

FLORIDA DEPARTMENT OF CORRECTIONS

REQUEST FOR PROPOSALS

**CONTRACT FOR THE MANAGEMENT AND OPERATION OF SOUTH FLORIDA
CORRECTIONAL INSTITUTIONS AND ASSIGNED SATELLITE FACILITIES**

RFP NO.: 11-DC-8296

RELEASE DATE: July 25, 2011

Refer ALL Inquiries to
Procurement Manager:
Shelly Kelley

Department of Corrections
Bureau of Procurement and Supply
Mailing Address for Proposals:
Carlton Building
501 S. Calhoun Street
Tallahassee, Florida 32399-2500
850-717-3698
FAX: 850 [488-7189]
Email:kelley.shelly@mail.dc.state.fl.us

Proposals to be delivered to the
Physical Address:
Bureau of Procurement and Supply
Attention: Shelly Kelley
4070 Esplanade Way
Tallahassee, Florida 32311

TABLE OF CONTENTS

SECTION 1.0	INTRODUCTORY MATERIALS	3
1.1	Overview.....	3
1.2	Timeline	6
1.3	Pre-Proposal Conference.....	7
SECTION 2.0	SPECIAL INSTRUCTIONS TO PROPOSERS	8
2.1	Definitions	8
2.2	Order of Precedence	9
2.3	Mandatory Site Visit	9
2.4	Pass/Fail Requirements	10
2.5	Amendments to the RFP Documents	12
2.6	Questions and Answers	12
2.7	Alternate Proposals	12
2.8	Special Accommodations	12
2.9	Confidential, Proprietary or Trade Secret Material.....	12
2.10	Certification of Drug-Free Workplace Program	13
2.11	Diversity.....	13
2.12	Inapplicable Provisions of PUR 1001 General Instructions for Proposer (Attachment 6).....	13
2.13	Disclosure and Use of Proposal Contents	13
2.14	Proposal Submittal and Copies.....	13
2.15	Proposal Contents	14
2.16	Proposal Evaluation Criteria	21
2.17	Health Services, Telephone, Canteen and Inmate Bank	22
2.18	Chapter 120 Proceedings	23
2.19	Facility and Correctional Unit Inventory Management.....	23
2.20	Contract Termination Requirements	23
2.21	Sole Point of Contact	24
2.22	Legal Requirements	24
2.23	Cost of Preparation	24
2.24	Application of the 1% Transaction Fee.....	24
2.25	Firm Proposal.....	24
2.26	Withdrawal of Proposal.....	24
2.27	Environmental Considerations	24
2.28	Contract Term and Renewals	25
2.29	Registration with the Florida Department of State.....	25
2.30	Compliance Certification	25
SECTION 3.0	TECHNICAL SPECIFICATIONS AND SPECIAL CONTRACT CONDITIONS	26
SECTION 4.0	ATTACHMENTS AND EXHIBITS.....	27

SECTION 1.0 INTRODUCTORY MATERIALS

1.1 Overview

The Florida Department of Corrections (“Department”) is responsible for providing care and custody for State of Florida inmates. Pursuant to chapter 944, Florida Statutes, the Department has the authority to enter into contracts with vendors to operate correctional facilities. State of Florida correctional facilities operated by vendors are generally referred to as “private prisons.”

On May 26, 2011, the Governor of the State of Florida signed into law Senate Bill 2000 (the “Bill”), which requires the Department to issue a request for proposals or multiple requests for proposal, for the management and operation of certain correctional facilities and assigned correctional units. The Bill provides, in part:

[] From the funds in Specific Appropriations 570 through 759, the Department of Corrections shall issue a request for proposal, or multiple requests for proposal, as defined in section 287.057(1)(b), Florida Statutes for the management and operation of the correctional facilities and assigned correctional units, including annexes, work camps, road prisons and work release centers currently operated by the Department of Corrections in Manatee, Hardee, Indian River, Okeechobee, Highlands, St. Lucie, DeSoto, Sarasota, Charlotte, Glades, Martin, Palm Beach, Hendry, Lee, Collier, Broward, Miami-Dade and Monroe counties, excluding Glades Correctional Institution and Hendry Correctional Institution. The request for proposal shall provide for a contract commencement date of no later than January 1, 2012.

The prison management and operational services described in the Bill and sought via this Request for Proposals (“RFP”) will be referred to herein as the “Services.” Pages 102– 104 of the Bill are included as part of this RFP as Exhibit C. For purposes of this RFP, the twenty-nine (29) correctional locations and assigned satellite facilities are bundled into eleven (11) groups as shown in Table 1 below, and these groups shall be referred to in this RFP as “Correctional Institutions.” Table 1 also shows the State of Florida counties where the different Correctional Institutions and satellite facilities are located. There may be instances where the Contractor or Department wishes to add or delete a Correctional Institution from the Contract. The following shall apply:

- 1.1.2. Changes to the correctional institution may be requested by the Contractor, with an estimated effective date via letter or e-mail. Such request will be followed by a formal communication from the Contractor that includes a statement that attests the new correctional institution meets all requirements. The attestation statement shall be completed, signed by the Contractor, notarized and provided to the Department. The Department reserves the right to approve or deny the request upon receipt of the attestation statement. No change will be effective until written approval by the Department’s Contract Manager is provided to the Contractor.
- 1.1.3. The Department reserves the right to require the Contractor to change a correctional institution if it is determined to be inaccessible, inconvenient or unsuitable for provision of services to the offenders under the Contract. In addition, the Department reserves the right to add, delete or change correctional institutions upon thirty (30) calendar days’ written notice in the best interest of the Department. Such changes, additions or deletions may be accomplished by letter. The Contractor shall change the correctional

institution as soon as possible and upon securing a replacement site, shall provide the Contract Manager with an attestation statement as described above.

1.1.4. Changes made pursuant to this subsection do not require a contract amendment.

Table 1.

	Correctional Institution & Satellite Facilities	Address	County
1.	Broward CI	20421 Sheridan Street Ft. Lauderdale, Florida 33332-2300	Broward
2.	Charlotte CI	33123 Oil Well Road Punta Gorda, Florida 33955-9701	Charlotte
	Hendry WC	12551 Wainwright Drive Immokalee, Florida 34142-9628	Hendry
	Fort Myers WC	2572 Ortiz Avenue Ft. Myers, Florida 33905	Lee
3.	Dade CI	19000 S.W. 377th Street Florida City, Florida 33034-6409	Dade
	Big Pine Key RP	450 Key Deer Blvd. Big Pine, Florida 33043	Monroe
4.	Desoto Annex	13617 S.E. Highway 70 Arcadia, Florida 34266-7800	Desoto
	Arcadia RP	2961 N.W. County Road 661 Arcadia, Florida 34266-8203	Desoto
	Desoto Work Camp	13617 S.E. Highway 70 Arcadia, Florida 34266-7800	Desoto
5.	Everglades CI	1599 S.W. 187th Avenue Miami, Florida 33194	Dade
6.	Hardee CI	6901 State Road 62 Bowling Green, Florida 33834-9505	Hardee
	Hardee WC	6899 State Road 62 Bowling Green, Florida 33834-9505	Hardee
7.	Homestead CI	19000 S.W. 377th Street Florida City, Florida 33034-6409	Dade
8.	Indian River CI	7625 17th Street, S.W. Vero Beach, Florida 32968-9405	Indian River
9.	Martin CI	1150 S.W. Allapattah Road Indiantown, Florida 34956-4397	Martin
	Atlantic WRC	263 Fairgrounds Road West Palm Beach, Florida 33411-3639	Palm Beach
	Fort Pierce WRC	1203 Bell Ave., Ft. Pierce, Florida 34982-6544	St. Lucie
	Glades WC	2600 N. Main Street Belle Glade, Florida 33430-5314	Palm Beach
	Loxahatchee RP	230 Sunshine Rd. West Palm Beach, Florida 33411-3616	Palm Beach
	Martin DTC	1175 S.W. Allapattah Road Indiantown, Florida 34956	Martin

	Correctional Institution & Satellite Facilities	Address	County
	Martin WC	1150 SW Allapattah Road Indiantown, Florida 34956-4310	Martin
	Sago Palm Re-Entry Center	500 Baybottom Road Pahokee, Florida 33476	Palm Beach
	West Palm Beach WRC	261 West Fairgrounds Road West Palm Beach, Florida 33411-3639	Palm Beach
10.	Okeechobee CI	3420 N.E. 168th Street Okeechobee, Florida 34972-4824	Okeechobee
11.	South Florida Reception Center	14000 NW 41st Street Doral, Florida 33178-3003	Dade
	South Florida Reception Center - South	13910 NW 41st Street Doral, Florida 33178-3014	Dade
	Hollywood WRC	8501 W. Cypress Dr. Pembroke Pines, Florida 33025-4542	Broward
	Miami North WRC	7090 Northwest 41st St. Miami, Florida 33166-6817	Dade
	Opa Locka WRC	5400 Northwest 135 th Street Opa Locka, Florida 33054	Dade

Details regarding each Correctional Institution listed above are contained in the following link: [\\COS24\ExternalFTP](#). Please contact Procurement Manager for secure password.

The Department is seeking to establish a multi-year contract for Services at Correctional Institutions and satellite facilities. A contract will be awarded to one proposer. The term of the prospective contract will be five (5) years with one five (5) year renewal available.

In response to the RFP, each Proposer is expected to propose a solution that meets the requirements and needs of the State of Florida as described herein. The Department cannot enter into a contract for the Services unless a “substantial savings” can be achieved. Further, as to pricing, the Bill provides in pertinent part:

[] The Department [of Corrections] also must submit a cost-benefit analysis which delineates the department’s current costs of providing the services and the savings that would be generated by the transition plan yielding a minimum annual savings of 7 percent. Upon approval by the [Legislative Budget] commission, the department may award the contract.

Emphasis added.

For purposes of this RFP, “substantial savings” shall mean that the vendor shall provide the Services at each Billing Group at a savings of at least seven percent (7%) less than the cost identified in the “Department Adjusted Cost Summary 2009-2010” (Exhibit A). Proposers will be required to provide their pricing proposal as a per-inmate-per-day amount (i.e., per diem rate) for each Billing Group.

As stated in greater detail in Section 2.15 below, subject to legislative appropriations, each Correctional Institution and satellite facility identified in Table 1 will be guaranteed an average daily assignment of inmates of at least eighty-eight percent (88%) of the contract capacity and contractor(s) will be paid a

per diem for at least this guaranteed occupancy regardless of the actual number of inmates at the Correctional Institution and/or satellite facility at that time.

The process for evaluating and selecting a vendor to provide the services will involve two phases as specified in Section 2.16. The first phase involves verification by the Department that the Proposers to this RFP have satisfied the pass / fail requirements identified in Section 2.4 of this RFP. Those Proposers who successfully satisfy the pass / fail phase will advance to the evaluation phase. Evaluations will be conducted as specified in Section 2.16. This process will be used by the Department to award the prospective contract to the responsible and responsive Proposer, whose proposal is determined in writing to be the most advantageous to the state, taking into consideration the price offered by proposer(s) and the other criteria set forth in the RFP.

1.2 Timeline

Listed below are important dates/times by which actions are scheduled to be taken or completed. The timeline anticipates a commencement date of January 1, 2012, as specified in Senate Bill 2000. However, if the Department finds it necessary to update any of the dates/times noted, the Department will post an Amendment to the RFP on the Vendor Bid System (“VBS”) as described in Section 2.5. All times listed below are Eastern Standard Time (EST) in Tallahassee, Florida.

Table 2.

DATE	TIME	ITEM
July 25, 2011		Release of Solicitation
August 3, 2011	10:00 a.m.	Pre-Proposal Conference, to be held at 501 South Calhoun Street, Room 118, Tallahassee, Florida.
August 5 – August 16, 2011		Site Visits. See Exhibit B for Site Visit Schedule
August 22 – 26, 2011	9:00 a.m. – 5:00 p.m. each day	Facility Blue Prints and Document Inspection at 501 South Calhoun Street, Tallahassee, Florida., or the Institution as indicated in Exhibit G,
September 1, 2011	5:00 p.m. EST	Questions Due
September 9, 2011		Anticipated Date Answers to Questions are posted on the Vendor Bid System
September 23, 2011	2:00 p.m. EST	Proposals Due at 4070 Esplanade Way, Tallahassee, FL
September 23, 2011	2:00 p.m. EST	Proposals opened
Week of September 26 – 30, 2011		Proposal Materials Distributed to Independent CPA /Financial Review Conducted

DATE	TIME	ITEM
Week of October 1 - 4, 2011		Proposal Materials Distributed / Evaluations Begin
October 14, 2011		Proposal Evaluation Concluded
TBD		Deliver Evaluation Materials to OPB/LBC
November 15, 2011		Anticipated Posting of Intended Award on Vendor Bid System
Week of November 21, 2011		Begin Conducting Inventory with Awarded Proposer
December 1, 2011		Anticipated Date of Execution of Contract(s)
January 1, 2012		Commencement of Contractual Services

1.3 Pre-Proposal Conference

The pre-proposal conference will be held on date and time as identified in Section 1.2, Timeline. At this conference, potential Proposers may ask questions about the RFP and the RFP process. Further, Proposers are invited to ask Department staff present at the conference questions regarding the RFP. Proposers are reminded that answers provided verbally at the conference are not binding on the State and any information provided at the conference, unless later issued as an Amendment to this RFP, is also not binding on the State.

SECTION 2.0 SPECIAL INSTRUCTIONS TO PROPOSERS

Both these Special Instructions and the General Instructions [found in the PUR 1001(Attachment 6)] provide direction on how Proposers will respond to this RFP. In the case of a conflict, these "Special Instructions" shall take precedence over form PUR 1001 unless the conflicting term in PUR 1001 is statutorily required, in which case the term contained in the form PUR 1001 shall take priority.

2.1 Definitions

- A. **ACA:** The American Correctional Association.
- B. **Contract:** The operations and management services agreement entered into between the Department and Proposer pursuant to this RFP.
- C. **Contract Capacity:** The maximum number of beds available under this contract at each Correctional Institution as indicated in Exhibits H1-H11.
- D. **Correctional Institution:** The Correctional Institutions identified in this RFP and the satellite facilities assigned to each.
- E. **Day:** A calendar day.
- F. **DC or Department:** The Florida Department of Corrections.
- G. **Inmate:** Any person assigned by DC to be housed at the Facility.
- H. **Inmate Day:** Each day on which an inmate is housed at the Facility.
- I. **Per Diem Rate:** The cost charged per inmate, per inmate day for the delivery of operation and management services at the Correctional Institutions.
- J. **Procurement Manager:** The Department's contracting personnel as identified on the cover of this RFP.
- K. **Proposal:** The proposal submitted by a Proposer in Proposal to this RFP.
- L. **RFP:** This Request for Proposals.
- M. **Road Prison:** A small facility housing only minimum and community custody inmates that has as its primary mission providing work crews for various purposes off facility grounds.
- N. **Services:** The prison management and operational services described in the Bill and sought via this RFP.
- O. **State:** The State of Florida, including the Florida Department of Corrections or any other state government entity referenced therein.
- P. **Subcontract:** An agreement entered into by the Proposer with any other person or entity to perform any obligation under the terms of the Contract.

- Q. **Subcontractor:** Any person or entity other than an employee of the Proposer who performs or agrees to perform any of the Proposer's obligations under the terms of the Contract.
- R. **Timeline:** The list of critical dates/times included in the Introductory Materials. See Section 1.2 of this RFP.
- S. **Vendor, Offeror, or Proposer:** A legally qualified corporation, partnership or other entity submitting a proposal to the Department pursuant to this RFP that will be performing as the Contractor under any resultant contract.
- T. **Work Camp:** A secure facility housing between 250 – 500 minimum, medium, and community custody inmates. The primary function/mission of work camps is to provide work squads to support the main institution and other entities outside its secure perimeter.
- U. **Work Release Center:** A small non-secure facility housing select minimum and community custody inmates. The primary mission is to provide housing and community accountability for inmates working in the county for private employers.

Note: Please see both Attachments 5 and 6 to this RFP, PUR 1000 and 1001, Sections 1, for other definitions relevant to this RFP.

2.2 Order of Precedence

All proposals are subject to the terms and conditions of this solicitation, which in case of conflict, shall have the following order of precedence listed:

- Special Instructions to Proposers
- Special Contract Conditions
- Scope of Work
- Price Proposal Form
- Contract Terms
- General Instructions to Proposers (PUR 1001) (Attachment 6)
- General Conditions (PUR 1000) (Attachment 5)
- Introductory Section

2.3 Mandatory Site Visit

The Department has set specific dates for the **mandatory** site visits to be held at the times and locations indicated in the Timeline and as specified in Exhibit B, Site Visit Schedule. **SITE VISITS WILL NOT BE ALLOWED FOR PROPOSERS AT ANY OTHER TIME.**

INTERESTED PARTIES SHALL MEET AT THE MAIN GATE OF EACH CORRECTIONAL INSTITUTION AND SATELLITE FACILITY AT THE DESIGNATED TIME FOR ADMITTANCE. ALL DEPARTMENT SECURITY PROCEDURES SHALL APPLY.

The site visits are required so that Proposers may become familiar with the facilities and correctional units, and any conditions that relate to the services to be provided under the Contract at the Correctional Institution. **Proposers must visit each Correctional Institution and each satellite facility.**

Failure by Proposer to attend a site visit(s) at any Correctional Institution or satellite facility will result in the Proposer being deemed non-responsive. As to this requirement, only Proposers that sign the attendance sheet for the mandatory site visit(s) will be considered responsive. See Exhibit B.

Proposers must call the person identified in Exhibit B as the scheduling point of contact for each Correctional Institution / satellite facility at least four (4) work days prior to start date of the site visits and furnish them with the following information for all attendees:

- Attendee's full name,
- Social security number,
- Date of birth, and
- Driver's license number and state of issuance.

Persons present as attendees must be the same individuals noted on the written list and no changes or additions should be made. Attendees must present photo identification at each site. For security reasons, any person present for admission to a site visit that is not on the written list will be denied access.

Again, all site visits will be coordinated with the scheduling point of contact identified in Exhibit B.

Departmental policy prohibits cell phones within the institution. Proposers will not be admitted with a cell phone. Also prohibited is the use of video or recording equipment. The Department will accept oral questions during the site visits and will make a reasonable effort to provide answers at that time. However, the Department will only be bound by the written answers it issues in accordance with Section 2.5 of this RFP, Questions and Answers. All other answers and discussions shall not be binding upon the Department.

2.4 Pass/Fail Requirements

Affidavit, Certification/Attestation

Proposer shall complete, have notarized and submit Attachment 4 – **Pass/Fail Affidavit, Certification/Attestation Page**, as part of its proposal. The Proposer's Attachment 4 shall be included in **TAB A** of its Proposal.

FAILURE TO COMPLETE AND SUBMIT ATTACHMENT 4 AS PART OF THE RFP PROPOSAL WILL RESULT IN IMMEDIATE REJECTION OF THE PROPOSER'S PROPOSAL. ANY MODIFICATIONS TO THE PASS/FAIL REQUIREMENTS CONTAINED IN ATTACHMENT 4 WILL BE CONSIDERED MATERIAL AND WILL RESULT IN REJECTION OF THE PROPOSAL.

Attachment 4 requires attestation by the Proposer that:

- A. Proposer (or its parent company) has at least five (5) years of business/corporate experience in operating and managing multiple adult and juvenile correctional institutions and at least three (3) years of experience, within the last five (5) years, operating and managing an aggregate population of at least 15,000 inmates.
- B. Proposer (or its parent company) has at least 5 years of experience in operating and managing multiple adult and juvenile correctional institutions with individual inmate populations of at least 1,000 inmates that required maintaining ACA or equivalent accreditations.

- C. Proposer has experience providing the secure transportation of inmates to multiple locations.
- D. Proposer accepts the terms set forth in the Draft Operations and Management Contract (Attachment 1).
- E. Proposer attended the mandatory site visits as specified in Section 2.3 of the RFP.
- F. Proposer will act as the prime Contractor to the Department for all services provided under the prospective contract that results from this RFP.
- G. Prior to execution of prospective contract, Proposer will deliver to the Department's Contract Manager a Performance Guarantee in the form of a Bond or Irrevocable Letter of Credit in the amount equal to \$70 million dollars. The performance guarantee shall be in effect yearly for a time frame equal to the term of the contract. The bond or letter of credit will be used to guarantee at least satisfactory performance by Proposer throughout the term of the contract, including renewal years.

The guarantee shall be made payable to the Department and furnished to the Contract Manager within thirty (30) days after execution of the Contract which may result from this RFP. No payments shall be made to the Contractor until the guarantee is in place and approved by the Department in writing. Upon renewal of the Contract which may result from this RFP, the Contractor shall provide proof that the performance guarantee has been renewed for the term of the Contract renewal.

- H. Proposer's proposed solution and all services provided under the prospective contract are and will be compliant with all laws, rules and other authority applicable to providing the services.
- I. As provided in the Bill, the Correctional Institutions and satellite facilities that are part of this competitive solicitation shall, throughout the term of the prospective Contract, continue to operate at capacities set forth in section 944.023, Florida Statutes.
- J. Proposer understands that all activities under the prospective contract regarding the classification of inmates will remain under the Department of Corrections' supervision and direction as required by current law.
- K. Proposer understands that the average daily population (ADP) for awarded Correctional Institutions and satellite facilities, as well as medical and psychological grade population percentages for each shall remain substantially unchanged from the ADP calculated for Fiscal Year 2009-2010. Due to the fluctuation of inmate intake from surrounding counties, SFRC is excluded from this provision. See Exhibits H1-H11 for contract capacity.
- L. Proposer will comply and adhere to the requirements set forth in section 119.01, Florida Statutes and that under the prospective contract(s) Proposer will have the same duty to release information about the management and operation of a correctional facility and services as a state agency managing and operating such a facility and services would have under section 119.01, Florida Statutes
- M. Proposer understands that any contract between the Department of Corrections and Proposer entered into pursuant to this RFP will include contractual provisions as identified in section 287.0571(5), Florida Statutes regardless of any exemptions.
- N. Proposer has not been disqualified from the State of Florida public contracting and purchasing process in accordance with section 287.133, Florida Statutes
- O. Proposer has not been debarred from doing business with the State of Florida pursuant to the process provided in rule 60A-1.006, Florida Administrative Code.

Financial Documentation Evaluation

Failure by Proposer to satisfy the Financial Documentation Evaluation described in section 2.16 below will result in the Proposal being considered non-responsive and the entire Proposal will be rejected.

2.5 Amendments to the RFP Documents

The Department will post amendments to the solicitation documents on the VBS under the Department of Corrections' separate subpage (i.e., under the agency drop-down box). The VBS can be accessed at the following internet link: http://www.myflorida.com/apps/vbs/vbs_search.criteria_form, under this RFP title and number. It is the responsibility of all potential Proposers to monitor this site for any new or changing information prior to submitting your proposal. Proposers cannot rely on unwritten communications regarding this solicitation.

2.6 Questions and Answers

Proposers will send any questions they have regarding this RFP in writing to the Procurement Manager identified on the cover sheet of this RFP. Questions may be sent to the Procurement Manager via US mail, courier, e-mail, or be hand-delivered. Questions are due on or prior to the date identified in the Timeline. The Department will publically post its answers to the questions on the Vendor Bid System by the date identified in the Timeline.

The Department will be bound only by requirements contained in the RFP documents (the RFP and amendments thereto) formally posted on the VBS. Questions to the Procurement Manager or to any other Department personnel shall not constitute formal protest of the specifications of the RFP.

It is the Proposer's responsibility to examine the entire RFP, seek clarification in writing, and review its Proposal for accuracy before submitting the Proposal.

2.7 Alternate Proposals

Alternate Proposals and exceptions to this RFP are not permitted and may result in a Proposal being deemed non-responsive.

2.8 Special Accommodations

Any person requiring special accommodations because of a disability should call the Procurement Manager at least five (5) work days prior to any pre-proposal conference, Proposal opening, or meeting. If you are hearing or speech impaired, please contact Purchasing by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

2.9 Confidential, Proprietary or Trade Secret Material

The Department is required by chapter 119 Florida Statutes to provide access to State public records. If Proposer considers any portion of its Proposal to be confidential, trade secret, or otherwise not subject to disclosure pursuant to Chapter 119, Florida Statutes, the Florida Constitution, or other authority, Proposer must simultaneously provide the Department with a separate redacted copy of its Proposal and briefly describe in writing the grounds for claiming exemption from the public records law, including the specific statutory citation for such exemption. This redacted copy shall contain the Department's RFP name, number, and name of the proposer on the cover, and shall be clearly titled "redacted copy." The redacted copy shall be provided to the Department in an electronic version (i.e., a .pdf version on CD).

The redacted copy shall be provided to the Department at the same time the Proposer submits its Proposal and must only exclude or obliterate those exact portions which are claimed confidential,

proprietary, or trade secret. The Proposer shall be responsible for defending its determination that the redacted portions of its Proposal are confidential, trade secret, or otherwise not subject to disclosure. Further, Proposer shall protect, defend, and indemnify the Department for any and all claims arising from or relating to Proposer's determination that the redacted portions of its Proposal are confidential, proprietary, trade secret, or otherwise not subject to disclosure. If Proposer fails to submit a redacted copy with its Proposal, the Department is authorized to produce the entire documents, data, or records submitted by Proposer in answer to a public records request for these records.

2.10 Certification of Drug-Free Workplace Program

The State supports and encourages initiatives to keep the workplaces of Florida's suppliers and contractors drug-free. Section 287.087, Florida Statutes provides that, where identical tie proposals are received, preference shall be given to a proposal that certifies it has implemented a drug-free workforce program. If applicable, Proposer shall sign and submit the attached "Certification of Drug-Free Workplace Program" form (Attachment 9) to certify that the Proposer has a drug-free workplace program. The Proposer shall describe how it will address the implementation of a drug-free workplace in offering the items of bid.

2.11 Diversity

Florida is a state rich in its diversity and is dedicated to fostering the continued development and economic growth of small and minority and women-owned businesses. Participation of a diverse group of vendors doing business with the State is central to our effort. To this end, it is vital that small and minority and women-owned business enterprises participate in the State's procurement process as both prime contractors and subcontractors under prime contracts. Small, minority, women-owned and service-disabled veteran businesses are strongly encouraged to submit Proposals to this RFP.

2.12 Inapplicable Provisions of PUR 1001 General Instructions for Proposer (Attachment 6)

The following provisions of the PUR 1001 are **not applicable** to this RFP:

- A. **Section 3 – Electronic Submission of Proposals**
Proposals shall be submitted in accordance with Section 2.14 of the RFP.
- B. **Section 5 – Questions**
Questions shall be submitted in accordance with Section 2.6 of the RFP.

2.13 Disclosure and Use of Proposal Contents

All documentation produced as part of the RFP shall become public record of the Department and may not be removed by Proposer or its agents. All Proposals shall become a public record of the Department and therefore cannot be returned to Proposer. The Department will have the right to use any and all ideas or adaptation of ideas presented in any Proposal. Acceptance or rejection of a Proposal shall not affect this right.

2.14 Proposal Submittal and Copies

Proposals shall be submitted in hard-copy and on CD-ROM per the instructions below:

- A. Proposals must be prepared simply and economically, providing a straightforward, concise description of Proposer's ability to provide services sought by this RFP. Excessive information distracts readers from focusing on essentials, and may operate as a disadvantage to Proposer. When responding to specific questions, please reprint each question in its entirety before the Proposal.
- B. The Proposal shall be limited to a page size of eight and one-half by eleven inches (8½" x 11"). Font size shall not be less than 11-points. The Proposal shall be indexed and all pages sequentially numbered. Bindings and covers will be at the Proposer's discretion.
- C. Unnecessary elaborate brochures, artwork, expensive paper, expensive visual and presentation aids are discouraged.
- D. The Proposal should be written in a concise manner which is conducive to effective evaluation and selection.
- E. **Proposer may not impose any conditions or limitations to any aspect of this RFP** (refer to Section 2.7 of this RFP concerning Alternate Proposals). The only recognized changes to this RFP prior to opening will be written amendments issued by the Department.
- F. **Copies** – Proposer shall submit:
 - 1) One (1) original version of its Proposal, with six (6) copies.
 - 2) One (1) electronic copy of entire Proposal on a CD-ROM with large files scanned as several separate PDF files.
 - 3) One (1) electronic (i.e., a pdf version on CD) REDACTED copy of the entire Proposal. See Section 2.9.
 - 4) Sealed packages for delivery must be clearly marked on the outside of package with the RFP number and company name.
 - 5) Submitted hardcopies shall be contained within sealed packages.
- G. **Proposer is responsible for submitting its Proposal to the Procurement Manager by date, time and place specified in the Timeline.** See Section 1.2. The Department will not consider late Proposals.

2.15 Proposal Contents

Each Proposal shall be organized as follows:

TAB A: Cover Letter with Contact Information, Table of Contents, Executive Summary, Pass/Fail Affidavit-Certification/Attestation Page

TAB A shall contain a cover letter on the Proposer's letterhead with contact information and the name and signature of the person of the representative of the responding organization authorized to legally obligate the Proposer to provide the Services. The cover letter must state that the Proposer agrees to provide the services as described in the RFP. **TAB A** shall also contain a Table of Contents that outlines the contents of Proposer's Proposal to the RFP.

Also, **TAB A** shall contain an Executive Summary of the Proposer's reply. The Executive Summary will be limited to 3 pages total and will describe the technical solution and proposed operational model the Proposer proposes in concise and meaningful manner,

including all proposed internal and external sourcing Proposer plans on using to provide the Services. *No pricing information is to be included in the Executive Summary.*

Further, **TAB A** shall also include the completed Pass/Fail Requirements Affidavit, Certification/Attestation Page (Attachment 4 to this RFP). See Section 2.4.

TAB B: Experience (limit to fifty (50) pages or less)

Proposer's **TAB B** will be subdivided into five (5) subsections, one subsection for items A. – E. below, and will include the documents / information required.

TAB B shall include the following information:

- A. Profile: Describe the firm's general background and organization. Identify programs such as employee training, employee benefits, employee standards of conduct, training / policies, and operational reporting requirements (if any).
- B. Similar Contracts: Describe all other contracts executed in the last 5 years that are of sufficient scope and size as to demonstrate proposer's ability to perform the services sought in this RFP. Please be sure to cite to all relevant similarities or differences when compared to this RFP. The list should contain the organization name, contact name, address, telephone number and e-mail address of the entity who received the services from Proposer.
- C. Disputes: Describe all contract disputes Proposer (and/or any of its affiliates) has had with a government agency within the last five (5) years as to the operation or maintenance of a private prison facility. The term "contract disputes" means any circumstance involving the performance or non-performance of a private prison contract that resulted in (i) the issuance of a notice of default or breach, (ii) the institution of any judicial or quasi-judicial action, or (iii) the assessment of any fines or liquidated damages under such contracts.
- D. Ability to Provide Services: Provide a detailed description of the Proposer's ability to provide the services sought in this RFP. Describe the key team members Proposer plans to use to provide the Services. Detail shall be provided as to each identified team member (e.g., years with your organization, roles and responsibilities, role with regard to this RFP, etc.). Provide the same information for all subcontractors if subcontractors will be used. Included shall be the Proposer's experience in providing the secure transportation of offenders to multiple locations and specific experience in juvenile detention.
- E. References: Supply references from between three (3) and five (5) businesses or government agencies for which you have provided services of similar scope and size to the services identified in the RFP. In particular, the references shall address the quality of the private prison services provided by Proposer and how effective Proposer was in meeting its obligations under the corresponding contract(s). The Reference Form (Attachment 7) shall be used, but may be supplemented by using separate page attachments. Supplemental pages shall be provided on the organizations' (the entity giving the reference) letterhead and shall be limited to no more than two (2) pages each. References should pertain to current / ongoing services or those that were completed after January 1, 2011. References shall not be given by:
 1. Employees of the Department or the Department of Management Services.
 2. Persons employed by the Department or the Department of Management Services within the past three (3) years.

3. Persons currently or formerly supervised by the Proposer or its affiliates.
4. Employees or board members within the Proposer's organization.
5. Relatives of any of the above.

The Department reserves the right to contact the Proposer's references as well as reference sources not listed in the Proposal.

TAB C Proposers Technical Proposal shall be drafted as concisely as possible. Duplicative information may be cross-referenced from section to section.

HEALTH SERVICES, CANTEEN, TELEPHONE, AND INMATE BANKING SERVICES ARE NOT PART OF THE SERVICES BEING PROCURED PER THIS RFP AND PROPOSER WILL NOT BE RESPONSIBLE FOR PROVIDING THESE SERVICES. Proposer will be required to use the Department or its designee for these services.

Proposer's **TAB C** will be subdivided into thirteen (13) subsections, one subsection for items A. and B. below, and one subsection for each Correctional Institution for items C – G. below, and will include the documents / information required. Note that section references in parentheses refer to sections contained in Attachment 1, Draft Contract.

- A. Transition and Implementation: Provide a detailed description of the Proposer's ability to effectively transition all the Correctional Institutions and satellite facilities within ninety (90) days after contract execution. Each proposer shall submit an Estimated Implementation and Transition Date Schedule in their response to this RFP. The estimated plan shall be adjusted, as necessary, and approved as Contractor's Final Implementation Plan and Transition Date Schedule by the Contract Manager. The plan shall be designed to provide for seamless transition with minimal interruption of operations.
- B. Regional Operations Plan. The Regional Operations Plan will at a minimum, address those operational issues enumerated in subsection C below that apply uniformly to all correctional institutions and satellite facilities. This plan will also describe coordination and management activities between all correctional institutions and satellite facilities covered under this agreement. This must include a regional organizational chart defining reporting relationships. This plan must specifically describe how the Proposer intends to comply with all the Department's rules and procedures
- C. Correctional Institution Operations Plan. The Correctional Institution Operations Plan will address how Proposer plans to provide all services, and comply with all Department rules and procedures, related to the specific operation of each Correctional Institution and satellite facility not fully addressed in the Regional Operations Plan stated above. This must include an organizational chart defining reporting relationships for each Correctional Institution and satellite facility. At a minimum, the Correctional Institution Operations Plan will address how Proposer plans to provide the following services:
 1. Sanitation and Hygiene (see Section 4.1.4);
 2. Monthly Random Drug Testing (see Section 4.3.12);

3. Visitation/Visitor Approval (see Section 4.3.1);
 4. Handling and Disposing of Inmate Property (see Section 4.3.4);
 5. Handling Inmate Grievance (see Section 4.3.7);
 6. Delivery of Food in Case of an Emergency (see Section 4.3.11.5);
 7. Sanitation and Rodent Control (includes all kitchen/dining space, appliances, supplies and equipment (see Section 4.3.11.6);
 8. Security of all Food and/or Condiments of a High Security Risk (see Section 4.3.11.8) and
 9. Maintenance, including a preventive maintenance plan, for all food service equipment, buildings and other equipment associated with each site. (see Section 4.1.5).
- D. Security Operations Plan. The Security Operations Plan will address how Proposer plans to provide all security operations for the Correctional Institution and satellite facilities (See Section 4.2.20-25) in compliance with all Florida Department of Corrections Security operations policies and procedures. In particular, this Plan will address how Proposer will address the following services:
1. All Correctional Institution/satellite facilities and community safety concerns;
 2. All related security emergency plans, procedures and measures, including regional security operations (emergency response squads); and
 3. Comprehensive staffing plan and process for security staff utilization. The Proposer may consider the use of 12-hour shifts for those assignments where appropriate.

Note: Much of the Department's security procedures and related information is considered exempt under the Public Records law due to its sensitive nature and potential for abuse. The Department will provide information on its security procedures and related information as requested. Proposer must utilize Department forms for all operations related documentation unless otherwise approved by the Contract Manager. Restricted Department procedures will be made available to Proposers for the development of Proposals. Please see Attachment 13 – Nondisclosure Agreement for Restricted Procedures. Please print and provide a signed copy of this agreement to the Department's General Counsel. Once the signed agreement is received by the Department, the Department will provide the selected restricted material via hard copy unless Proposer makes other arrangements with the Department.

- E. Inmate Programmatic Services Plan. The Inmate Programmatic Services Plan will address how Proposer plans to provide all services related to all programs Proposer will provide at each Correctional Institution and satellite facility. Proposer's Plan will clearly identify all programs Proposer will provide at the Correctional Institution and satellite

facilities and outline all services required to effectively provide such program. The minimum requirements for this plan can be found in Sections 4.3.13 and 4.3.14 of the contract. The following areas are addressed:

1. Education / academic programs;
2. Behavioral programs;
3. Vocational programs; and
4. Substance abuse programs.

Proposers shall include a list and complete description of the curriculum and citations for academic journals substantiating the program's effectiveness. (See Sections 4.3.13 and 4.3.14)

- F. Inmate Release Preparation Plan and Pre-Release Classes Plan. The Inmate Release Preparation Plan and Pre-Release Classes Plan will identify Proposer's plan to effectively transition inmates from custodial life back into the community. Proposer will identify how such activities will support the Department's objectives for inmates transitioning from public facilities into the communities. The Plan will also include recommended curriculum or seminar opportunities for community experts to speak to inmates and provide direction and guidance during their transition (See Section 4.3.13.8.11).
- G. Contractor-Owned Equipment List. A list of any machinery, equipment and other furnishings and fixtures, including any such items considered capital assets, that will be integral and related to the operation, maintenance, and administration of the project. To the extent reasonable, please specify the brand, type, model number and quantity and unit cost for any such capital asset specified. This information should be provided on Exhibit D – Fixtures, Furnishings and Equipment. (See Section 4.1.10 of Draft Contract – Attachment 1)

TAB D Price Proposal

TAB D will include Proposers price sheets for years 1-5 and optional renewal years 6-10 using only the sample format provided in Attachments 2 and 3. Proposers will be required to provide their pricing proposal as a per-inmate-per-day amount (i.e., per diem rate) for each Correctional Institution, and in the level of detail indicated on the template. Proposer will provide a fixed per diem rate for the first 88% of the contracted capacity and a variable per-diem rate for the population in excess of 88% of the contracted capacity.

Proposers are required to submit pricing for each Correctional Institution at a savings of at least 7 percent less than the costs identified in Exhibit A. For the initial five-year term the Proposers shall provide a fixed price for each Correctional Institution. For the optional renewal term the Proposers shall provide a fixed price for each Correctional Institution.

Proposer shall utilize the electronic version of Attachments 2 and 3 when submitting their response.

TAB E Certifications / Forms

TAB E shall contain the following completed and / or signed forms:

- Attachment 7 - Business/Corporate Reference
- Attachment 8 - Proposers Contact for Contract Administration/Contractor Representative
- Attachment 9 - Certification of Drug-Free Workplace Program
- Attachment 10 - Addendum/Amendment Acknowledgement Form
- Attachment 12 - Business Associate Agreement for HIPAA
- Attachment 13 - Non-Disclosure Agreement for Restricted Information

TAB F Other Information

- A. Place here any other information deemed relevant or necessary to the Proposal, but inapplicable to any of the other parts or sections of the Proposal. (Limit to ten (10) pages or less)
- B. Any attachments, exhibits or forms described in section 4.0 that have not been specifically requested in other sections of the Proposal should be placed in this Tab.

TAB G Financial Documentation – Pass / Fail Determination

- A. Proposer shall provide financial documentation that is sufficient to demonstrate its financial viability to perform as required under the Contract that results from this RFP. Three of the following five minimum acceptable standards shall be met, one of which must be either item 4, or item 5, immediately below. Unless otherwise stated, the Proposer shall supply the following information, in **TAB G** of its Proposal, for the legally qualified corporation, partnership or other business entity submitting the Proposal under this RFP that will be performing as the Contractor.

- 1. Current ratio: greater than or equal to 1.0:1 or (1.0)
Computation: Total current assets divided by total current liabilities
- 2. Debt to tangible net worth: less than or equal to 4:1
Computation: Total liabilities divided by (net worth minus intangible assets)
- 3. Dunn & Bradstreet Supplier Evaluation Risk (SER Score) Rating: less than or equal to 4 (on a scale of 1-9). If the proposer, in its own assessment of these financial viability requirements, needs this element to meet 3 of the 5 standards, the proposer must request a Supplier Qualifier Report (SQR) from Dunn & Bradstreet (D&B) and provide a copy of the SQR to the Department with the original proposal package. Otherwise, it is not required to submit the SQR, unless the proposer is uncertain of the Department's evaluation of all of these requirements.
- 4. Existing annual sales or revenue: greater than or equal to \$500 million.
- 5. Total equity: greater than or equal to 10% of Proposer's annual sales or revenue.

NOTE: The Department acknowledges that privately held corporations and other business entities are not required by law to have audited financial statements. In the event the

Proposer is a privately held corporation or other business entity whose financial statements ARE audited, such audited statements shall be provided. If the privately held corporation or other business entity does not have audited financial statements, then unaudited statements or other financial documentation sufficient to provide the same information as is generally contained in an audited statement, and as required below, shall be provided.

The Department also acknowledges that a Proposer may be a wholly-owned subsidiary of another corporation or exist in other business relationships where financial data is consolidated. Financial documentation is requested to assist the Department in determining whether the Proposer has the financial capability of performing the contract(s) that is issued pursuant to this RFP. The Proposer **MUST** provide financial documentation sufficient to demonstrate such capability including, where possible, financial information specific to the Proposer itself. All documentation provided will be reviewed by an independent CPA and should, therefore, be of the type and detail regularly relied upon by the certified public accounting industry in making a determination or statement of financial capability.

- B. To calculate the above minimum acceptable standards, the most recent available and applicable financial documentation for the Proposer shall be provided. This documentation **shall include**:

The most recently issued audited financial statements (or if unaudited, reviewed in accordance with Statements on Standards for Accounting and Review Services, issued by the American Institute of Certified Public Accountants).

All financial statements shall include the following for the most recent, audited or reviewed financial statements for the proposer's fiscal year or calendar year, ended no earlier than 2010.

1. Independent Accountants' reports on the financial statements;
2. Balance Sheet;
3. Statement of Income or Comprehensive Income;
4. Statement of Retained Earnings or Changes in Stockholders' Equity;
5. Statement of Cash Flows;
6. Notes to Financial Statements;
7. A copy of the Dun & Bradstreet Supplier Qualification Report dated on or after June 30, 2011 (if necessary).
8. This section of **TAB G** shall include a statement indicating that the CEO and/or CFO of the Proposer has taken personal responsibility for the thoroughness and correctness of all financial information supplied with Proposer's proposal.

Failure to provide any of the aforementioned financial information may result in proposal disqualification.

Evaluation of the financial documentation provided by Proposers will be conducted as provided in Section 2.16 of this RFP.

2.16 Proposal Evaluation Criteria

The Proposer's Financial Documentation provided in **TAB G** of its Proposal will be evaluated by an Independent Certified Public Accountant to determine the Proposer's financial capability. No points will be awarded for the Financial Documentation Review. Rather, in order to be deemed responsive, a proposer must meet three (3) of the five (5) minimum acceptable standards outlined in Section 2.15, **TAB G, A.** above, and one of the three standards must be either item 4, or item 5. Upon evaluation by the CPA, if the financial documentation deems the Proposal to have failed the financial requirements of this RFP, the Proposal will be considered non-responsible, and the entire Proposal will be rejected.

An Evaluation Team will be established to review and evaluate Proposals that have satisfied the Pass/Fail Requirements set out in Section 2.4 and the Financial Documentation Review. Each member of the Evaluation Team will be provided a copy of each Proposal except the Price Sheets, to be evaluated. For the purposes of evaluation, scoring and ranking, and Award, Proposals are divided into three (3) categories. The following shows the maximum number of points that may be awarded by category.

Category 1 – Experience and ability to perform	100 Points
Category 2 – Operation Plans and Efficiencies	125 Points
Category 3 – Price (Tab D)	<u>100 Points</u>
Total Evaluation Points:	325 Points

The following criteria will be used by evaluators to evaluate Proposals.

- A. **Experience (Maximum 100 points).** Based upon the entire Proposal but primarily on the information contained in **TAB B.**

Preference for companies that have considerable and quantifiable experience in providing similar services to entities of sufficient scope and size as to demonstrate proposer ability to perform the services sought in this RFP.

1. Age of the company evidenced by Articles of Incorporation or business license in order to transact business; number of years company principles have been providing the services; the business model of the company; and demonstrated ability of company to effectively provide the services throughout the term of the prospective contract. (0-33 points)
2. The information provided by Proposer regarding current contracts that are of sufficient size and scope to the services sought via this RFP, where the Proposer provided services as a prime contractor. Consideration shall be given to the duration of such contracts, the volume of services, the quality of services provided, and Proposer's ability to provide the operational services described in this RFP based upon their past professional experience and performance. (0-34 points)

3. References – References clearly demonstrate Proposer has provided excellent services to other customers with regard to contracts of sufficient size and scope to demonstrate proposer ability to perform the services sought via this RFP. (0-33 points)

B. Technical Proposal (Maximum 125 points) Based upon the entire Proposal but primarily on the information contained in **TAB C**.

1. Transition, Implementation and Operations plans (0-35 points)
2. Security Operations Plan (0-50 points)
3. Inmate Program Services Plan, Inmate Release Preparation Plan and Pre-Release Classes Plan (0-40 points)

C. Pricing: (Maximum 100 Points)

The Procurement Manager will be responsible for calculating and awarding points for price as follows:

The Procurement Manager will verify that the Proposer’s price sheet for each billing group offers a savings of at least seven percent (7%) less than the costs identified in Exhibit A. **IF THE PRICING OFFERED BY PROPOSER FOR ANY BILLING GROUP DOES NOT MEET OR EXCEED THIS SAVINGS THRESHOLD, THE ENTIRE PROPOSAL WILL BE REJECTED AS NONRESPONSIVE.**

For pricing offers that satisfy the requirement above, a price analysis will be conducted by way of comparing price quotations submitted by Proposers. Points will only be allocated based upon pricing for the five-year initial contract term. The criteria for price evaluation will be based upon the following formula:

$$\left(\frac{L}{P} \right)^3 \times 100$$

Where:

L= Lowest **Total Annual Contract Price** received among all proposers

P= Proposer’s **Total Annual Contract Price**

Total Annual Contract Price = the sum of all **Annual Billing Group Prices**

Annual Billing Group Price = for each billing group, as specified on the pricing worksheet, its Blended Per Diem x Contracted Capacity x 365 days.

D. Total Score and Rankings.

The Department will add Proposer’s Category 1, 2 and 3 scores together to determine the Proposer’s Total Score for that Correctional Institution, and will then rank the Proposers based on their Total Score. This ranking will constitute the Department’s determination as to which proposal is most advantageous to the state.

2.17 Health Services, Telephone, Canteen and Inmate Bank

The following services will not be included in this RFP:

1. Health Services
2. Telephone
3. Canteen
4. Inmate Bank

The Proposer will not be responsible for providing these services. **Proposer will be required to use the Department or designee for these services.**

2.18 Chapter 120 Proceedings

Failure to file a protest of the RFP specifications or the agency's intended agency action within the time prescribed in Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Intent to Protest or Formal Protest shall be filed with the Clerk of the Agency, located at 501 South Calhoun Street, Tallahassee, Florida 32399-2500. Protest related documents may be hand delivered to the Clerk of the Agency by entering the Calhoun Street entrance and asking the person at the Security Desk to call the agency clerk to come down to the entrance to receive the documents for filing. Documents left at the Security Desk will not be considered filed until received by the agency clerk. Formal protests may not be faxed filed. Protest documents received after hours will be filed the next business day. Protests sent to the Procurement Manager by any means (mail, fax or email), will not be considered filed with the Agency Clerk until they are received by the Agency Clerk at the Carlton building address. To the extent anything in this section conflicts with PUR 1001, this section controls.

2.19 Facility and Correctional Unit Inventory Management

As reflected in Exhibits H1-H11 of this RFP, the Department has provided an initial inventory of the property at each Correctional Institution. During the site visits (see Exhibit B), each Proposer will have the opportunity to view the initial inventory listed in Exhibits H1-H11. These inventory listings identify the property that will remain at each Correctional Institution and that may be used by the Contractor in providing the services as identified in this RFP. Quantities of items on the inventory listing that are identified as consumables may increase or decrease somewhat during the time from when the inventory was created and the contract(s) is executed.

Within thirty (30) days of the Correctional Institution's commencement date, the Contractor will be required to work with the Department to conduct and complete a comprehensive inventory of all property at that Correctional Institution and applicable satellite facilities. Both parties to the contract will review and approve the final inventory listings prior to the contract commencement date.

2.20 Contract Termination Requirements

Upon the expiration date of the Contract resulting from this RFP (or any other termination date), the Contractor shall provide inventories of equipment consistent with the levels and types of equipment provided upon Contractor's initial assumption of services under the Contract. The Contractor shall also submit a plan to the Contract Manager no less than one hundred-twenty (120) days prior to intended contract termination outlining steps for transition of service upon contract expiration or in the event of contract termination. The plan shall set forth the date and time of transfer of responsibility by the Contractor to the entity assuming service, with a schedule for the institution as well as a transfer plan for any inmates in outside hospitals at the time of transition. Failure to timely submit the transition plan shall result in forfeiture of ten percent (10%) of the final monthly payment.

2.21 Sole Point of Contact

The Procurement Manager is the sole point of contact for this RFP. Proposers and persons acting on their behalf may not contact, between the release of the RFP and the end of the 72-hour period following the agency posting the notice of intended award, excluding Saturdays, Sundays, and state holidays, any employee or officer of the executive or legislative branch concerning any aspect of this RFP, except in writing to the Procurement Manager or as provided in the RFP documents. Violation of this provision may be grounds for rejecting a Proposal.

2.22 Legal Requirements

Applicable provisions of all federal, state, county and local laws, and administrative procedures, policies or rules shall govern the development, submittal, and evaluation of all Proposals and shall govern any and all claims and disputes which may arise between persons submitting a Proposal hereto and the Department. Lack of knowledge of the law or administrative procedures, policies, or rules by any Proposer shall not constitute a cognizable defense against their effect.

2.23 Cost of Preparation

Neither the Department of Corrections nor the State is liable for any costs incurred by a Proposer in responding to this RFP.

2.24 Application of the 1% Transaction Fee

The MyFloridaMarketPlace transaction fee is not applicable to the services procured per this RFP.

2.25 Firm Proposal

The time periods set forth in Section 14 of PUR 1001 shall be changed from sixty (60) days to one hundred eighty (180) days.

2.26 Withdrawal of Proposal

Withdrawal of Proposals may be requested within 72 hours (excluding State holidays, Saturdays and Sundays) after the opening time and date. Requests received in accordance with this provision may be granted by the Department upon proof of the impossibility to perform based upon an obvious error.

2.27 Environmental Considerations

The State supports and encourages initiatives to protect and preserve our environment. The Proposer shall submit as part of any Proposal the Proposer's plan to support the procurement of products and materials with recycled content. The Proposer shall also provide a plan for reducing and or handling of any hazardous waste generated by Proposer. Reference Rule 62-730.160, Florida Administrative Code. It is a requirement of the Florida Department of Environmental Protection that a generator of hazardous waste materials that exceeds a certain threshold must have a valid and current Hazardous Waste Generator Identification Number. This identification number shall be submitted as part of Proposer's explanation of its company's hazardous waste plan and shall explain in detail its handling and disposal of

this waste. Proposers are asked to identify environmentally friendly products and the standards by which that product is rated.

2.28 Contract Term and Renewals

The term of the prospective contract(s) will be five (5) years from the commencement date of the Contract. There will be one (1), five-year renewal available at the Department's option.

2.29 Registration with the Florida Department of State

If awarded the contract, the Proposer will be required to register, and be in good standing, with the Florida Department of State. The registration requirement is applicable to all limited liability partnerships, limited partnerships, corporations, S-corporations, nonprofit corporations and limited liability companies.

2.30 Compliance Certification

Proposals to this RFP serve as a representation that Proposer has no current or outstanding criminal, civil, or enforcement actions initiated against it by the State of Florida, and Proposer agrees that it will immediately notify the Department Contract Manager of any such actions. The Proposer also certifies that neither it nor its principals are presently in arrears in payment of its taxes, permit fees or other statutory, regulatory or judicially required payments to the State of Florida. The Proposer agrees that the State may confirm, at any time, that no such liabilities exist, and, if such liabilities are discovered, that the State may bar the Proposer from contracting with the State, cancel existing contracts, withhold payments to offset such obligations, and withhold further payments or purchases until the Proposer is current on the payments on its liability(ies) to the State, and has submitted proof of such payment(s) to the State.

SECTION 3.0 TECHNICAL SPECIFICATIONS AND SPECIAL CONTRACT CONDITIONS

See **Attachment 1, Draft Contract.**

All Technical Specifications and Special Contract Conditions related to this RFP are incorporated into the Draft Contract (Attachment 1). These Technical Specifications and Special Contract Conditions supplement and/or supersede the General Contract Conditions contained in the PUR 1000.

SECTION 4.0 ATTACHMENTS AND EXHIBITS

Attachment 1	Draft Contract
Attachment 2	Price Sheet – Initial Five Year Term
Attachment 3	Price Sheet – Optional Five Year Renewal
Attachment 4	Pass/Fail Affidavit, Certification/Attestation Page
Attachment 5	PUR 1000
Attachment 6	PUR 1001
Attachment 7	Business/Corporate Reference Form
Attachment 8	Contact for Contract Administration/Contractor Representative
Attachment 9	Certification of Drug Free Workplace Program
Attachment 10	Addendum Acknowledgement Form
Attachment 11	Evaluation Criteria
Attachment 12	Business Associate Agreement for HIPAA
Attachment 13	Non-Disclosure Agreement for Restricted Information

Exhibit A	Department Adjusted Cost Summary 2009-10
Exhibit B	Site Visit Schedule
Exhibit C	Senate Bill 2000 (Pages 102-104)
Exhibit D	Fixtures, Furnishings & Equipment Inventory
Exhibit E	DC Master Menu
Exhibit F	Site Plan Location
Exhibit G	Region IV Utilities
Exhibit H1-11	Correctional Institution & Satellite Facility Profiles
Exhibit I	Bus Schedule for SFRC

Details regarding information below for each Correctional Institution and its satellite facilities are contained at the following link: [\\COS24\ExternalFTP](#).

Exhibit G

Exhibit I

Exhibits H1-11:

- Correctional Institution Profile Information
- Satellite Facility Profile Information
- Aerial Photos
- Surveys
- Water/Wastewater Agreements
- Utility Agreements
- IT Asset Inventories
- Current Agreements with other governmental entities