

**Solicitation
For Participation in
Progressive Design-Build Services for the Arlington East WRF Biosolids Forcemain
for**



Jacksonville, FL

Solicitation Number 1410831646

Mandatory Pre-Proposal Meeting via WebEx or Teleconference on August 30, 2022, at 11:00 AM

Meeting URL: <https://jeameeting.webex.com/>

Meeting Number (Access Code): 2300 927 7338

Meeting Password: Meeting

Meeting Dial-In: 1-415-655-0001

**Email Dan Kruck (krucdr@jea.com) 24 hours before the Pre-Proposal Meeting
so that your attendance can be confirmed.**

Proposals are due on September 27, 2022 by 12:00 PM EST

Proposals shall be electronically submitted per instructions in this solicitation.

**JEA will publicly open all Proposals received from qualified Proposers on the Proposal Due Date, via WebEx.
A meeting link will be provided within 48 hours of Proposal opening on jea.com**

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SOLICITATION

1. REQUEST FOR PROPOSALS

1.1. INVITATION

1.1.1. SCOPE OF WORK

The scope of work for this solicitation includes the Design and construction of a parallel 8-inch force main (8-inch PVC/10-inch HDPE) from University Blvd., at Jacksonville University, a subaqueous crossing of the St. Johns River to the JEA Kennedy Generating Station site and ending at Talleyrand Ave. Pipeline construction may require open cut, jack and bore, and horizontal directional drilling (HDD) methods.

Detailed discussion of the scope of work is presented in 1410831646 Appendix A – Scope of Work.

1.1.2. BACKGROUND

JEA owns, operates and manages the electric system established by the City of Jacksonville, Florida in 1895. In June 1997, JEA also assumed operation of the water and sewer system previously managed by the City. JEA is located in Jacksonville, Florida, where we proudly serve an estimated 470,000 electric, 351,000 water and 274,000 sewer customers. JEA is Florida's largest community-owned utility and the eighth largest municipal in the United States.

1.1.3. INVITATION - REQUEST FOR PROPOSAL

You are invited to submit a Proposal in response to the Request for Proposals noted below:

Request for Proposals (RFP) Title: Progressive Design-Build Services for the Arlington East WRF Biosolids Forcemain

To obtain more information about this RFP:

Download a copy of the Solicitation, PDF quality drawings (if applicable) and any required forms at jea.com.

JEA RFP Number: 1410831646

Proposal Due Date: September 27, 2022

Proposal Due Time: 12:00 PM

To obtain more information about this Solicitation:

Download a copy of the Solicitation, drawings (if applicable) and any required forms at jea.com, search key word “Zycus” to connect to the online sourcing platform. Or click the following link:

https://www.jea.com/about/procurement/zycus_portal/

Closing Date and Time & Response Due Date: Per Zycus Close Date See Solicitation # on Zycus cloud-based sourcing platform for more details.

All Response documentation must reference the RFP Title and Number noted above. All Responses must be made on the appropriate forms as specified within the RFP and uploaded to a JEA’s sourcing platform. Instructions for using JEA’s sourcing platform can be found in Appendix C – Zycus Supplier Instructions.

Responses are due by the time and on the date listed above. Late Responses may not be accepted.

Respondents are strongly encouraged to acquire log in credentials early as possible. Additionally, Respondents are encouraged to submit bids early to ensure uploading process goes smoothly.

1.1.4. MANDATORY PRE-PROPOSAL MEETING

There will be a Mandatory Pre-Proposal meeting associated with this Solicitation. All interested Companies must attend the Pre-Proposal meeting. Each Proposer will be required to sign in at the beginning of the meeting. A

Proposer shall only sign in representing one company, unless otherwise specified by JEA. Companies not attending the Pre-Proposal meeting may have their Proposals rejected and returned unopened.

Those planning to attend by teleconference should email their name and contact information to: krucdr@jea.com, at least 24 hours prior to the Pre-Proposal meeting to facilitate roll call.

Proposers must be on time to the meeting and must be present at the starting time of the meeting. Proposers not arriving on time for the meeting may have their Proposals rejected and returned unopened.

Meeting Date: August 30, 2022

Meeting Time: 11:00 AM

Meeting URL: <https://jeameeting.webex.com/>

Meeting number (access code): 2300 927 7338

Meeting password: Meeting

Dial In: 1-415-655-0001

1.1.5. OPENING OF PROPOSALS

All Proposals received shall be publicly announced and recorded at 2:00 PM on the Proposal Due Date, via WebEx. The details for the WebEx will be on jea.com at the following website:

https://www.jea.com/Events/Public_Meetings/Bid_Opening no later than 48 hours before the Proposal opening. At the opening of Proposals, a JEA representative will publicly open each Proposal that was received prior to the due date and time, except for those Proposals that have been properly withdrawn. JEA has the right to waive any irregularities or informalities in the Proposals.

1.1.6. QUESTIONS

All questions must be submitted in writing to the JEA Buyer listed below at least seven (7) business days prior to the opening date. Questions received within seven (7) business days prior to the opening date will not be answered.

For Questions:

Buyer: Dan Kruck

E-mail: krucdr@jea.com

1.2. SPECIAL INSTRUCTIONS

1.2.1. MINIMUM QUALIFICATIONS FOR SUBMISSION

JEA is soliciting proposals from a team comprised of two key members: Contractor and Engineer. Proposer shall have the following Minimum Qualifications to be considered eligible to submit a Proposal in response to this RFP.

It is the responsibility of the Proposer to ensure and certify that it meets the Minimum Qualifications stated below. A Proposer not meeting all of the following criteria will have their Proposals rejected:

- The Proposer or Partner shall have performed the majority of the work, and completed, at least one (1) similar project as of the Proposal Due Date.
 - A similar project is defined as a subaqueous installation of a minimum of 4,000 LF of 8 inch minimum internal diameter or greater HDPE pipe by the horizontal directional drill method.
- The Proposer or Partner shall have performed the majority of the work, and completed, at least one (1) additional similar project as of the Proposal Due Date.
 - A similar project shall having been a collaborative delivery project (Design-Build, CMAR, etc.) project in the State of Florida.
- The Proposer or Partner for the engineering services shall have a State of Florida Certificate of Authorization for Engineering.
- The Proposer or Partner for the construction services shall have a State of Florida General Contractors License or Utility Contractors License.

Please note, any Proposer whose contract with JEA was terminated for default within the last two (2) years shall have their Proposal rejected.

1.2.2. SAFETY QUALIFICATION REQUIREMENT (RFP)

Proposer shall be approved as JEA Safety Qualified within ten (10) business days of receiving written notice from the JEA Bid Office that it is the highest ranked Proposer. If the Proposer fails to obtain JEA approval as a JEA Safety Qualified company by 4:00 PM Eastern Time on the 10th business day, JEA will reject the company's Proposal, and proceed to Award to the next highest ranked Proposer.

JEA Safety Qualification information is available online at jea.com. Please note that it may take up to five (5) business days for a company to be approved as JEA Safety Qualified. It is the Proposer's responsibility to ensure it is JEA Safety Qualified. A list of JEA Safety Qualified vendors can be found on jea.com.

1.2.3. EVALUATION METHODOLOGY

1.2.3.1. COMPETITIVE SEALED PROPOSALS - CONSULTANTS' COMPETITIVE NEGOTIATION ACT (CCNA)

JEA shall evaluate the Proposer's qualifications, rank the qualifications from all Proposers, and negotiate a Contract for the Work in accordance with Florida Statute, Section 287.055, known as the Consultants' Competitive Negotiation Act ("CCNA").

In evaluating the qualifications, JEA will not consider price, but may consider factors including, but not limited to, the Proposer's professional personnel, past performance, whether the Proposer is a Jacksonville Small and Emerging Business (JSEB); recent, current and projected workloads of the Proposer, and volume of work previously awarded to each Proposer by JEA. JEA may also request interviews or presentations from the Proposers during its selection. Interviews or presentations, if any, will be evaluated and up to fifty (50) points will be added to the Proposers written Proposal evaluation score.

After approving the rankings of all the Proposers, JEA will enter into negotiations of contractual terms with the best ranked Proposer. During negotiations, JEA will consider detailed information regarding the Contract Price, the Proposer's hourly rates, and scope of the Contract for the various phases of the Progressive Design-Build project.

If JEA and the Company are unable to negotiate a satisfactory Contract, JEA will formally terminate the negotiations with the Proposer and undertake negotiations with the next ranked Proposer. JEA will Award the Contract to the highest-ranking qualified Proposer that successfully completes Contract negotiations with JEA.

1.2.3.2. PROGRESSIVE DESIGN-BUILD APPROACH TO DEFINING SCOPE AND FEES.

For purposes of this RFP the Proposer (Design-Build firm) is defined as a contractual entity, properly licensed under the Florida law, comprised of a firm possessing both design and construction resources in-house, or a joint venture between designer and contractor, or a contractor-led team with the designer in a subcontractor role.

Phase I (up to 90% Design Completion) Planning - up to 10% of the project will consist of engineering evaluation, assessment and concept development as listed below. Note: an Opinion cost will be provided at each design stage.

If at the completion of 10%, 30% or 60% engineering, JEA is not satisfied with the engineering plans for any of the work, JEA shall retain ownership of all work, may have the Design-Builder complete 10%, 30% or 60% deliverables, terminate any remaining work in process in Phase I of the project and may use the information in re-advertising the project for completion of design, or new Design-Build contract.

90% Detail Design of the project will consist of engineering and may include some construction tasks to determine the Design-Builder's project approach to design and construction, schedule, and Guaranteed Maximum Price (GMP).

Once the Design-Builder has completed Phase I, it will submit its proposal for Phase II to JEA for approval.

Phase II (from 90% to 100% to Design Completion through Construction) shall consist of any remaining engineering, equipment purchases, and construction to complete the project per requirements and applicable standards. A Guaranteed Maximum Price (“GMP”) and a Guaranteed Completion Date (GCD) to complete Phase II, final design, and construction will be negotiated.

If acceptable, an Award shall be made to allow the Design-Builder to commence Phase II and to complete the project. If the fees or GMP cannot be successfully negotiated, JEA shall retain ownership of all work, have the Design-Builder complete Phase II deliverables up to Design Completion, terminate the previous phase of the project and JEA may use the information in re-advertising the project for Construction.

1.2.4. BASIS OF AWARD

1.2.4.1. EVALUATED PROPOSAL

JEA will use the Selection Criteria listed below to evaluate the Proposals. JEA may make its Award decision based solely upon the information submitted in the Proposals. JEA may also choose to have one or more Proposer make presentations to representatives of JEA. It is always in the best interest of the Proposer to provide informative, concise, well-organized technical and business information relative to the Work, in both the initial submittal of its Proposal and in any subsequent submittals.

Proposals will be scored and ranked by a committee evaluators. Each evaluator will individually score the Proposals using the evaluation matrix attached to this Solicitation. Using these scores, each evaluator will rank the Proposals using “1” for the Proposal receiving the highest number of points from the matrix. Proposals with an equal number of points will receive the same numerical ranking. JEA will total the numerical rankings for each Proposal and consider the Proposal with the lowest total to be the most highly qualified Proposal. Any tie will be broken using the total of the matrix scores of all evaluators.

1.2.5. SUBMISSION FORMAT

A Proposal must not exceed forty (40) total pages, excluding JEA supplied forms, any information required to meet minimum qualifications, or documents required for item 2 in section 1.2.5.3 Team Experience below. Each side of a page having content will be counted toward the maximum page limit. Font size must be ten (10) point or greater throughout the Proposal. Submission shall be organized in sections to match the requirements stated below.

1.2.5.1. PROFESSIONAL STAFF EXPERIENCE

Maximum score for this criterion is: 30 POINTS

Points for each subsection will be awarded as described on the Evaluation Matrix attached to this RFP.

1. Team Members

Four (4) key primary team member resumes, and their backups, will be evaluated. Primary resume shall be two (2) pages maximum. Resume must state education, years of experience, office location, licenses/certifications, which reference projects they worked on including the role on that project, brief description of role on this project, key professional roles and/or publications further demonstrating depth of relevant experience:

- Project Manager
- Engineer-of-Record
- Construction Manager
- Drilling Superintendent

2. Organizational Chart

Proposer shall provide an organizational chart delineating the Contractor/Engineer team's personnel responsibilities and functions associated with the Work not to exceed two (2) pages. If applicable, this chart shall also delineate any responsibilities and functions of subcontractor(s) and/or JSEB firm(s).

1.2.5.2. DESIGN APPROACH AND WORKPLAN

Maximum score for this criterion is: 30 POINTS

Describe vision for JEA project as it relates to the proposed tasks including creativity and innovation. Delineate your firm's approach or approaches to successful completion, specialized skills available, special considerations and possible difficulties in completing the project as specified. Design Approach and Workplan must address:

1. Narrative of Project & Understanding of Project Issues
2. How project will be implemented from start to finish
3. Effective & Efficient Management Approach for the Design-Build Team consisting of Engineering Designer and General Contractor
4. Experience of the Design-Build Team including experience in similar Previous Projects
5. Comprehensive Resource Plan & Schedule

1.2.5.3. TEAM EXPERIENCE AND PERFORMANCE

Maximum score for this criterion is: 35 POINTS

Points for each subsection will be awarded as described on the Evaluation Matrix attached to this RFP.

Proposer shall provide the following:

1. A summary of two similar projects. The examples should be able to demonstrate that Team's experience and knowledge qualify them to complete the necessary work in a successful manner.
 - a. Proposer should identify whether any of the proposed Team Members worked in key roles in the projects.
 - b. Proposer should provide detailed information to describe how Proposer managed the engagements to realize project budgetary goals, timetables, and quality control objectives.
 - c. Proposer should describe any working relationship with subcontractors that will be used for this project.
2. Published project documents, including conformed drawings, specs, and final basis of design report from a relevant engagement with a similar Scope of Work as stated in this RFP, along with a brief description of how the report framework will be modified for JEA's project.

1.2.5.4. JACKSONVILLE SMALL AND EMERGING BUSINESS (JSEB)

Maximum score for this criterion is: 5 POINTS

Proposer shall indicate if it is certified as a Jacksonville Small and Emerging Business (JSEB) as defined by Jacksonville Ordinance 2004-602; Chapter 126, Part 6A and 6B.

If Proposer is not a certified JSEB, the Proposer shall list any JSEB certified subcontractors that it intends to utilize in the performance of this Work. The listing should include names of the JSEBs, the type of service they will provide, and the percentage of work being subcontracted. Points will be awarded based on the type and amount of work that will be conducted by JSEB firms.

The points will be awarded as follows:

Proposer is a COJ/JEA certified JSEB = 5 points;

Proposer is not a JSEB but will subcontract Work to JSEBs:

Non-JSEB with JSEB partner:

- Greater than or equal to 5% of work = 4 points
- Greater than or equal to 3%, but less than 5% of work = 3 points
- Greater than or equal to 2%, but less than 3% of work = 2 points
- Greater than or equal to 1%, but less than 2% of work = 1 point
- Less than 1% of work = 0 points

1.2.6. REQUIRED FORMS TO SUBMIT WITH PROPOSAL

To submit a Proposal in response to this RFP, all of the following forms must be completed and submitted as part of the Proposal. The Proposer must obtain the required forms, other than the Minimum Qualification Form, by downloading them from JEA.com. If the Proposer fails to complete or fails to submit one or more of the following forms, the Proposal shall be rejected.

The following forms are required to be submitted:

- Company's Proposal
- Proposal Form - This form can be found in Appendix B of this Solicitation
- Minimum Qualification Form – This form can be found in Appendix B of this Solicitation
- List of JSEB Certified Firms (if any)
- State of Florida General Contractor License (Enter License Number on the Proposal Form).
- List of Subcontractors/Shop Fabricators (if any)

If the above listed forms are not submitted with the Proposal by the Proposal Due Time and Date, JEA shall reject the Proposal.

JEA also requires the following documents to be submitted prior to Contract execution. A Proposal will not be rejected if these forms are not submitted at the Proposal Due Time and Date. However, failure to submit these documents prior Contract execution could result in Proposal rejection.

- Conflict of Interest Certificate Form - This form can be found on JEA.com
- Insurance Certificate
- W-9
- Evidence of active registration with the State of Florida Division of Corporations (www.sunbiz.org)
- Any technical submittals as required by the Technical Specifications

1.2.7. NUMBER OF CONTRACTS TO BE AWARDED

JEA intends to Award one (1) Contract for the Work. JEA reserves the right to Award more or less than one Contract if JEA determines that it is in its best interest to do so.

1.2.8. JACKSONVILLE SMALL AND EMERGING BUSINESS (JSEB) PROGRAM REQUIREMENTS

1.2.8.1. OPTIONAL USE OF JACKSONVILLE SMALL AND EMERGING BUSINESS (JSEB) PROGRAM

It is at the Proposer's option as to whether it chooses to subcontract to a JSEB firm during Phase I of this project. JEA encourages the use of JSEB qualified firms; however, the Proposer is not required to utilize JSEB firms to be awarded this Contract.

During the development of GMP Proposer will meet with and provide project documentation to the JSEB Manager to facilitate meeting the JSEB goal for this project. Once the JSEB firms selected for Construction Services have been chosen, the Proposer will submit documentation to demonstrate compliance to the JSEB Manager.

JSEB firms that qualify for this Contract are only those shown on the current City of Jacksonville JSEB directory appearing at www.coj.net. Certification of JSEB firms must come from the City of Jacksonville. No other agency or organization is recognized for purposes of this Contract.

In no case shall the Proposer make changes to the JSEB firms listed in its GMP, revise the JSEB Scope of Work or amount of Work as stated in its GMP without prior written notice to the JEA Contract Administrator, and without subsequent receipt of written approval for the JEA Contract Administrator.

Any subcontractors of Proposer shall procure and maintain the insurance required of Proposer hereunder during the life of the subcontracts. Subcontractors' insurance may either be by separate coverage or by endorsement under

insurance provided by Proposer. Note: Any JSEB firms identified by Proposer for this Solicitation are considered "Subcontractors" under the direct supervision of the Prime or General Contractor (herein referred to as Proposer in this Solicitation). Proposer should show good faith efforts in providing assistance to JSEB firms in the securing of Subcontractors' insurance requirements stated in this section. Proposer shall submit subcontractors' Certificates of Insurance to JEA prior to allowing subcontractors to perform Work on JEA's job sites.

All question and correspondence concerning the JSEB program should be addressed to the following contact:

Rita Scott

JSEB Manager

scotrl@jea.com

1.3. COMPLETING THE SUBMITTAL DOCUMENTS

1.3.1. COMPLETING THE PROPOSAL

Proposers shall submit their Proposals and any enclosed documents attached to this RFP with responses typewritten or written in ink. Proposers should refer to the Special Instructions of this RFP to review specific items, which may be required with the submittal of the Proposal. The Proposer, or its authorized agent or officer of the firm, shall sign the Proposal. Failure to sign the Proposal may disqualify the Proposal. JEA-approved erasures, interlineations or other corrections shall be authenticated by affixing in the margin, immediately opposite the correction, the handwritten signature of each person executing the Proposal. Failure to authenticate changes may disqualify the Proposal. JEA may disqualify any Proposals that deviate from the requirements of this RFP, and those that include unapproved exceptions, amendments, or erasures.

1.3.2. OBTAINING OFFICIAL SPECIFICATION DRAWINGS FOR THIS RFP

If drawings are required to be reviewed prior to submitting a Proposal, JEA offers electronic drawing files for viewing at no charge at JEA.com.

1.3.3. ADDENDA

JEA may issue Addenda prior to the Proposal opening date to revise, in whole or in part, or clarify the intent or requirements of the Solicitation. The Proposer shall be responsible for ensuring it has received all Addenda prior to submitting its Proposal and shall acknowledge receipt of all Addenda by indicating where requested on the Proposal Form. JEA will post all Addenda when issued online at jea.com. The Proposer must obtain Addenda from the JEA website. All Addenda will become part of the Solicitation and any resulting Contract Documents. It is the responsibility of each Proposer to ensure it has received and incorporated all Addenda into its Proposal. Failure to acknowledge receipt of Addenda may be grounds for rejection of a Proposal.

1.3.4. MODIFICATION OR WITHDRAWAL OF PROPOSALS

The Proposer may modify or withdraw its Proposal at any time prior to the Proposal Due Date and Time by giving written notice to JEA's Chief Purchasing Officer. JEA will not accept modifications submitted by telephone, telegraph, email, or facsimile, or those submitted after Proposal Due Date and Time. The Proposer shall not modify or withdraw its Proposal from time submitted and for a period of ninety (90) days following the opening of Proposals.

2. GENERAL INSTRUCTIONS

2.1. CONTRACT EXECUTION AND START OF WORK

Within thirty (30) days from the date of Award, JEA will present the successful Proposer with the Contract Documents. Unless expressly waived by JEA, the successful Proposer shall execute a Contract for the Work or Services within ten (10) days after receiving the Contract from JEA. If the Proposer fails to execute the Contract or associated documents as required, or if it fails to act on a JEA-issued Purchase Order (PO), JEA may cancel the Award with no further liability to the Proposer, retain the bid security or bond (if applicable), and Award to the next-ranked company.

Upon JEA's receipt of the executed Contract, certificate of insurance, and recorded Payment and Performance bonds (if applicable), JEA will issue a PO, in writing and signed by an authorized JEA representative as acceptance of the Proposal and authorization for the company to proceed with the Work, unless otherwise stated in the Contract or PO.

For Construction Services: In the event that JEA intends to authorize the successful Proposer to proceed with administrative work only, or with only a portion of the Work, then the PO shall state the specific limitations of such authorization and JEA will issue a separate written Notice to Proceed to authorize the Proposer to begin Field Work, when applicable, or to perform the remainder of the Work, or any portion thereof. The Proposer shall ensure that it is prepared to begin Field Work upon receipt of Notice to Proceed. Any Work performed outside of this partial authorization shall be at the Proposer's risk and JEA shall have no obligation to pay for such Work.

2.2. AVAILABILITY OF PROPOSALS AFTER OPENING

In accordance with the Florida Public Records Law, Florida Statute, Chapter 119, copies of all proposals are available for public inspection thirty (30) days after the opening of Proposals or on the date of Award announcement, whichever is earlier. Proposers may review opened Proposals once they are available for public inspection by contacting the designated Buyer or JEA's Public Records custodian whose contact information can be found at jea.com. JEA will post a summary of proposal opening results at www.jea.com.

2.3. THIRD PARTY AGREEMENT REQUESTS

In the event Company will or may request JEA execute a third party agreement (including but not limited to: a joint check agreement, or revocable or irrevocable letter of direction with surety), then Company will disclose this fact in writing in its Proposal. This information will be taken into consideration by JEA in evaluating each Proposal. In the event Company is awarded this Work, then JEA will execute such documents, provided however, the same incorporates any additional language required by JEA's Chief Purchasing Officer.

2.4. JEA PUBLICATIONS

Applicable JEA publications are available at jea.com.

2.5. CONFLICT OF INTEREST

A person or company who receives a Contract which was not procured pursuant to public bidding procedures to perform a feasibility study, or who participated in the drafting of an invitation to bid or request for proposals, or who developed a program for future implementation shall not be eligible to contract with JEA for any other contracts dealing with that specific subject matter.

Should JEA erroneously Award a Contract in violation of this policy, JEA may terminate the Contract at any time with no liability to Proposer, and Proposer shall be liable to JEA for all damages, including but not limited to the costs to rebid the Work. The purpose of this policy is to encourage bidding and eliminate any actual or perceived advantage that one Proposer may have over another.

2.6. ETHICS (RFP)

By signing the Proposal, the Proposer certifies this Proposal is made without any previous understanding, agreement or connection with any other person, firm, or corporation submitting a Proposal for the same Work other than as a Subcontractor or supplier, and that this Proposal is made without outside control, collusion, fraud, or other illegal or unethical actions. The Proposer shall comply with all JEA and City of Jacksonville ordinances, policies and procedures regarding business ethics.

The Proposer shall submit only one (1) Proposal in response to this RFP. If JEA has reasonable cause to believe the Proposer has submitted more than one (1) Proposal for the same Work, other than as a Subcontractor or subsupplier, JEA shall disqualify the Proposal and may pursue debarment actions.

The Company shall disclose the name(s) of any public officials who have any financial position, directly or indirectly, with this Proposal by completing and submitting the Conflict of Interest Certificate Form found at jea.com. Failure to fully complete and submit the Conflict of Interest Certificate will disqualify the Proposal. If JEA has reason to believe that collusion exists among the Companies, JEA will reject any and all Proposals from the

suspected Company and will proceed to debar Company from future JEA Awards in accordance with the JEA Purchasing Code.

JEA is prohibited by its Charter from awarding contracts to JEA officers or employees or companies in which a JEA officer or employee has a financial interest. JEA shall reject any and all Proposals from JEA officers or employees as well as any and all Proposals in which a JEA officer or employee has a financial interest.

In accordance with Florida Statutes Sec. 287.133, JEA will reject Proposals from any persons or affiliates convicted of a public entity crime as listed on the Convicted Vendor list maintained by the Florida Department of Management Services. JEA shall not make an Award to any officer, director, executive, partner, shareholder, employee, member, or agent active in management of the Company listed on the Convicted Vendor list for any transaction exceeding \$35,000.00 for a period of thirty-six (36) months from the date of being placed on the Convicted Vendor list.

If the Company violates any requirement of this clause, the Proposal may be rejected and JEA may debar offending companies and persons.

2.7. EX PARTE COMMUNICATION

Ex Parte Communication is strictly prohibited. Ex Parte Communication is defined as any inappropriate communication concerning a Solicitation between a firm submitting a Proposal and a JEA representative during the time in which the Solicitation is being advertised through the time of Award. Examples of inappropriate communications include: private communications concerning the details of Solicitation in which a Proposer becomes privy to information not available to the other Proposers. Social contact between Proposers and JEA representatives should be kept to an absolute minimum during the solicitation process.

Failure to adhere to this policy will disqualify the noncompliant Company's Proposal. Any questions or clarifications concerning a Solicitation must be sent in writing via email to the JEA Buyer at least five (5) business days prior to the opening date. If determined by JEA, that a question should be answered or an issue clarified, JEA will issue an addendum to all Proposers.

For more information on Ex Parte communications, see JEA Procurement Code, Article 1-110, which is available at www.jea.com.

2.8. RESERVATIONS OF RIGHTS TO JEA

The Solicitation provides potential Companies with information to enable the submission of written offers. The Solicitation is not a contractual offer or commitment by JEA to purchase products or services.

Proposals shall be good for a period of ninety (90) days following the opening of the Proposals.

JEA reserves the right to reject any or all Proposals, or any part thereof, and/or to waive informalities if such action is in its best interest. JEA may reject any Proposals that it deems incomplete, obscure or irregular including, but not limited to, Proposals that omit a price on any one or more items for which prices are required, Proposals that omit Unit Prices if Unit Prices are required, Proposals for which JEA determines that the Proposal is unbalanced, Proposals that offer equal items when the option to do so has not been stated, Proposals that fail to include a Bid Bond, where one is required, and Proposals from Companies who have previously failed to satisfactorily complete JEA contracts of any nature or who have been scored by JEA as "Unacceptable" and as a result, are temporarily barred from bidding additional work.

JEA reserves the right to cancel, postpone, modify, reissue and amend this Solicitation at its discretion.

JEA reserves the right to cancel or change the date and time announced for opening of Proposals at any time prior to the time announced for the opening of Proposals. JEA may Award the Contract in whole or in part. In such cases whenever JEA exercises any of these reservations, JEA will make a commercially reasonable effort to notify, in writing, all parties to whom Solicitations were issued. JEA may award multiple or split Contracts if it is deemed to be in JEA's best interest.

2.9. CERTIFICATION AND REPRESENTATIONS OF THE COMPANY

By signing and submitting a proposal, the Proposer certifies and represents as follows:

- a. That it has carefully examined all available records and conditions, including sites if applicable, and the requirements and specifications of Solicitation prior to submitting its Proposal. Where the Proposer visits sites, no Work or other disturbance is to be performed while at the site without written permission by JEA in advance of the site visit. The Proposer shall comply with all safety requirements described in the Proposal and shall be prepared to show proof of a minimum of \$1 million of general liability insurance or the amount specified in this Solicitation (whichever is greater).
- b. That every aspect of the Proposal and the detailed schedule for the execution of the Work, are based on its own knowledge and judgment of the conditions and hazards involved, and not upon any representation of JEA. JEA assumes no responsibility for any understanding or representation made by any of its representatives during or prior to execution of the Contract unless such understandings or representations are expressly stated in the Contract and the Contract expressly provides that JEA assumes the responsibility.
- c. That the individual signing the Proposal is a duly authorized agent or officer of the firm. Proposals submitted by a corporation must be executed in the corporate name by the President or Vice President. If an individual other than the President or Vice President signs the Proposal, satisfactory evidence of authority to sign must be submitted upon request by JEA. If the Proposal is submitted by a partnership, the Proposal must be signed by a partner whose title must under the signature. If an individual other than a partner signs the Proposal, satisfactory evidence of authority to sign must be submitted upon request by JEA.
- d. The corporation or partnership must be in active status at the Florida Division of Corporations (www.sunbiz.org) prior to Award.
- e. That the firm maintains in active status any and all licenses, permits, certifications, insurance, bonds and other credentials including, but not limited to, contractor's license and occupational licenses necessary to perform the Work. The Proposer also certifies that, upon the prospect of any change in the status of applicable licenses, permits, certifications, insurances, bonds or other credentials, the Proposer shall immediately notify JEA of status change.
- f. That it has read, understands and will comply with these instructions and the Section titled Ethics.

2.10. PROHIBITION AGAINST CONTINGENT FEES

The Company warrants that it has not employed or retained any company or person, other than a bona fide employee working for the Company, or an independent sales representative under contract to the Company, to solicit or secure a contract with JEA, and that it has not paid or agreed to pay any person, company, corporation, individual or Company, other than a bona fide employee working solely for the Company, or an independent sale representative under contract to the Company, any fee, commission, percentage, gift, or any other consideration, contingent upon or resulting from the Award or making of the Contract. For a breach or violation of these provisions occurs, JEA shall have the right to terminate the Contract without liability, and at its discretion, to deduct from the Contract Price, or otherwise recover, the full amount of such fee, commission, percentage, gift or consideration.

2.11. PROTEST OF RFP AND AWARD PROCESS

Companies shall file any protests regarding this RFP in writing and in accordance with the JEA Procurement Code, as amended from time to time. The JEA Procurement Code is available online at jea.com.

3. TECHNICAL SPECIFICATIONS/DETAILED SCOPE OF WORK

3.1. TECHNICAL SPECIFICATIONS/DETAILED SCOPE OF WORK (APPENDIX A)

The Scope of Work and CPM Schedule Requirements are located in Appendix A of this document.

4. FORMS

4.1. FORMS (APPENDIX B)

Forms required to be submitted with this solicitation are provided in Appendix B or can be obtained on the JEA website at www.jea.com.

5. EVALUATION MATRIX

5.1. EVALUATION MATRIX

The attached form (1410831646 Evaluation Matrix) is the matrix that will be used to evaluate all proposals submitted in response to this RFP.

6. SUPPLEMENTAL DOCUMENTS

6.1. SUPPLEMENTAL DOCUMENTS (APPENDIX C)

The following supplemental documents can be found as Appendix C.

- 1410831646 Appendix C - Sample Contract
- 1410831646 Appendix C - Zycus Supplier Instructions