

EXHIBIT 1

Solicitation Date: January 28, 2020 (amended February 21, 2020)

PROPOSALS ARE REQUESTED FROM QUALIFIED CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF MILITARY AFFAIRS, HEREIN AFTER REFERRED TO AS OWNER, FOR CONSTRUCTION OF:

PROJECT NUMBER: 217042

PROJECT NAME & LOCATION: Brooksville Force Protection Upgrade, 16386 Spring Hill Dr, Brooksville, Florida 34604

FOR: **The Florida Army National Guard, Construction & Facility Management Office**

POTENTIAL RESPONDENTS TO THE SOLICITATION ARE ENCOURAGED TO CAREFULLY REVIEW ALL THE MATERIALS CONTAINED HEREIN AND PREPARE RESPONSES ACCORDINGLY.

General Project Description (See Bid Documents for complete details): Contractor shall supply all labor and materials to install a force protection fence and motorized cantilevered gates. The Brooksville Armory currently has decorative rod iron fencing along the northern, perimeter. (This fencing will be removed and replaced). An estimated request of 707 linear ft. (8 ft. high) K-8 rated fencing will be placed along the western and northern perimeter. The fencing will tie in with current fencing located south of the Armory. A cantilever electric gate (K8) will be placed at the northwestern entrance parallel to Spring Street and one on the northeastern exit also parallel to Spring Street. The gates will have no more than 2 in spacing between the bottom of the fence and the ground. Entrance gate will have an electronic access control pad, with emergency key override. Alternate item would be to supply all labor and materials to install an 8'-0" high chain link fence with 3 strand barb wire (approx. 180 LF.) along the eastern perimeter. The fencing will tie in with the current fencing located south of the Armory.

Building must meet Florida Building Code, State Fire Marshall, local Authorities Having Jurisdiction and Area Water Management requirements, and any other permits and fees required by other county, local or state authorities.

Regulatory permitting to include the preparation, submittal, payment and review coordination of the Water Management District, Environmental Resource Permit (including permit fees), Florida Department of Environmental Protection (FDEP) Notice of Intent (including filing fees), City of Homestead / Miami-Dade County Review Permit Fee, and any other permits and fees required by other county, local or state authorities.

QUALIFICATION: Each bidder ~~whose field is governed by Chapter 399, 455, 489, and 633 of the Florida Statutes for licensure or certification~~ must submit qualification data of their eligibility using Exhibit 3 Form FNG 5085 ~~Contractor's Experience Questionnaire and Financial Statement~~ **with their bid** at the time of the bid opening.

Note: An Exhibit 3, FNG 5085 (in Word doc. format) Experience Questionnaire and Financial Statement form may be obtained from the Contract Management Branch at the contact email address listed below.

After the bid opening, the low bidder must qualify in accordance with Chapter 60D-5.004. A copy of the requirements is included in the Non-Technical Specifications Levels 4&5, Instructions To Bidders under Section B-2 "Bidder Qualification Requirements and Procedures."

Prior to contract award, the Department reserves the right to perform or have performed, an on-site review of the proposer's facilities and qualifications. This review will serve to verify data and representations submitted by the proposer and may be used to determine whether the proposer has an adequate, qualified, and experienced staff, and can provide overall management facilities. The review may also serve to verify whether the proposer has a financial capability adequate to meet the contract requirements. Should the Department determine that the bid/proposal has material misrepresentations or that the size or nature of the proposer's facilities or the number of experienced personnel (including technical staff) are not adequate to ensure satisfactory contract performance, the Department has the right to reject the bid/proposal.

The bidder shall warrant that it has not employed or retained any company or person, other than a bona fide employee working solely for the respondent to solicit or secure the award for this project and that it has not paid or agreed to pay any person, company corporation, individual or firm other than a bona fide employee working solely for the respondent any fee, commission, percentage, gift or other consideration contingent upon or resulting from the award.

The bidder shall warrant that it presently has no interest and shall not acquire any interest which would conflict in any manner or degree with the performance of services required.

The bidder will comply with all applicable federal, state and local rules and regulations in providing services to the Department under this solicitation if awarded.

The STATE OF FLORIDA requires all Contractors to implement a drug free workplace program as defined in 287.087, Florida Statutes.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

BID SECURITY: Bids/Proposals in total excess of \$100,000.00, the bidder must provide with bid, a good faith deposit in the amount of 5% of the bid by way of a bid bond from a surety insurer authorized to do business in the STATE OF FLORIDA as surety or a certified check or cashier's check accompanying the bid.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND'S are required from any persons or parties entering into a formal contract with the STATE OF FLORIDA for contracts in total excess of \$100,000.00 for construction, additions, renovations, repairs, or demolition of any public building pursuant to Florida Statute 255.05(1)(a), to include registration of the Bonds with the county in which the project is located. The contractor must provide the owner with proof of Bonds within 10 days of contract award and Bond must be recorded with the County in which the project is located.

CONTRACTOR INSURANCE: The contractor must provide the owner with proof of insurance within 10 days of contract award. NO work may commence in connection with the contract until he has obtained all insurance as specified in the Non-Technical Specifications Level 3, Section C-4 or the Non-Technical Specifications Levels 4 & 5, Section C-3 and such insurance has been approved by the Owner, nor shall the contractor allow any subcontractor to commence work on his subcontract until all similar insurance required of the subcontractor has been so obtained and approved by owner. All insurance policies shall be with insurers qualified and doing business in Florida through an authorized licensed Florida Resident Agent. The insurance requirements shall be completed in a timely manner in order not to delay the construction schedule.

All questions regarding this procurement will be accepted in writing via facsimile or email to Department of Military Affairs - CFMO, Attention: Contract Management Branch: Email Address: ng.fl.flarnng.list.cfmo-contracting@mail.mil

Any questions from proposers concerning this solicitation shall be submitted in writing, identifying the submitter, to the Contract Management Branch listed above at the address specified above by email or by facsimile no later than the date specified below. E-mail inquiries are preferred; however a hard copy or facsimile is acceptable.

INFORMATION WILL NOT BE AVAILABLE BY TELEPHONE. All information received through any oral
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communication shall not be binding on the Department of Military Affairs and shall not be relied upon by a Bidder.

Pursuant to Section 287.057(26), Florida Statutes, Respondents to this solicitation of persons acting on their behalf may not contact, between the release of the solicitation 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 solicitation, except in writing to the procurement officer or as provided in the solicitation documents. Violation of this provision may be grounds for rejecting a response.

All questions and answers/changes to the solicitation will be provided in Addenda Form and posted on the DMS Vendor Bid System (VBS) at <http://myflorida.com>. It is the prospective contractor's responsibility to check periodically for any information updates, to the solicitation, which is posted to the VBS. The Department of Military Affairs bears no responsibility for any delays, or resulting impacts, associated with a prospective contractor's failure to obtain information made available through the DMS Vendor Bid System.

CONFLICT OF INTEREST: This solicitation is subject to chapter 112 of the Florida Statutes. Respondents shall disclose with their response the name of any officer, director, employee or other agent who is also an employee of the State. Respondents shall also disclose the name of any State employee who owns, directly or indirectly an interest of five percent (5%) or more in the respondent or its affiliates.

SITE VISIT AND PRE-BID MEETING:

DATE AND TIME: February 11, 2020 (9:00 AM Local Time)

PLACE: 16386 Spring Hill Dr, Brooksville, Florida

Follow on site visits may be arranged during normal duty hours on February 12 and 13 by contacting Staff Sergeant Villa at (325) 797-5813 ext 84120 or (727) 255-0006.

All Contractors bidding on this project must certify on Exhibit 4 they have familiarized themselves with the conditions and are urged and expected to inspect the site where the work will be performed, however attendance at the pre-bid and/or site visits is not mandatory. Subcontractor participation at site visits is highly encouraged.

SEALED BIDS WILL BE RECEIVED, PUBLICLY OPENED AND READ ALOUD ON:

DATE AND TIME: March 3, 2020 (2:00 PM Local Time)

PLACE: Robert F. Ensslin National Guard Armory, 2305 State Road 207, St. Augustine, Florida 32086

MARK ENVELOPES: "SEALED BID--DO NOT OPEN Project Number 217042 Brooksville Force Protection Upgrade", delivered to: Department of Military Affairs, Robert F. Ensslin National Guard Armory, 2305 State Road 207, St. Augustine, Florida 32086, Attn: Contract Management Department.

BIDS/RESPONSES TRANSMITTED ELECTRONICALLY WILL NOT BE CONSIDERED. BIDS/RESPONSES RECEIVED AT THE LOCATION DESIGNATED AFTER THE EXACT TIME SPECIFIED FOR RECEIPT WILL NOT BE CONSIDERED.

Bids submitted via courier or mail must be delivered to the above address, please do not send Sealed Bids to the project location or any other Department of Military Affairs location. The Department of Military Affairs will not assume receipt of any sealed bid unless delivered to the address and room listed in this solicitation.

BID/PROPOSAL: Bids must be on DMA Exhibit 4 and Subcontractor List Exhibit 5, (available in a Word doc. as stated above). All responses must be submitted in a sealed package and shall be clearly marked on the outside of package with the above information. Department of Military Affairs is not responsible for the opening of any solicitation package which is not properly marked. Bids will be time stamped on the official time clock upon delivery. It is the respondent's responsibility to assure its response is submitted in the place and time indicated in this solicitation. Also, all responses must be in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, and Non-FNG 4010B

Technical Specifications, which have been prepared by the Engineer as listed, and may be obtained as follows:

ARCHITECT-ENGINEER: Pond Company (Mike Dennison), 10199 Southside Blvd, Suite 103, Jacksonville, FL 32256

TELEPHONE: 904-394-8122

EMAIL ADDRESS: dennisonM@pondco.com

FULL SETS of drawings and specifications available in electronic format by request of the A/E POC above.

Note:

The Owner and Architect are not responsible for other sources of document distribution. Contractor shall be responsible that all subcontractors and material supplier bidders have complete information, including but not limited to drawings, specification and addenda.

FINAL QUESTIONS FROM BIDDERS: February 18, 2020 (5:00 PM Local Time)

Any questions from proposers concerning this solicitation shall be submitted in writing, identifying the submitter, to the contacts listed by email only.

Questions submitted after this date will not be answered. All technical questions regarding this procurement will be accepted via email ONLY to ng.fl.flarng.list.cfmo-contracting@mail.mil. All questions will be answered in addendum form. Addenda will be published in the Vendor Bid System. All addenda must be acknowledged in your Exhibit 4 Proposal Form.

CONTRACT AWARD: Contract award will be given to the lowest responsive and responsible bidder. The lowest bid will be the bid from the responsive bidder that has submitted the lowest price for the base bid or the base bid plus the additive alternates or less the deductive alternates chosen by the Agency to be included in or excluded from the proposed contract, taken in numerical order listed in the bid documents. The order of the alternates may be selected by the Agency in any sequence so long as such acceptance out of order does not alter the designation of the low bidder. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed, the contract will be awarded to the qualified, responsible and responsive low bidder in accordance with Chapter 60D-5 by the Owner.

The official Notice of Award Recommendation will be by electronic posting on the DMS Vendor Bid System website at http://vbs.dms.state.fl.us/vbs/search.criteria_form

INABILITY TO POST ELECTRONICALLY: If the Department is unable to post (due to technical difficulties) as defined above, the Department will notify all proposers via the Point of Contact and electronic address provided to the Department by the proposer at the Pre-Bid meeting, any subsequent site visit or in the bid documents. Notice will be posted as defined above once the technical difficulties have been rectified; however, the official posting time will be that time at which the last proposer was electronically notified.

MINORITY/VETERAN OWNED PROGRAM: Minority Business Enterprises (MBE) and Veteran Owned companies are encouraged to participate in this Invitation to Bid. Utilization of MBE participation is highly encouraged from all Bidders. MBE's must be certified by the Office of Supplier Diversity.

CLARIFICATIONS/REVISIONS: Before award, the Owner reserves the right to seek clarifications or request any information deemed necessary for proper evaluation of submissions from all respondents deemed eligible before Contract award. Failure to provide requested information may result in rejection of the response.

The Department reserves the right to accept or reject any or all proposals received and reserves the right to make an award with or without further discussion of the proposals submitted or accept minor informalities or irregularities in the best interest of the State of Florida, which are considered a matter of form and not substance, and the correction or waiver of which is not prejudicial to other proposers. Minor irregularities are defined as those that will not have an adverse effect on the Department's interest and will not affect the price of the proposal by giving a proposer an advantage or benefit not enjoyed

by all other proposers. It is understood the proposal will become a part of the Department's official file, without obligation to the Department. Proposals may be rejected if found to be irregular or not in conformance with the requirements and instructions contained herein. A proposal may be found to be irregular or non-responsive by reasons that include, but are not limited to failure to utilize or complete in their entirety prescribed forms, conditional proposals, incomplete proposals, ambiguous proposals, and improper, missing and/or undated signatures.

The State of Florida, Department of Military Affairs, objects to and shall not consider any additional terms or conditions submitted by a respondent, including any appearing in documents attached as part of a respondent's response. In submitting its response, a respondent agrees that any additional terms or conditions; whether submitted intentionally or inadvertently, shall have no force or effect. Failure to comply with terms and conditions, including those specifying information that must be submitted with a response, shall be grounds for rejecting a response.

The Non-Technical Specifications Levels 4 & 5 are considered to be applicable to this solicitation and award of contract when made and are made a part hereof.

The State of Florida, through the Department of Management Services, has instituted MyFloridaMarketPlace, a statewide e-procurement system. Pursuant to rule 60A-1.032(1), Florida Administrative Code, this contract shall be exempt from the one percent (1%) transaction fee. Prior to entering into a contract with the State of Florida, Department of Military Affairs, the selected contractor must be registered with the Florida Department of Management Services (DMS) MyFloridaMarketPlace Vendor Registration System. Information about the registration process is available, and registration must be completed at the MyFloridaMarketPlace website (link available under BUSINESS at (www.myflorida.com)). Prospective contractors who do not have Internet access may request assistance from the MyFloridaMarketPlace Customer Service at (866) 352-3776.

The State of Florida's performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.

For the purposes of this solicitation, the terms proposer, respondent, offerer, bidder and contractor/vendor are used interchangeably and mean a person(s) or firm(s) submitting a response to this solicitation, including joint ventures.

The employment of unauthorized aliens by any contractor/vendor is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If a contractor/vendor employs unauthorized aliens, such violation shall be cause for rejection of bid/unilateral cancellation of a contract if awarded.

Order Number 11-02: E-verify System: Department of Homeland Security:

Pursuant to the State of Florida, Office of the Governor, Executive Order Number 11-02 entered on January 4, 2011, Contractors will utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of: (a) all persons employed during the term of the Contract by Contractor to perform employment duties within Florida within 3 business days after the date of hire; and (b) all persons (including subcontractors) assigned by Contractor to perform work pursuant to the Contract with the Department within 90 calendar days after the date the Contract is executed or within 30 days after such persons are assigned to perform work pursuant to the Contract, whichever is later.

Florida Substitute W-9: The State of Florida requires vendors doing business with the State to submit a Substitute Form W-9. The purpose of a Form W-9 is to provide a Federal Taxpayer Identification Number (TIN), official entity name, a business designation (sole proprietorship, corporation, partnership, etc.), and other taxpayer information to the State.

Submission of a Form W-9 ensures that the State's vendor records and Form 1099 reporting are accurate. Due to specific State of Florida requirements, the State will not accept the Internal Revenue Service Form W-9.

Effective March 5, 2012, State of Florida agencies will not be permitted to place orders for goods and services or make payments to any vendor that does not have a verified Substitute W-9 on file with the Department of Financial Services. Vendors are required to register and submit a Form W-9 on the State's Vendor Website at <https://flvendor.myfloridacfo.com>.

NO VERBAL STATEMENTS MADE BY ANY STATE OF FLORIDA EMPLOYEE OR AGENCY

REPRESENTATIVE WILL OPERATE TO SUPERSEDE INFORMATION PUBLISHED IN THIS SOLICITATION. ONLY WRITTEN ADDENDA ISSUED BY THE DEPARTMENT OF MILITARY AFFAIRS CONSTRUCTION AND FACILITY MANAGEMENT OFFICE OR ITS REPRESENTATIVES WILL OPERATE TO ALTER OR OTHERWISE AMEND THIS SOLICITATION.