregularity or technicality in the proposals received. Award will be made to the lowest responsible and responsive respondent(s) within the category chosen for the basis of the award. The County reserves the right to award to one or multiple Respondents at its discretion.

- 7.4 The Successful Respondent will be required to assume responsibility for all services offered in the Proposal. The County will consider the Successful Respondent to be the sole point of contact with regard to contractual matters, including payment on any or all charges.
- 7.5 After the successful posting of the award for 72 hours, the Successful Respondent will be required to enter into the contract with the County.

### **SECTION 8.0 STANDARD TERMS AND CONDITIONS (STAC)**

1. Definitions
2. Florida Public Records Law and Confidentiality
3. Procurement Challenges
4. Contract
5. Insurance Requirements and Bond Requirements

#### **8.1 Definitions**

General terms used throughout this RFP are provided below. Additional definitions may be provided as applicable to a specific section or subject matter.

***The award*** means the determination of a successful Respondent(s) in response to this RFP, resulting in an offer of a contract to perform the services pursuant to the RFP and their proposal.

***County*** means the Holmes Board of County Commissioners (BOCC) and its employees.

***Contract*** means the legally enforceable document agreed to and signed by the County and successful Respondent(s) (collectively referred to as the “Parties”), a draft Contract is attached hereto as Appendix D and incorporated herein.

***RFP*** means this document, its attachments, and any document hereinafter incorporated by reference.

***Respondent*** means any firm, individual, or organization submitting a Proposal in response to this RFP.

***Successful Respondent*** means a Respondent who is Awarded a Contract as a result of the Proposal submitted in response to this RFP.

***Proposal Bond*** means an insurance agreement in which a third party agrees to be liable to

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pay a certain amount of money if a selected vendor fails to accept the contract as a proposal. If required, a proposal bond/deposit shall be for 5% of the amount of the proposal.

**Payment bond** means a bond that assures that the subcontractors, laborers, material suppliers will receive payment for the services and products used to fulfill the contract.

**Performance bond** means a bond to assure satisfactory performance of the terms of the contract.

**Work or SOW** means the scope of work and/or services.

**Engineer** means the engineer/engineering firm responsible for preparing the Construction Drawings and Specifications.

**Local Business** means a business that has a current business tax receipt issued by Holmes County, if required, and has its principal office located within Holmes County currently and for the six (6) month period immediately preceding submission of a response to a Competitive Procurement.

### **8.2 Florida Public Records Law and Confidentiality**

By submitting a Proposal in response to this RFP, a Respondent acknowledges that the County is a governmental entity subject to the Florida Public Records Law (Chapter 119, Florida Statutes). The Respondent further acknowledges that any materials or documents provided to the County may be “public records” and, as such, may be subject to disclosure to, and copying by, the public unless otherwise specifically exempt by Law.

Should the Respondent provide the County with any materials which it believes, in good faith, contain information that would be exempt from disclosure or copying under Florida Law; the Respondent shall indicate that belief by typing or printing, in bold letters, the phrase “PROPRIETARY INFORMATION” on the face of each affected page of such materials. The Respondent shall submit to the County both a complete copy of such material and a redacted copy in which the exempt information on each affected page, and only such exempt information, has been rendered unreadable. In the event a respondent fails to submit both copies of such material, the copy submitted will be deemed a public record subject to disclosure and copying regardless of any annotations to the contrary on the face of such document or any page(s) thereof.

Should any person request to examine or copy any material so designated and provided the affected Respondent has otherwise fully complied with this provision, the County, in reliance on the representations of the Respondent, will produce for that person only the redacted version of the affected materials? If the person requests to examine or copy the complete version of the affected material, the County shall notify the Respondent of that request, and the Respondent shall reply to such notification, in writing that must be received by the County no later than 4:00 p.m., EST, of the County business day following Respondent’s receipt of such notification, either permitting or refusing to permit such disclosure or copying.

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Failure to provide a timely written reply shall be deemed consent to disclosure and copying of the complete copy of such material. If the Respondent refuses to permit disclosure or copying, the Respondent agrees to, and shall, hold harmless and indemnify the County for all expenses, costs, damages, and penalties of any kind whatsoever which may be incurred by the County, or assessed or awarded against the County, in regard to the County's refusal to permit disclosure or copying of such material. If litigation is filed in relation to such request and the Respondent is not initially named as a party, the Respondent shall promptly seek to intervene as a defendant in such litigation to defend its claim regarding the confidentiality of such material. This provision shall take precedence over any provisions or conditions of any Proposal submitted by a Respondent in response to this RFP and shall constitute the County's sole obligation concerning maintaining the confidentiality of any document, material, or information submitted to the County.

### **8.3 Procurement Challenges**

Any Respondent who desires to formally protest shall follow the procedures outlined in the Holmes County Code of Ordinances, Chapter 2 – Administration, Article 6 – Purchasing Section 2.115(f) – Competitive Procurements, which is incorporated by reference.

### **8.4 Construction and Venue**

The validity, construction, and effect of this RFP and subsequent Contract shall be governed by the Laws of the State of Florida. The provisions of the RFP, Successful Respondent's Proposal, and subsequent Contract shall be complied with by the Parties, but only to the extent, they are consistent with applicable law and the Contract. In the event of an inconsistency, the Order of Precedence shall be followed:

- a. Laws of Florida and Contract
- b. RFP and all of its addendums and attachments
- c. Successful firm's Proposal

Venue for all actions arising under the RFP and subsequent Contract shall lie in Holmes County, Florida, United States.

### **8.5 Contract**

The Successful Respondent will be required to enter into the contract with the County and will be required to perform the Work in accordance with the Contract terms and conditions. The County is under no obligation to modify the proposed Contract to conform to the Successful Respondent's Contract exceptions. Contingent Proposals will not be accepted. If acceptance of the Contract Award is contingent on an exception and modification to the Contract, the Respondent must provide this information to the County at the time of submission of technical questions, as outlined in the Schedule of Events in order to obtain a determination from the County regarding the proposed exception.



## **RFP 2022-05 COURTHOUSE GENERATOR**

If a Respondent's exception and modification are rejected by the County during the technical question portion of the Proposal process and the Respondent later submits a Proposal, Respondent shall be deemed to have accepted this Contract provision.

### **8.6 Insurance Requirements**

Insurance Verification Requirements – See Appendix C11.

### **8.7 Federal Funding Requirements**

Funding used to procure this contract will be federal funding and all respondents should be made aware of provisions outlined in 2CFR 200.

- a. All non-Federal entities using federal funds must conform to the procurement standards identified in 2 CFR §§ 200.317 through 200.327.
- b. Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- c. The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.
- d. If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the non-Federal entity must also maintain.
- e. All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and § 200.320.
- f. As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all sub-awards including all contracts and purchase orders for work or products under this award.

**RFP 2022-05 COURTHOUSE GENERATOR  
LEGAL ADVERTISEMENT**

HOLMES COUNTY BOARD OF  
COUNTY COMMISSIONERS  
*COURTHOUSE GENERATOR PROJECT*

**REQUEST FOR PROPOSAL No. RFP  
2022-05 ADVERTISEMENT BEGIN**

**DATE:**

**May 20, 2022**

**RFP RELEASE DATE: May 20, 2022**

Sealed proposals to provide for the courthouse generator project will be received at the office of the Board of County Commissioners, 107 E. Virginia St, Bonifay, FL 32425; until June 2, 2022, Local Time, on 2:00 pm CST. Proposals received after said time will be returned unopened. The Board of County Commissioners will then conduct a public meeting on June 3, 2022, Local Time, at 11:00 am CST at which time the proposals will be opened and read aloud. Proposals received after said time will be returned unopened.

The principal features of this procurement by the County are known as COURTHOUSE GENERATOR PROJECT. The specifications of this procurement are stated in the RFP 2022-05.

The RFP and any addenda issued will be posted to the County's Website at www.holmescountyfl.com or can be obtained by contacting the Adrienne Owens, (850) 703-2656 or aowens@holmesem.org.

All technical inquiries and clarification requests shall be submitted in writing to Adrienne Owens at aowens@holmesem.org in accordance with the RFP. Verbal clarifications will not be provided.

*Holmes County is an Equal Opportunity Employer  
MBE/WBE businesses are encouraged to participate*

ADA – Special Accommodations: Any person requiring accommodations by the County due to a disability should call Holmes County Administration Office at 850-547-1119 at least five (5) days before any pre-response conference, response opening, or meeting. If you are hearing or speech impaired, please contact the County Administration Office by the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

## RFP 2022-05 COURTHOUSE GENERATOR

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal on a contract to provide any goods or services to a public entity, may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit proposals on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity over the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO (\$35,000) for 36 months from the date of being placed on the convicted vendor list.

The Holmes County Board of County Commissioners reserves the right to waive informalities in any proposal; reject any or all proposals, in whole or in part; re-proposal a project, in whole or in part; and to accept a proposal that in its judgment is the lowest and best proposal of a responsible respondent. In accepting a proposal, Holmes County may award a contract based only on the base proposal, the base proposal plus all alternates, or the base proposal plus any alternates which Holmes County selects -- with all decisions being made based upon what Holmes County believes to be the best interests of its ratepayers, in the reasonable exercise of its discretion. Holmes County further reserves the right to increase or decrease quantities as may be required to meet the needs of Holmes County, at the unit price which was proposed.

Holmes County does not discriminate based on race, color, national origin, sex, religion, age, marital status, and disability/handicapped status in employment or provision of service.

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