

**MODIFICATIONS AND QUESTIONS AND ANSWERS**

**DFS FM RFP 1718-12 Construction Materials Mining Activities  
Consultation and Study Preparation Services**

**Addendum No. 1**

Attached below are the questions and answers related to this solicitation, and modifications to the solicitation.

**Questions and Answers**

Question #	RFP Section	RFP Page #	Question	Response
1			<p>How does the Bidder determine which claims are "legitimate" claims to review? What depth of investigation is called for in the RFP to determine what claims were paid for as damages caused by mining activities and are considered to be "legitimate"? Will the claims be provided to the Bidder? If not how can the prospective bidder evaluate the time necessary for review of the documents.</p>	<p>With regard to paid claims for damages, the Division of Administrative Hearings (DOAH) possesses exclusive jurisdiction over all claims for property damages caused by the use of explosives in connection with construction materials mining activities. Section 552.36, F.S. Since DOAH obtained exclusive jurisdiction in 2003, a total of twelve petitions seeking damages have been filed. Eight of the twelve petitions settled without a hearing, and the amount paid on those claims, if any, is unknown. One petition was dismissed by DOAH without a hearing. Three petitions proceeded to final hearing, and the mine prevailed in two of the three hearings. It is unknown how many claims may have been paid prior to 2003.</p> <p>The only claim for damages caused by the use of explosives in connection with construction materials mining activities awarded by DOAH occurred in the matter of GATEWAY ESTATES PARK CONDOMINIUM ASSOCIATION v. SDI QUARRY, A/K/A ATLANTIC CIVIL, INC., DOAH Case No.: 16-001025CM. The ALJ concluded SDI Quarry owed \$840,000.00 to pay for the cost of repairing a lakeshore and installing devices to prevent further erosion for the property damage caused by SDI Quarry's use of explosives in connection with construction materials mining. Payment of this claim is currently tolled pending appeal. Section 552.42, F.S. The case is pending at the First District Court of Appeal (DCA) as case number 1D17-1086.</p> <p>The DCA may resolve the Gateway Estates case while the study is pending. If the DCA affirms the DOAH award of damages before April 4, 2018, then the</p>

				<p>Gateway Estates claim must be included in the study and reviewed by Respondent in relation to measured vibration amplitudes and frequencies, theoretical analyses of material strength and strains, and structure responses. However, if the DCA does not issue an appellate mandate affirming a final order awarding damages until on or after April 4, 2018, then the Gateway Estates claim will remain outside the scope of the study. Respondent's proposal must address the contingency that the DCA will issue an appellate mandate affirming a final order awarding damages prior to April 4, 2018, in which event Respondent must review the claim.</p> <p>See DOAH Final Order attachment.</p>
2			<p>Is the analysis contemplated under the RFP based upon existing data or data to be forthcoming from the Dept. or does the RFP contemplate the collection of data? In other words, is there a requirement to collect data if documented data and analysis already exist? If documents exist are they available for inspection prior to the bid in type and number to assess quantity and the quality of the documents.</p>	<p>The Department will provide Blasting Activity Reports, Blast Complaint Reports, and Regulatory Permits for a representative sample's data set that will be limited to a statewide sampling of six mines to be identified by the State Fire Marshal's office. The Department will also provide Blaster's Reports and Seismographic Reports if they are within the Department's possession. If additional data is needed by the Respondent to meet the terms of the Statement of Work, please include a list of those in your response. A representative sample of documents may be found at <a href="https://www.myfloridacfo.com/Division/SFM/bfp/Mine_blasting.htm">https://www.myfloridacfo.com/Division/SFM/bfp/Mine_blasting.htm</a>.</p>

3		<p>Given the references in the RFP to the analysis of the current ground vibration limits under 8507 “with respect to Florida and its soils,” is the analysis contemplated by the RFP a study about damage to homes or rather about attenuation of vibration in local soils? If the former, (damage to homes) has the damage occurred and been confirmed already? If so, what is the documentation and will it be provided? When did the study shift from an assessment of vibration damage standards and limits to reduction of vibration over distance?</p>	<p>The study parameters are outlined in Section 552.30(3), F.S. The study must “review whether the established statewide ground vibration limits for construction materials mining activities are still appropriate and to review any legitimate claims paid for damages caused by such mining activities. The study must include a review of measured vibration amplitudes and frequencies, structure responses, theoretical analyses of material strength and strains, and assessments of home damages.”</p> <p>See response to Question 1 for details regarding damages.</p>
4		<p>Section 3.7 of the RFP asks the Bidder to provide to the Dept. an illustration of its understanding of the project “and how its solution will meet the needs of the Dept.” Is there a hypothesis to be confirmed, or is determining the appropriateness of the current ground vibration limits the desired outcome that meets the needs of the Dept.?” What is the fundamental issue that needs to be “solved’ by the Study?</p>	<p>Determining whether the existing ground vibration limits remain appropriate is the question to be addressed by the study. The ground vibration limitations are mandated by section 552.30, F.S., to conform with those limits established in the United States Bureau of Mines, Report of Investigations 8507, Appendix B – Alternative Blasting Level Criteria (Figure B-1).</p>

5		<p>How was the mandatory criteria for the Bidder selected and on what basis? Why is the study limited to Florida Registration and further why is the expertise limited to only engineering or geologic disciplines. As an example FL licensed PE in electrical engineering with no experience with vibration or structural response from blast vibrations would meet the mandatory criteria but someone like Dr. Siskind who wrote the original evaluation would not if he does not hold a Fla-license. Is subcontracting prohibited? How does one reconcile the mandatory criteria regarding conflicts of interest in Attachment C with Section 3.6.6 of the RFP, the latter of which seems to suggest that a conflict of interest could be mitigated?</p>	<p>The study is limited to Florida registration to provide a means of verifying certification and ensure a familiarity with Florida and its laws.</p> <p>Pursuant to Section 28a of Attachment I, the “Standard Terms and Conditions Applicable to Competitively Procured Contracts,” subcontracting may be permitted with prior written consent of the Department.</p> <p>See Addendum No. 1.</p>
6		<p>Have the 6 sites been selected in each of the regions and will the sites be provided to the Bidder before the Bid is submitted, especially when considering that travel expenses are excluded from the contract?</p>	<p>No, the 6 sites have not been selected and will not be provided to the Respondent before the bid is submitted. The criteria for selection will be based on several factors including, but not limited to, number of complaints, proximity to residential neighborhoods, and those mines which are actively engaging in blasting. See Attachment G, Construction Material Mining Map of the RFP.</p>

			<p>What was the basis or criteria for the selection (for example, based upon # of complaints)? Has the Dept. obtained access to each of the 6 sites and any off-site locations for which the Bidder must review or perform tests (for example, residential properties)?</p>	
7			<p>The RFP says that the Dept. may provide certain data. Is the data to be provided by the Dept. going to be available prior to the Bid submittal so the Bidder can understand better the volume of data that needs to be analyzed and consider that review as part of the Price for the Bid? What happens if requisite data is not provided or provided later?</p>	<p>Other than information provided in the RFP, any additional documentation will only be provided to the awarded contractor. See response to questions 1 and 2.</p> <p>See Section G of Attachment 2, "Statement of Work," for financial consequences for failure to timely and satisfactorily perform.</p>
8			<p>How was the evaluation criteria and scoring determined? For example, being qualified to meet the mandatory technical criteria on the ability to analyze the current ground vibration limits or the ability to assess damage to homes is scored the same as being able to prepare a power point presentation that meets the style and</p>	<p>The evaluation criteria and scoring were determined based upon statutory mandates and through consultation with the RFP's developmental staff. See Addendum No. 1.</p>

			format desired by the Dept. The evaluation criteria seems counter to Attachment C (Bidder must be Florida-licensed PE, PG, or a business or university employing such licensed professionals).	
9			Is the timeline for undertaking the study in essence 9 months, given that the RFP contemplates that it will take 90 days at the outset for the Dept. to provide the necessary documentation? What happens to the time frames (especially if data collection is anticipated) if all of the logistical issues are not satisfactorily concluded, upfront?	<p>The contract term shall not exceed June 30, 2018, due to general appropriation constraints. See Addendum No. 1.</p> <p>See Section G of Attachment 2, "Statement of Work," for financial consequences for failure to timely and satisfactorily perform.</p>
10			Who helped with the preparation of the RFP?	Various Department of Financial Services staff prepared the RFP. No outside assistance was obtained.
11	1.3	4-5 of 41	How does the Respondent determine which "legitimate claims to review" and on what basis are such claims reviewed?	See response to question 1.
12	1.3	4-5 of 41	What depth of investigation is called for in the RFP to determine "legitimacy"?	See response to question 1.

13	1.3	4-5 of 41	How is the Respondent to define legitimacy?	See response to question 1.
14	1.3	4-5 of 41	Will the claims be provided to the Respondent by the State of Florida Department of Financial Services ("Department")? If not, how will the claims be evaluated?	See response to question 1.
15	1.7	5-6 of 41	Have any potential Respondents already spoken to other entities outside the process in development of the solicitation?	The Department has no knowledge of any outside communication outside the solicitation process.
16	2.2	8 of 41	Is this a reasonable timeline to execute a contract in Florida?	Timelines to execute contracts in Florida vary. The Department anticipates the execution of the contract to take place on or before January 31, 2018.
17	3.6.3	13 of 41	How can Respondents achieve the external audit in time for the response deadline if not already done?	Respondents have the option of either submitting current financial statements audited by an external auditor or submitting Federal Income Tax Returns for the two most recent years.
18	3.6.6	14 of 41	How can the Department resolve the inherent conflict between this subsection and Addendum C that states anyone with a conflict of interest does not meet the mandatory criteria?	See amended RFP section 3.6.6. See Addendum No. 1.
19	3.6.6	14 of 41	Is there a specific amount of time that would be considered long enough to determine a conflict of interest no longer exists if the	No, there is not a specific amount of time that would be considered sufficient to determine a conflict of interest no longer exists if the relationship is historical.

			relationship is historical, or occurred in the past?	
20	3.6.6	14 of 41	Is there a definition for conflict of interest so that it can be clearly determined what is “current,” as opposed to past or historic?	Conflict of interest is defined as a situation in which a person has a duty to more than one person or organization, but cannot do justice to the actual or potentially adverse interests of both parties. The Respondent cannot have a financial interest in or any other conflict of interest with any construction materials mining company in Florida or any seismologist conducting monitoring services for any construction materials mining company in Florida.
21	3.7 <i>(Understanding of the Project)</i>	14 of 41	What is the Department looking for in a solution?	See response to question 3. See Addendum No. 1.
22	3.7 <i>(Understanding of the Project)</i>	14 of 41	Is there a hypothesis to be confirmed, or is determining appropriateness of current limits the desired outcome? This has already been confirmed by multiple reports. Will these reports be adequate evidence, or must the Respondent acquire new data?	See response to question 4.
23	3.7 <i>(Ability and Willingness to Meet the Department’s Needs)</i>	14 of 41	Is this project about attenuation of vibration, or about structural response and damage?	See response to question 3.
24	3.7 <i>(Ability and Willingness to Meet the Department’s Needs)</i>	14 of 41	Has damage occurred and been confirmed already? If so, when and where is it documented?	See response to question 1.
25	3.7 <i>(Narrative on Experience with Projects of Similar Size and Services)</i>	14-15 of 41	Would documentation of similar projects in Florida (where the stated concern is the local soil and attenuation of vibration) prevent the	No, this alone does not prevent the Respondent from being eligible. This is not sufficient information to determine whether a conflict of interest might exist.



			Respondent from being eligible?	
26	3.7 <i>(Respondent's Proposed Solution)</i>	15 of 41	Is there a requirement to collect data if documented data and analysis already exists?	See response to question 2.
27	4.3.3	17 of 41	Will this be based on the value of the proposal or the dollar amount of the bid?	This will be based on the dollar amount of the bid.
28	Attachment A-2 <i>(Scope of Work)</i>	28 of 41	As noted previously, how is "legitimate claim" defined?	See response to question 1.
29	Attachment A-2 <i>(Scope of Work)</i>	28 of 41	Is the mining activity limited to the construction materials mining, or should it consider all mining activities?	The scope of the study is limited to construction materials mining.
30	Attachment A-2 <i>(Scope of Work)</i>	28 of 41	Is the Respondent required to conduct a site inspection of the representative mine sites in the six regions? If so, and because travel expenses are not reimbursed, how does the Respondent prepare a price submittal when the mine sites are not provided?	Site visits are not mandatory in the Statement of Work. If the Respondent deems that site visits are needed to meet the terms of the Statement of Work, please address in your response.
31	Attachment A-2 <i>(Department Responsibilities)</i>	28-29 of 41	Is all of data and documentation referenced already assembled? If so, does that mean that no new data will be collected?	No, the data and documentation to be provided by the Department is not currently assembled, but it will be provided to the awarded Contractor upon contract execution or earlier. If the Respondent deems that additional data is needed to meet the terms of the Statement of Work, please address in your response.

32	Attachment A-2 ( <i>Contractor Responsibilities</i> )	29-31 of 41	Who in the state has the expertise to select, organize, and collect the most pertinent data to determine structural damage and response?	The RFP process will determine who is best able to provide the services requested.
33	Attachment B ( <i>Evaluation Criteria</i> )	35-36 of 41	Do the factors listed in the Evaluation Criteria for “Outreach,” including “outreach to legislators, local government officials (staff, elected) and residents,” constitute lobbying support? If so, how is this a viable criterion of a qualified professional engineer or a professional geologist?	No, these factors will not include lobbying support.
34	Attachment C ( <i>Mandatory Criteria Certification No. 11</i> )	37-38 of 41	What is meant by “business relationship”?	Business relationship includes any of the following: an employee/employer relationship, an agency relationship, or an independent contractor relationship.
35	Attachment C ( <i>Mandatory Criteria Certification No. 11</i> )	37-38 of 41	How does one reconcile the apparent conflict between the Respondent’s certification, pursuant to No. 11, and Section 3.6.6 (noted above), which seems to suggest that a conflict of interest may be mitigated? If they have no “interest or business relationship” with those in the industry, how could they be judged as having sufficient experience to undertake the	See amended RFP section 3.6.6. See Addendum No. 1.

			required actions/evaluation?	
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36		<p>“...The Contractor must review any legitimate claims for damages caused by such mining activities. The Contractor shall conduct a review of mines and mining activities throughout the state of Florida. The review of damage claims should also be conducted throughout the state of Florida (p. 29/41).”</p> <p>a. Is the Contractor expected to determine the legitimacy of the claim? If not, how will/has legitimacy been determined and by whom?</p> <p>b. Will the contractor be expected to provide a structural engineering report for each/all homes/structures identified in a legitimate claim?</p> <p>c. Will the review focus on a representative sample or “any”</p>	<p>a. See response to question 1.</p> <p>b. No.</p> <p>c. See response to question 1.</p> <p>d. There are no home inspection requirements.</p>
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			<p>legitimate claims?</p> <p>d. Any idea on how many homes will need to be inspected?</p>	
37			<p>Was a PowerPoint or other materials provided at the Q&amp;A session Wednesday, 15 November? If so, how can we get a copy of the presentation and handout materials?</p>	<p>The only handout materials provided during the non-mandatory pre-response conference were copies of the Vendor Bid System advertisement and the RFP solicitation document.</p>
38			<p>Can we get a list of attendees at the Q&amp;A session Wednesday, 15 November? If so, how can we get a copy?</p>	<p>See attached copies of the non-mandatory pre-response conference sign-in sheets.</p>

## MODIFICATIONS

Changes to the Specifications are indicated by underline, deletions are indicated by a ~~striketrough~~.

Please be advised that the following changes are applicable to the original specifications of the above referenced RFP:

### 1. Section 1.3, Background is hereby amended as indicated below:

Pursuant to section 552.30, F.S., the Department's Division of State Fire Marshal regulates and licenses approximately 100 construction materials mines in the State. These mines use explosives in conjunction with their construction materials mining activities. The use of explosives in these mines causes ground vibrations. The ground vibration limitations are mandated by section 552.30, F.S., to conform with those limits established in the United States Bureau of Mines, Report of Investigations 8507, Appendix B – Alternative Blasting Level Criteria (Figure B-1). In some areas of the State, construction materials mine properties are situated within five miles of residential areas. The residents in the vicinity of these construction materials mine properties have questioned whether the blasting vibrations are causing damage to their property. The Florida Legislature appropriated funds via ~~2016-2017~~ 2017-2018 General Appropriations Act, specific appropriation number 2374, to the Department allowing it to contract for a study to review whether the established statewide ground vibration limits for construction materials mining activities are still appropriate and to review any legitimate claims paid for damages caused by such mining activities.

### 2. Section 1.4, Term is hereby amended as indicated below:

The initial term of the Contract, as defined below, will ~~be one year beginning~~ begin on the date of execution and end on June 30, 2018, and the Contract may not be renewed.

### 3. Section 2.2, Timeline is hereby amended as indicated below:

The following schedule will be strictly adhered to in all actions relative to this solicitation. The Department reserves the right to make adjustments to this schedule and will notify participants in the solicitation by posting an addendum on VBS. It is the responsibility of the Respondent to check VBS on a regular basis for such updates.

Timeline	Event Time Eastern Time (ET)	Event Date
RFP posted on the VBS.	3:00 PM	11/7/17
A pre-response conference will be held at: Division of State Fire Marshal Conference Room, 325 John Knox Rd., Atrium Building, 3 <sup>rd</sup> Floor, Tallahassee, Florida 32303. Conference attendance for Respondents is not mandatory.	9:00 AM	11/15/17
Deadline to submit questions to Procurement Officer.	5:00 PM	11/17/17

<b>Anticipated</b> date to post answers to Respondents' questions on VBS.	9:00 AM	11/28/17
Deadline to submit Responses and all required documents to the Department.	3:00 PM	12/5/17
Public Response opening. Laura I. Jennings, 200 E. Gaines Street, Tallahassee, FL, Larson Building B24 – Office of Purchasing and Contractual Services	3:15 PM	12/5/17
<b>Anticipated</b> date to post Notice of Intent to Award on VBS.	<b>N/A</b>	<del>12/11/17</del> <b>12/19/17</b>
<b>Anticipated</b> Contract start date.	<b>N/A</b>	01/31/18

**4. Section 3.5, Contents of Response is hereby amended as indicated below:**

It is a mandatory requirement of this RFP that the Response contain all of the documents listed below. The Respondent must organize the contents of each Response submittal as follows:

**Volume One: Response Qualification Documents**

- Cover Letter
- Mandatory Criteria Certification and Required Documentation
- Financial Documentation
- Attachment E, Completed Business Reference Forms
- Description of Contract Disputes
- Conflict of Interest

**Volume Two: Respondent's Technical Response**

- Understanding of the Project
- Ability and Willingness to Meet the Department's Needs
- Narrative on Experience with Projects of Similar Size and Services
- Respondent's Proposed Solution
- **Subcontracting Activities**
- Exceptions

**Volume Three: Price Response**

- **REVISED** Attachment D, Price Response Form (Separately Sealed)

**5. Section 3.6.6, Other Required Documentation, is hereby amended as indicated below:**

Conflict of Interest

The Respondent **and its subcontractors, if any**, must provide a letter relating to conflict of interest. If the Respondent does not have a financial interest in or other conflict of interest with any construction materials mining company licensed in the state of Florida or any seismologist conducting monitoring services for any construction materials mining company licensed in the state of Florida, which would affect their ability to perform the services required under the Contract, it must submit a letter certifying the same.

If the Respondent does have a conflict of interest, the Respondent must provide a letter describing the nature of the Respondent's relationship with the construction materials mining company licensed in the state of Florida or the seismologist conducting monitoring services for any construction materials mining company licensed in the state of Florida as specifically as possible, including timeframes and individual employees' names, if appropriate. ~~The Respondent must also describe how it will mitigate the conflict if awarded.~~

**6. Section 3.7, Volume Two: Respondent's Technical Response is hereby amended as indicated below:**

Please provide the following information to be evaluated according to the methodology listed in Section 4, Selection Methodology:

- Understanding of the Project
  - The Respondent must provide comprehensive narrative statements that illustrate its understanding of the requirements of the project, project schedule and how its solution will meet the needs of the Department. These statements should be prepared in a manner that will be understandable to individuals at a management level.
- Ability and Willingness to Meet the Department's Needs
  - The Respondent must describe its ability and willingness to meet the Department's time and budget requirements for the following:
    - Providing an analysis of the current ground vibration limits set by the U.S. Bureau of Mines, Report of Investigations 8507, with respect to Florida and its soil conditions.
    - ~~Providing an assessment and analysis of damages to homes in the communities surrounding Florida's construction materials mines.~~
    - **Providing an analysis of assessment of damages, review of measured vibration amplitudes and frequencies, structure responses and theoretical analyses of material strength and strains.**
    - The style and format of the Proposed Final Report as described in the Statement of Work.
    - The style and format of the Final Report, along with the Power Point presentation and posters, as described in the Statement of Work.
    - Providing assistance to the Department with outreach to local government officials and residents.
- Narrative on Experience with Projects of Similar Size and Services
  - The Respondent must furnish a narrative on its recent, current, and projected workloads, and the volume of work previously awarded.
  - Prior relevant experience and ability to provide this or similar services.
  - Describe its familiarity with federal and national seismic codes, standards and guidelines.
  - Describe its familiarity with dynamic response of buildings to vibration amplitudes and frequencies, structure responses, **and** theoretical analyses of material strength and strains, ~~and assessments of home damage.~~
  - Organizational Chart.
  - Identification of Key Personnel.
  - Examples of similar services.
- Respondent's Proposed Solution
  - The Respondent must fully describe its plan and methodology for collecting data to carry out the services. The Respondent must also describe its outreach strategy and activities to assist the Department with outreach to legislators, local government officials (staff, elected) and residents located near Florida's construction materials mining sites.
- **Subcontracting Activities**
  - **Respondent must fully describe its plan, including any activities in its plan to subcontract, if applicable.**
- Exceptions
  - The Respondent must fully describe exceptions, if any, to the solicitation.



**7. Section I, Introduction., Attachment 2, Statement of Work, from Attachment A, Standard Contract, is hereby amended as indicated below:**

The Department of Financial Services (Department) requires technical support to review whether the established statewide ground vibration limits for construction materials mining activities are still appropriate and to review any legitimate claims paid for damages caused by such mining activities as directed by section 552.30(3), F.S.

With regard to paid claims for damages, the Division of Administrative Hearings (DOAH) possesses exclusive jurisdiction over all claims for property damages caused by the use of explosives in connection with construction materials mining activities. Section 552.36, F.S. Since DOAH obtained exclusive jurisdiction in 2003, a total of twelve petitions seeking damages have been filed. Eight of the twelve petitions settled without a hearing, and the amount paid on those claims, if any, is unknown. One petition was dismissed by DOAH without a hearing. Three petitions proceeded to final hearing, and the mine prevailed in two of the three hearings. It is unknown how many claims may have been paid prior to 2003.

The only claim for damages caused by the use of explosives in connection with construction materials mining activities awarded by DOAH occurred in the matter of GATEWAY ESTATES PARK CONDOMINIUM ASSOCIATION v. SDI QUARRY, A/K/A ATLANTIC CIVIL, INC., DOAH Case No.: 16-001025CM. The ALJ concluded SDI Quarry owed \$840,000.00 to pay for the cost of repairing a lakeshore and installing devices to prevent further erosion for the property damage caused by SDI Quarry's use of explosives in connection with construction materials mining. Payment of this claim is currently tolled pending appeal. Section 552.42, F.S. The case is pending at the First District Court of Appeal (DCA) as case number 1D17-1086.

The DCA may resolve the Gateway Estates case while the study is pending. If the DCA affirms the DOAH award of damages before April 4, 2018, then the Gateway Estates claim must be included in the study and reviewed by Respondent in relation to measured vibration amplitudes and frequencies, theoretical analyses of material strength and strains, and structure responses. However, if the DCA does not issue an appellate mandate affirming a final order awarding damages until on or after April 4, 2018, then the Gateway Estates claim will remain outside the scope of the study. Respondent's proposal must address the contingency that the DCA will issue an appellate mandate affirming a final order awarding damages prior to April 4, 2018, in which event Respondent must review the claim.

**8. Section II, Scope of Work., of Attachment 2, Statement of Work, from Attachment A, Standard Contract, is hereby amended as indicated below:**

The Contractor shall be a Florida-licensed professional engineer or professional geologist or a business or university employing such licensed professionals and shall provide review and evaluation of the established statewide ground vibration limits for construction materials mining activities, which must include a review of measured vibration amplitudes and frequencies, structure responses, and theoretical analyses of material strength and strains. Additionally, this should include a review of blasting activities reports, blast complaint reports, regulatory permits and, if available, provided by the Department, blaster's reports and other seismographic reports. The data provided by the Department to the Contractor may include detailed measurement of the ground vibration limits, frequency, intensity, blast pattern, air blast and time, date, occurrence, and notice restrictions or other applicable standards or limits. The Contractor must review the DOAH case if the award of damages is timely affirmed as specified in Section I, Introduction any legitimate claims for damages caused by such mining activities. The Contractor shall conduct a review of mines and mining activities throughout the state of Florida. ~~The review of damage claims should also be conducted throughout the state of Florida.~~

9. Section III. A., Contract Term., of Attachment 2, Statement of Work, from Attachment A, Standard Contract, is hereby amended as indicated below:

- A. Contract Term. The service shall begin upon the date last signed by a party (effective date) and continue for a period not to ~~exceed one year~~ **extend beyond June 30, 2018**, unless otherwise terminated in accordance with the terms of this Contract.

10. Section VI., Contractor Responsibilities, A. Deliverables, of Attachment 2, Statement of Work, From Attachment A, Standard Contract, is hereby amended as indicated below.

- A. Deliverables. The Contractor shall provide the following services:

1. **The table identified as, "Payment Schedule by Deliverable," at the conclusion of this Section VI. provides additional details to the information stated below regarding the deliverables requirements:**

- a. Submit a summary of the initial analyses of reports, regulatory permits, and related correspondence produced by a representative sample (see subsection VI.A.1.e below) of construction materials mines in Florida.
- b. Submit a summary of all documentation provided by the DSFM documenting blasting activities at the same representative sample and complaints by residents located near those same mines.
- c. The Contractor's summary will address the following issues:
  - i. The effects of current ground vibration limits in the communities surrounding Florida's construction material mines.
  - ii. An analysis of the current ground vibration limits set by the U.S. Bureau of Mines, Report of Investigations 8507, with respect to Florida and its soil conditions, particularly in areas surrounding construction materials mines; and
  - iii. ~~An assessment and analysis of damages to homes in the communities surrounding Florida's construction materials mines.~~
- ~~d. The representative sample's data set will be limited to a sample of one mine in each of the State Fire Marshal's six regions, to be chosen by the State Fire Marshal's office.~~
- d. **The representative sample's data set will be limited to a statewide sampling of six mines to be identified by the State Fire Marshal's office. See Attachment G for a map of all construction materials mines permitted in the state of Florida. The State Fire Marshal will select the data set from all active mines indicated on Attachment G.**
- e. The data set will include all documents provided to the Contractor ~~within ninety (90) days of~~ upon Contract execution, which may include any of the following reports required by statute and/or administrative rule:
  - i. Blasting Activities Reports;
  - ii. Complaint Reports (Requests for Investigation, Preliminary Report, Letters);
  - iii. Regulatory permits issued by federal, state, and local governmental agencies applicable to construction materials mines.

2. **Submit a Proposed Final Report to the Department that outlines all findings for the period commencing twelve months prior to the effective date of this Contract.**

- a. The Proposed Final Report must include a section outlining whether the current blasting vibration limits set by statute are still appropriate, including a review of measured vibration amplitudes and frequencies, structure responses, and theoretical analyses of material strength and strains.
- b. The Proposed Final Report must include a section reviewing **the Gateway Estates claim if the DCA issues an appellate mandate by April 4, 2018, affirming the final order awarding damages.** ~~any legitimate claims paid for damages caused mining activities. This section must include an assessment of property damages surrounding the sample mines.~~

- c. During the Department’s review of the Proposed Final Report, the Contractor shall provide technical assistance to the Department by answering questions and addressing concerns regarding the report’s findings and contents.

**3. Provide a Final Report and PowerPoint Presentation to the Department.**

- a. After review of the Proposed Final Report, the Contractor shall make any necessary revisions resulting from the Department’s review.
- b. The Contractor shall submit additional revised drafts as needed until the Department approves the report as final.
- c. The Contractor shall prepare and submit to the Department a PowerPoint presentation and at least two (2) color, standard size (22” x 28”) posters. Both posters and the PowerPoint presentation should also be submitted to the Department in an electronic format to allow for editing and printing by the Department.

**4. Provide assistance to the Department with outreach to interested parties.**

The Contractor shall assist the Department, as described in the Contractor’s Response to Section 3.7 of the RFP, with outreach to the legislature, local government officials (staff, elected), and residents located near Florida’s construction materials mines as directed.

**B. Performance Measures.** The Minimum Service Levels are as follows:

All documents (summaries, reports, etc.) must be submitted to the Department in an electronic, Microsoft Office-based application that allows the Department to modify the documents and accepted by the Department in accordance with the acceptance process described in subsection VI.C., Acceptance of Deliverables, below.

**C. Acceptance of Deliverables.** The Deliverables must be submitted to the Department’s contract manager for review and approval (acceptance). The Department will review each Deliverable and sign off to indicate its acceptance of each Deliverable that meets the applicable criteria specified in this SOW. If subsequent work that is the responsibility of the Contractor invalidates some or all of the contents of a Deliverable, the Department reserves the right to require the Contractor to revise deliverables previously approved at no additional cost to the Department, or to reject current deliverables based on inconsistency with the SOW.

**D. Designation of Project Manager.** The Contractor shall designate a project manager to work with the DFS contract manager in fulfilling the Contractor’s requirements under this Contract.

**E. Response to Inquiries.** The Contractor shall respond to inquiries and answer all questions posed by the Department within five (5) business days.

**F. Response to Department Communications.** The Contractor shall be available to respond to telephone calls and emails from the Department on an as needed basis.

Payment Schedule by Deliverable				
Deliverable	Due Date	Invoice Submittal	Amount	Financial Consequences
Submit <b>Receipt by Department of</b> a summary of the initial analysis.	Within <del>ninety</del> <b>seventy (90 70)</b> days of Contract execution.	Upon the Department’s acceptance of summary.	TBD during the RFP process	The Department shall reduce payment by one percent (1%) of the deliverable amount for every business day beyond the due date, in excess of three (3) business days, that the deliverable is late.
Submit <b>Receipt by Department of</b> a	No later than <del>sixty</del> <b>forty-five (60 45)</b> days after receipt	Upon the Department’s acceptance of	TBD during the	The Department shall reduce payment by one percent (1%) of

Proposed Final Report to the Department.	of the Department's acceptance of the summary of the initial analysis.	Proposed Final Report.	RFP process	the deliverable amount for every business day beyond the due date, in excess of three (3) business days, that the deliverable is late.
Provide <b>Receipt by Department of</b> a Final Report to the Department.	No later than thirty (30) days after the Department's Proposed Final Report review concludes.	Upon the Department's acceptance of Final Report.	TBD during the RFP process	The Department shall reduce payment by one percent (1%) of the deliverable amount for every business day beyond the due date, in excess of three (3) business days, that the deliverable is late.
Total Not to Exceed			\$325,000	

11. Attachment B, Evaluator Score Sheet is hereby amended as indicated below:

**DEPARTMENT OF FINANCIAL SERVICES  
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**REVISED ATTACHMENT B**

**Evaluator Score Sheet**

Evaluation team members will assign 0-10 points for each criteria section, using no fractions or decimals. The table below provides the scoring guidelines to be used when assigning points to each criteria section.

Financial Review: The financial information required in Section 3.6.3 of the RFP will be evaluated by a CPA on a pass/fail basis and will not receive a score.

<b>Assessment</b>	<b>Description</b>	<b><u>Evaluator Score 5 Point Range</u></b>	<b>Evaluator Score 10 Point Range</b>	<b><u>Evaluator Score 25 Point Range</u></b>
Excellent	The applicable portion of the Response fully meets or exceeds minimum specifications.	<u>5</u>	9-10	<u>21-25</u>
Good	The applicable portion of the Response more than adequately meets the minimum specifications.	<u>4</u>	6-8	<u>16-20</u>
Adequate	The applicable portion of the Response adequately meets the minimum specifications.	<u>3</u>	4-5	<u>11-15</u>
Marginal	The applicable portion of the Response minimally addresses the evaluation criteria.	<u>2</u>	2-3	<u>5-10</u>
Poor	The applicable portion of the Response is missing, incomplete, or unclear.	<u>1</u>	0-1	<u>0-4</u>

<b>Evaluation Criteria</b>	<b>Section</b>	<b>Maximum Points</b>	<b>Points Awarded</b>
Analysis of U.S. Bureau of Mines Report: Response indicates the ability and willingness to meet the Department's needs regarding providing an analysis of the current ground vibration limits set by the U.S. Bureau of Mines, Report of Investigations 8507, with respect to Florida and its soil conditions.	3.7	<del>10</del> <u>25</u>	

Assessment of Damages, <b><u>Review of Measured Vibration Amplitudes and Frequencies, Structure Responses and Theoretical Analyses of Material Strength and Strains:</u></b> Response indicates the ability and willingness to meet the Department's needs regarding these three considerations. <del>an assessment and analysis of damages to homes in the communities surrounding Florida's construction materials mines.</del>	3.7	<del>10</del> <b>25</b>	
Proposed Final Report: Response indicates the ability and willingness to meet the Department's needs regarding the content requirements as well as the style and format of the Proposed Final Report as described in Statement of Work.	3.7	<del>10</del> <b>5</b>	
Final Report: Response indicates the ability and willingness to meet the Department's needs regarding the <b><u>content requirements as well as the</u></b> style and format of the Final Report, along with the Power Point presentation and posters, as described in the Statement of Work.	3.7	<del>10</del> <b>5</b>	
Outreach: Response indicates the ability and willingness to meet the Department's needs regarding providing assistance to the Department with outreach to legislators, local government officials (staff, elected) and residents.	3.7	10	
References: Response and references contacted indicate experience necessary to meet the Department's needs and a history of customer satisfaction with past performance.	3.64	10	
Prior Experience: Response narrative provides examples of prior similar services and demonstrates relevant experience.	3.7	10	
Identification of Project Personnel, Staff Information, and Administration & Management Adequate to Meet the Department's Needs: Response identifies adequate key personnel assigned to this project, describes how their qualifications will be beneficial to meet the Department's needs as noted in the Response Contents section, and provides a detailed organizational chart that includes the roles of the key personnel.	3.7	10	
<b>Total Points for Response</b>		<del>80</del> <b>100</b>	

Evaluator's Name: \_\_\_\_\_

Date: \_\_\_\_\_

Evaluator's Signature: \_\_\_\_\_

**12. REVISED Attachment D, Price Response Form is hereby replaced in its entirety.**

**13. Attachment G, Construction Materials Mines Map is hereby added.**

DEPARTMENT OF FINANCIAL SERVICES  
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**REVISED ATTACHMENT D**

Price Response Form

Summary of Initial Analysis	Proposed Final Report	Final Report	Required Pricing for Potential Claim Review*
\$ _____ . _____	\$ _____ . _____	\$ _____ . _____	\$ _____ . _____
<b>TOTAL CONTRACT PRICE: \$ _____ . _____</b>			

**\*First District Court of Appeal Case Number 1D17-1086.**

The prices specified above will be the maximum compensation paid to the Contractor. No other costs incurred by the Contractor will be reimbursed by the Department.

I certify that this Response is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a response for the same materials, supplies or equipment, or services and is in all respects fair and without collusion or fraud. I agree to abide by all conditions of this Response and certify that I am authorized to sign this Response for the Respondent and that the Respondent is in compliance with all requirements of the SOW, including but not limited to, certification requirements.

RESPONDENT NAME: \_\_\_\_\_  
(Company)

RESPONDENT ADDRESS: \_\_\_\_\_  
(City/State/Zip) \_\_\_\_\_

RESPONDENT PHONE: \_\_\_\_\_

RESPONDENT E-MAIL CONTACT: \_\_\_\_\_

AUTHORIZED REPRESENTATIVE (Printed): \_\_\_\_\_

AUTHORIZED SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Failure to file a protest 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.