



## City of Fort Myers, Florida

**PROCUREMENT SERVICES DIVISION**  
**2200 SECOND STREET**  
**FORT MYERS, FL 33901**  
**PHONE (239) 321-7232**  
**CFMPURCHASING@CITYFTMYERS.COM**

---

### **CONFLICT OF INTEREST DISCLOSURE**

The award of this contract is subject to the provisions of Chapter 112, Florida Statutes. All Firms must disclose within their responses to the City of Fort Myers the name of any officer, director, or agent who is also an employee of the City of Fort Myers (hereinafter the "City").

Furthermore, all firms must disclose the name of any City employee who owns, directly or indirectly, an interest of more than five percent (5%) in the firm of any of its branches.

The purpose of this disclosure is to give the City the information needed to identify potential conflicts of interest for evaluation by the team members and other key personnel involved in the award of this contract.

The term "conflict of interest" refers to situations in which financial or other personal consideration may adversely affect, or have the appearance of adversely affecting, an employee's professional judgment in exercising any City duty or responsibility in administration, management, instruction, research, or other professional activities.

Please submit to the City all information on any potential conflict of interest related to provision of the goods or services requested in this Solicitation.

### **NON-COLLUSION AFFIDAVIT**

The firm swears and attests that it is fully informed respecting the preparation and contents of the attached Solicitation, and of all pertinent circumstances respecting the provision of the goods or services to the City of Fort Myers.

The offer or submittal being made is genuine and is not collusive or a sham.

I certify that all information contained in the submittal is truthful to the best of my knowledge and belief. I further certify that I am duly authorized to submit this submittal on behalf of the company as its agent and that the company is ready, willing, and able to perform if awarded a contract.

I further certify, under oath, that this submittal is made without prior understanding, agreement, connection, discussion, or collusion with any other person, company or corporation submitting a proposal for the same product or service; no officer, employee or agent of the City of Fort Myers or of any other Company who is interested in said submittal; and that the undersigned executed this Proposer's Certification with full knowledge and understanding of the matters therein contained and was duly authorized to do so.

## **DRUG-FREE WORKPLACE**

In accordance with Florida Statute 287.087, firm certifies that:

1. Publishes a written statement notifying that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace named above and specifying actions that will be taken against violations of such prohibition.
2. Informs employees about the dangers of drug abuse in the workplace, the firm's policy of maintaining a drug free working environment, and available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug use violations.
3. Gives each employee engaged in providing commodities or contractual services that are under bid or proposal, a copy of the statement specified above.
4. Notifies the employees that as a condition of working on the commodities or contractual and will notify the employer of any conviction of, plea of guilty or nolo contendere to, any violation of Chapter 1893, or of any controlled substance law of the State of Florida or the United States, for a violation occurring in the work place, no later than five (5) days after such conviction, and requires employees to sign copies of such written (\*) statement to acknowledge their receipt.
5. Imposes a sanction on, or requires the satisfactory participation in, a drug abuse assistance or rehabilitation program, if such is available in the employee's community, by any employee who is so convicted.
6. Makes a good faith effort to continue to maintain a drug free workplace through the Implementation of the drug free workplace program.

## **PUBLIC ENTITY CRIMES LAW NOTIFICATION**

I understand that a public entity as defined in Section 287.133 of the Florida Statutes includes 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 in Florida 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 such an agency or political subdivision and involving antitrust, fraud, theft, bribery, collusion, racketeering conspiracy, or material misrepresentation.

I understand that "convicted" or "conviction" is defined by the statute to mean a finding 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 or information after July, 1989, as a result of a jury verdict, non-jury trial, or entry plea of guilty or nolo contendere.

I understand that "affiliate" is defined by the statute to mean (1) a predecessor or successor of a person or a corporation 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, or (3) those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate, or (4) a person or corporation who knowingly entered into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months.

## **DEBARMENT AND SUSPENSION CERTIFICATION**

- (1) The prospective primary participant certifies to the best of its knowledge and belief that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - (b) Have not within a three-year period preceding this application been convicted of had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or Local) terminated for cause or default.
  
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective primary participant shall attach an explanation to this proposal.

## **SCRUTINIZED CERTIFICATION**

Bidder/Quoter/Consultants/Firm hereby certifies under penalties of perjury, as of the date of this bid, quote, proposal or request for qualifications to provide goods and services to the City of Fort Myers, that it has not been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List as defined in Section 287.135, Fla. Stat., is not engaged in business operations in Cuba and Syria; and has not engaged in a boycott of Israel and has not been placed on the Scrutinized Companies that Boycott Israel List created after October 1, 2016 and during the term of any contract awarded under this request for quotes.

Firm further certifies that I am duly authorized to submit this certification on behalf of the company as its agent and that the company is ready, willing, and able to perform if awarded a contract.

FIRM UNDERSTANDS THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT FALSIFICATION OF THIS CERTIFICATION MAY RESULT IN TERMINATION OF THE CONTRACT, DEBARMENT OF THE COMPANY FROM SUBMITTING A BID/QUOTE/PROPOSAL OR QUALIFICATION STATEMENT FOR A PERIOD OF THREE (3) YEARS FROM THE DATE THE CERTIFICATION IS DETERMINED TO BE FALSE, CIVIL PENALTIES, AND THE ASSESSMENT OF ATTORNEY'S FEES AND COSTS AGAINST THE COMPANY. FIRM ALSO UNDERSTANDS THAT THEY ARE REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

## **NO LOBBYING**

All consultants, firms or individuals are hereby placed on notice that any communication, whether written or oral, with City of Fort Myers elected officials or any other staff or outside individuals working with the City in respect to this request (with exception of the Procurement Services Division personnel designated to receive requests for interpretation or corrections) is prohibited. These persons shall not be lobbied, either individually or collectively, regarding any request for bid, proposals, qualifications and/or any other solicitations released by the City of Fort Myers. To do so is grounds for immediate disqualification from the selection process.

The selection process is not considered final until such time as the City of Fort Myers, Mayor, and City Council have made a final and conclusive determination.

## **EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM (E-VERIFY) - Section 448.095, Florida Statute**

Statutes and executive orders require employers to abide by the immigration laws of the United States and to employ, in the United States, only individuals who are eligible to work in the United States.

The E-Verify program provides an internet-based means of verifying employment eligibility of workers employed in the United States; it is not a substitute for any other employment eligibility verification requirements.

The program will be used for:

- a. Commercial or noncommercial services or construction;
- b. Projects which exceed the City of Fort Myers small dollar threshold;
- c. Work performed in the United States.

Exceptions to the program:

- a. Commodity based procurement where no services are provided;
- b. In exceptional cases, the City Council may waive the requirement.

Firms, who are not enrolled in the program at the time the City project is advertised, must enroll, and produce a copy of the Memorandum of Understanding (MOU) with the Firm's submission to the City. Upon signing up for the program, the Firm must follow the federal guidelines for verifying all their employees, whether assigned to the contract or not, are in accordance with the Verification of Employment Eligibility.

Firms that are already enrolled in the program must produce a copy of their MOU with the Firm's submission to the City. Firms must follow the federal guidelines for verifying all their employees, whether assigned to the contract or not, are in accordance with the Verification of Employment Eligibility.

Subcontractor requirement: Firms shall require all subcontracted firms to flow down the requirement to use E-Verify to subcontractors.

It shall be the firm's responsibility to familiarize themselves with all rules and regulations governing this program.

By providing a submission to the City, the Contractor and any subcontractor(s) are obligated to comply with the provisions of Section 448.095, Fla. Stat., "Employment Eligibility," as amended from time to time. This includes but is not limited to utilization of the E-Verify System to verify the work authorization status of all newly hired

employees, and requiring all subcontractors to provide an affidavit attesting that the subcontractor does not employ, contract with, or subcontract with, an unauthorized alien. The contractor shall maintain a copy of such affidavit for the duration of the contract. Failure to comply will lead to termination of any resulting Contract (including any Purchase Order), or if a subcontractor knowingly violates the statute, the resulting subcontract must be terminated immediately. Any challenge to termination under this provision must be filed in the Circuit Court no later than 20 calendar days after the date of termination. If any contract is terminated for a violation of the statute by the Contractor, the Contractor may not be awarded a public contract for a period of 1 year after the date of termination.

For additional information regarding the Employment Eligibility Verification System (E-Verify) program visit the [E-Verify Website](#).

**Firms shall be required to provide the City of Fort Myers Procurement Services an executed affidavit vowing they shall comply with the E-Verify Program for each service/project.**

### **CERTIFICATION OF IMMIGRATION LAWS**

THE CITY WILL NOT INTENTIONALLY AWARD CITY CONTRACTS TO ANY FIRM WHO KNOWINGLY EMPLOYS UNAUTHORIZED ALIEN WORKERS, CONSTITUTING A VIOLATION OF THE EMPLOYMENT PROVISIONS CONTAINED IN 8 U.S.C. SECTION 1324 a(e) {SECTION 274A(e) OF THE IMMIGRATION AND NATIONALITY ACT (“INA”).

THE CITY MAY CONSIDER THE EMPLOYMENT BY ANY FIRM OF UNAUTHORIZED ALIENS A VIOLATION OF SECTION 274A(e) OF THE INA. **SUCH VIOLATION BY THE RECIPIENT OF THE EMPLOYMENT PROVISIONS CONTAINED IN SECTION 274A(e) OF THE INA SHALL BE GROUNDS FOR UNILATERAL CANCELLATION OF THE CONTRACT BY THE CITY OF FORT MYERS.**

FIRM/BIDDER/PROPOSER ATTESTS THAT THEY ARE FULLY COMPLIANT WITH ALL APPLICABLE IMMIGRATION LAWS (SPECIFICALLY TO THE 1986 IMMIGRATION ACT AND SUBSEQUENT AMENDMENTS).