

RFP NOTICE

Polk County, a political subdivision of the State of Florida, requests the submittal of proposals from vendors that are interested in purchasing the County's Skilled Nursing Facility. Sealed proposals must be received in the Procurement Division, prior to the due date and time listed below.

RFP Number and Title: 24-255, Sale of Surplus Property – Rohr Home, Skilled Nursing Facility located at 2120 Marshall Edwards Drive, Bartow, FL.

Description: The County is selling the Rohr Home with the intent that the buyer will own and continue to operate the property as a skilled nursing facility.

Receiving Period: Prior to 2:00 p.m., Wednesday, March 27, 2024

Bid Opening: Wednesday, March 27, 2024, at 2:00 p.m. or as soon as possible thereafter.

This form is for RFP registration only. Please scroll down for additional information.

Special Instructions: A **NON-MANDATORY** pre-proposal meeting will be held Thursday, March 14, 2024, 2:00 p.m. EST at Facilities Management, located at 2160 Marshall Edwards Drive, Bartow, FL 33830. A **NON-MANDATORY** site visit will immediately follow. The pre-proposal meeting will also be held using the Zoom video conferencing application. Bidders may join the Zoom meeting by clicking on the following meeting link:

<https://us02web.zoom.us/j/88224191644?pwd=T29pRlpMTWlhalp6WjhqWUJrMIB2UT09>

Bidders that do not have a Zoom account will be prompted to download the application to join the meeting. When prompted, enter Meeting ID: **875 0499 6608**. If you have any questions regarding the Zoom meeting, including with respect to ADA or any other reason, please call or email Michael Guerrero, Sr. Procurement Analyst at (863) 534-6716 or michaelguerrero@polk-county.net no later than 4:00 p.m., Tuesday, March 12, 2024.

To receive a copy of **Attachments A, B, C, D, E, and F (described below)**, please visit the following FTP site: <https://ftp3.polk-county.net> you will be prompted for a User ID and Password.

The User ID is *procurevendor* and the password is *solicitation*.

After you have logged in to the FTP site, double click on the file folder "**RFP 24-255 Sale of Surplus Property – Rohr Home.zip**", select "Open" or "Save As" to download **Attachments A, B, C, D, E, and F** of the RFP. If you need assistance accessing this website due to ADA or any other reason, please email Michael Guerrero at michaelguerrero@polk-county.net.

Questions regarding this RFP must be in writing and must be sent to:

Michael Guerrero, Sr. Procurement Analyst, via email at michaelguerrero@polk-county.net or via fax at (863) 534-6789.

All questions must be received by, Monday, March 18, 2024, 5:00 p.m.

RFP REGISTRATION

You must register using this form to receive notice of any addenda to these documents. Please fax the completed form to the Procurement Division as soon as possible. It is the vendor's responsibility to verify if addenda have been issued.

RFP Number: **24-255**

RFP Title: **Sale of Surplus Property – Rohr Home, Skilled Nursing Facility located at 2120 Marshall Edwards Drive, Bartow, FL**

This form is for bid registration only. Please scroll down for additional information.

Carefully complete this form and return it to the Procurement Division via e-mail to procurement@polk-county.net or fax (863) 534-6789. You must submit one form for each solicitation that you are registering for.

Company Name: _____

Contact Name: _____

Mailing Address: _____

City: _____

State: _____

Zip Code: _____

Phone Number: _____

Email: _____

PROPOSAL SUBMITTAL INSTRUCTIONS

Proposers must submit their proposal prior to 2:00 p.m. EST on the Receiving Date. Proposals must be submitted in a “sealed” parcel or electronically through Polk County’s secure website, Kiteworks. **DO NOT INCLUDE MORE THAN ONE PROPOSAL PER SEALED ENVELOPE.** Proposals will be publicly opened at 2:00 p.m. EST on the receiving date.

Sealed Parcel Submittal:

If you are submitting a sealed parcel proposal you should submit one (1) original marked ORIGINAL and five (5) copies marked COPY of the proposal in a sealed parcel to the Procurement Division. The parcel should be labeled “**RFP #24-255, Sale of Surplus Property – Rohr Home, Skilled Nursing Facility located at 2120 Marshall Edwards Drive, Bartow, FL**” and clearly marked with the Proposer’s name and address. The Proposals may be mailed or delivered to:

**Polk County Procurement Division
330 West Church Street, Room 150
Bartow, FL 33830**

To assist with labeling the sealed parcel, please cut along the outer border and affix this label. Be sure to include the name of the company submitting the proposal where requested.

Sealed Proposal. DO NOT OPEN	
RFP Number	24-255
RFP Title	Sale of Surplus Property – Rohr Home, Skilled Nursing Facility located at 2120 Marshall Edwards Drive, Bartow, FL.
Due Date/Time:	March 27, 2024, prior to 2:00 p.m. EST
Submitted by:	
Deliver To:	Polk County Procurement Division 330 West Church Street, Room 150 Bartow, Florida 33830

Proposals may be mailed, express mailed or hand delivered. It is the Proposers responsibility to ensure their package is delivered to the Procurement Division prior to 2:00 p.m. EST on the Receiving date and time referenced above. Proposals delivered at 2:00 p.m. EST or later will not be accepted.

Electronic Proposals Submittal:

All prospective Proposers that are interested in submitting their proposals electronically can do so via the County's secure electronic submittal website, Kiteworks. Proposers must email michaelguerrero@polk-county.net at least 48 hours prior to opening to receive a link to upload their submittal. Please only upload your documents as a PDF or Excel file for the Cost Tab, if applicable. Please use the name convention of your files as follow:

“RFP 24-255 Tab 1”

“RFP 24-255 Tab 2”

“RFP 24-255 Tab 3”

“RFP 24-255 Tab 4”

“RFP 24-255 Tab 5”

For more instructions, a video tutorial has been produced to further explain the electronic solicitation submittal process. It can be found by clicking here for RFP Submittals: https://youtu.be/vkn_7AHqioE. If you need assistance accessing this website due to ADA or any other reason, please email Michael Guerrero at michaelguerrero@polk-county.net.

Procurement recommends that Proposers submitting electronically double check the documents submitted into Kiteworks to ensure all requested tab information has been uploaded. Failure to upload the requested tab information may result in the proposal being deemed nonresponsive.

POLK COUNTY
Procurement Division
Fran McAskill
Procurement Director
REQUEST FOR PROPOSAL 24—255

Sale of Surplus Property – Rohr Home, Skilled Nursing Facility located at 2120 Marshall Edwards Drive, Bartow, FL.

Sealed proposals will be received in the Procurement Division, Wednesday, March 27, 2024, prior to 2:00 p.m. EST.

Attached are important instructions and specifications regarding responses to this Request for Proposal (the “RFP”). The failure of a responding proposer (a “Proposer”) to follow these instructions could result in Proposer disqualification from consideration for a contract to be awarded pursuant to this RFP.

This document is issued by Polk County (the “County”) which is the sole distributor of this RFP and all addenda and changes to the RFP documents. The County shall record its responses to inquiries and provide any supplemental instructions or additional documents pertaining to this RFP in the form of written addenda to the RFP. The County shall post all such addenda, together with any other information pertaining to this RFP, on the County’s website at <https://www.polk-county.net/business/procurement/>. It is the sole responsibility of each Proposer to review the website prior to submitting a responsive proposal (a “Proposal”) to this RFP to ensure that that the Proposer has obtained all available instructions, addenda, changes, supporting documents, and any other information pertaining to this RFP.

The County is not responsible for any solicitations issued through subscriber, publications, or other sources not connected with the County and the Proposer should not rely on such sources for information regarding the RFP solicitation.

Questions regarding this RFP must be in writing and must be sent to Michael Guerrero, Sr. Procurement Analyst, via email at michaelguerrero@polk-county.net or via fax at (863) 534-6789. **All questions must be received by Monday, March 18, 2024, 5:00 p.m. EST.**

Proposers and any prospective Proposers shall not contact, communicate with or discuss any matter relating in any way to this RFP with any member of the Polk County Board of County Commissioners or any employee of Polk County other than the County Procurement Director or the individual designated above. This prohibition begins with the issuance of the Request for Proposal and ends upon execution of the final contract. Any such communication initiated by a Proposer or prospective Proposer shall be grounds for disqualifying the offender from consideration for a contract to be awarded pursuant to this RFP and for contracts to be awarded pursuant to RFPs or Requests for Bid that the County may issue in the future.

A Proposer’s responsive Proposal to this RFP may be mailed, express mailed, or hand delivered to:

**Polk County Procurement Division
330 West Church Street, Room 150
Bartow, Florida 33830
(863)534-6757**

I. Introduction/Background

The Rohr Home is a 60-bed skilled nursing facility licensed by the Florida Agency for Health Care Administration. The Rohr Home also participates in Medicare and Medicaid. The Rohr Home provides 24-hour care at an intensity level based upon the unique needs of each resident. The facility was originally constructed upon county property in 1959 and has been continuously updated over the years with the last major renovation in 2017. The facility was originally operated by the Rohr Foundation, a Florida non-profit corporation in which members of the Board of County Commissioners (“BOCC”) were appointed to the Rohr Foundation board. The corporation was dissolved in 2003 and its assets transferred to the County, which has operated the facility to current date. The Rohr Home consistently ranks among Florida’s best providers by the American Health Care Association and is ranked as one of the top nursing homes in Florida, 5-star rated by Medicare.gov.

The facility is 22,570 square feet. The main building is 21,590 square feet and the laundry room is 980 square feet. In 2016 an expansion of the dining room was completed. In addition, the required electrical and plumbing was installed to support a commercial kitchen. Currently the County contracts with Tri-County Human Services to provide food service for the residents.

The average census over the past 5 years has been approximately 39 people. The current census is 19. Currently the resident population consists of 11 females and 8 males. The age ranges from 68-93. The length of stay ranges from 10 years to 2 years. The majority of the residents’ caregivers reside in Polk County but two live outside the County (Sarasota County and Los Angeles County in California).

There are 30 resident rooms with two occupants per room. All current residents are long-term. The facility also provides short-term care, including, “rehab to home” care following hospitalization. The average stay for this service is 30-60 days. An average of 20-25% of total in-house residents are eligible for rehab services at any given time, not including hospice or private pay. The County contracts with Select Rehab to provide these services. The County also contracts with Dr. Todd Wills, MD from the University of South Florida Health group as medical director for the facility. Residents are also able to choose their own primary care physician.

Residents interact during daily planned activities, special events and birthday parties. Therapeutic outings are available to adventurous residents seeking a diversion from normal routines. Weekly non-denomination services meet resident’s spiritual needs.

The facility is budgeted for 24 county positions and 2 contracted positions (24 full time and 2 part time staff); one Registered Nurse, 3 Licensed Practical Nurses, 8 full time Certified Nursing Assistants; one part time CNA, one Director of Nursing, one Infection Control Registered Nurse, one full time MDS Registered Nurse, and one part time MDS Registered Nurse, one Social Worker, one Activities Director, one Lead Housekeeper, three Housekeeping Staff and one Fiscal Specialist II. The Administrator and Secretary positions are contracted through 22nd Century Technologies, Inc. Most of the remaining staff are long term employees. The facility’s current staffing level is 22 employees.

Time is of the essence in closing this transaction to ensure a successful ownership transfer with as minimal disruption as possible to the Rohr Home residents.

II. RFP Process

Polk County, a political subdivision of the State of Florida, is accepting sealed proposals for the sale of surplus property. The property to be sold is one (1) county owned parcel, Tax I.D. No. 253009-000000-041040 along with a portion of parcel, Tax I.D. No. 253009-000000-041020. The BOCC has not established a minimum bid price. The subject parcel(s) are located at 2120 Marshall Edwards Drive, Bartow, FL 33830.

The County is selling the real property and the improvements, fixtures, appurtenances, tangible and intangible property located thereon, as well as the business itself, as further listed and described in the Asset Purchase Agreement (APA), **in its current “AS-IS” condition, with no warranties expressed or implied.**

It is the desire of the BOCC that the Rohr Home continue operating as a skilled nursing facility following the transaction.

The County will not provide financing for the sale.

The Purchase Price submitted by the Proposer under Tab 3, Price, should assume the facility operations have little to no business value. For example, while the current Rohr Home census is 19 residents, if the census falls to zero prior to Closing, the Proposer will be expected to honor its initial price proposal, nonetheless. Likewise, the building, other improvements and equipment are being sold **“AS-IS”**, and Proposers should not expect any price concessions for repairs or other issues identified during its inspection period.

Interest in property will be conveyed by County Deed pursuant to Florida Statute 125.411(3): All deeds of conveyance by any County or by its Board of County Commissioners shall convey only the interest of the County and such Board in the property covered thereby and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

As a condition of the sale, the successful Proposer is responsible for paying the documentary stamp tax and recording fees on the deed, as well as the other costs and expenses further detailed and described in Section 2.04 of the APA.

This conveyance DOES NOT constitute any development approval of the subject property by Polk County. Buyer would need to obtain the required approvals/permits prior to developing the property to its purposes.

IT SHALL BE THE RESPONSIBILITY OF THE PROPOSERS TO DETERMINE THE STATUS OF THE PROPERTY AT THE TIME OF OFFER. THE PROPOSERS SHALL BE BOUND BY

THE STATEMENTS ABOVE AND SHALL NOT MAKE ANY OTHER DEMANDS OF THE COUNTY WITH REFERENCE TO TITLE TO THE DESCRIBED PROPERTY.

III. Qualifications:

1. Proposer or a Proposer affiliate must currently possess a license in good standing to operate a skilled nursing facility in Florida or another state or jurisdiction.
2. Proposers must provide proof of ownership and operation, in good standing, of a licensed skilled nursing facility as set forth above for a minimum of 2 years.
3. Proposers must submit proof of funding to support the proposed Purchase Price in accordance with Tab "3".

IV. Requirements:

1. Deposits. The successful Proposer shall be required to submit a cashier's check for \$5,000 as a **nonrefundable** Deposit in order to commence Elevation Level IV, Contract Negotiations related to the APA (the "Initial Deposit"). The Initial Deposit MUST be submitted within three (3) business days of posting the recommendation of award. The Initial Deposit shall be applied toward the balance of the Purchase Price at Closing and held in accordance with the terms of the APA. Within three (3) business days of the full execution of the APA, the successful Proposer (also referred to herein as the "Buyer") shall be required to submit an additional deposit of \$100,000 (the "Due Diligence Deposit"), half of which (\$50,000) shall be **refundable** to the Buyer if the APA is terminated for any reason prior to expiration of the Due Diligence Period. If the APA has not been terminated by either party prior to the expiration of the Due Diligence Period, then no portion of the Due Diligence Deposit shall be refundable thereafter. If the contemplated purchase and sale transaction is closed, the Due Diligence Deposit shall be applied toward the balance of the Purchase Price at Closing, all as further described and defined in the APA. All deposits made hereunder must be in the form of a cashier's check and made payable to the Polk County Board of County Commissioners.
2. AHCA Licensure and Medicaid Provider Enrollment. Without limiting the generality of the foregoing, the successful Proposer shall make change of ownership application to AHCA for the Rohr Home's skilled nursing facility license and Medicaid enrollment within the timeframes required in Section 408.806, Fla. Stat., and shall assist the County with completion of its required transfer documentation at least sixty (60) days prior to closing. As a condition of closing, the successful Proposer shall be required to comply with all requirements of the Florida Health Care Licensing Procedures Act, including, without limitation, Section 408.807, Fla. Stat., regarding Change of Ownership.
3. Medicare Provider Enrollment. The successful Proposer shall be required to take assignment of The Rohr Home's Medicare Provider Number and associated Medicare Provider Agreement.
4. Resident Notices. The successful Proposer shall coordinate with the County to notify all current residents of the change in ownership of the Rohr Home facility prior to the closing date.

V. AGREEMENT

It is the intent of the County to enter into an Asset Purchase Agreement, in the same or substantially similar form as attached hereto and incorporated herein as Attachment "E" (the "APA") with one Proposer, within forty-five (45) days of posting the Recommendation of Award, or thirty (30) days following the BOCC's authorization of contract negotiations, whichever is sooner. All Proposers shall be required to submit all requested material proposed revisions to the APA under Tab "4" and shall not be permitted to submit any additional material revisions during Elevation Level IV, Contract Negotiations.

As further detailed in the APA, the successful Proposer shall have no more than sixty (60) days to conduct Property inspections and make other due diligence inquiries, to the extent necessary. Closing of the purchase and sale transaction and transfer of operations shall occur within thirty (30) days thereafter, subject to approval by the Florida Agency for Health Care Administration ("AHCA").

The APA will be finalized as part of Elevation Level 4, Contract Negotiations. As stated herein, any proposed material revisions to the APA attached as Attachment "E" must be submitted by the Proposer under Tab "4".

VI. Additional Information and Attachments:

A. Current Rohr Home Employees:

- The transition of the current Rohr Home employees to the successful Proposer is recommended but not required.

B. Real Estate:

- **Attachment "A"** contains the following real estate documents:
 1. Aerial map of the facility (parking as noted in the ariel; storage shed will be removed prior to closing)
 2. Boundary map of the facility
 3. Ingress document
 4. Easement document

C. Facilities:

- **Attachment "B"** contains the following documents relative to the facility:
 1. Fixed asset list
 2. Radon report
 3. Note that the roof is 19 years old and may require replacement/repair.

D. Rohr Home License and Provider Agreements:

- **Attachment "C"** provides the following documents:
 1. AHCA License
 2. Medicaid Provider Agreement
 3. Medicare Revalidation Approval

E. Rohr Home Staffing/Operations Information:

- **Attachment "D"** provides the following information:
 1. Current staffing/positions with hourly salary
 2. Current vendor listing

3. Average Monthly census FY18 thru FY22
4. Census Detail by Payer 10.1.2018 thru 9.30.2019
5. Census Detail by Payer 10.1.2019 thru 9.30.2020
6. Census Detail by Payer 10.1.2020 thru 9.30.2021
7. Census Detail by Payer 10.1.21 thru 9.30.22
8. Census Detail by Payer 10.1.22 thru 9.30.23
9. FY 22 County Annual Financial Report
10. MedicaidDailyRates – 10.1.18 thru 9.30.24
11. RH20222-23revenuandexpensesummary – FY18 thru FY 22
12. Rohr Home Trial Balance Extract – Dec 23, January 24 (Unaudited)

F. Asset Purchase Agreement:

- Attachment “E” Rohr Home Asset Purchase Agreement

G. Attachment Listing

1. Attachment “A” (real estate documents)
 2. Attachment “B” (Facilities Documents)
 3. Attachment “C” (Rohr Home License and Provider Agreements)
 4. Attachment “D” (Census, HR, and Revenue Detail)
 5. Attachment “E” Rohr Home Asset Purchase Agreement of the parcel(s)
 6. Attachment “F” (Tab 3 – Price Sheet) are found on the County’s FTP site as detailed on page 1 of this bid document.
- H. The Board has declared this surplus property and is selling in accordance with the authority given in F.S.125.35 and the County’s procurement ordinance 06-24. Additionally, the Board has approved waiving the Policy for Establishing Pricing Structure for Surplus Parcels dated February 4, 2014, for this solicitation.

Therefore, if no proposals are received, this property will not be moved to the “Available Property List.”

VII. SUBMITTAL

Submittals should not contain information more than that requested, must be concise, and must specifically address the issues of this RFP. The responses should be in the same order as the selection and evaluation procedures. Proposals are to be printed double-sided. Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective submittal to this solicitation are not desired and may be construed as an indication of the Proposer’s lack of cost consciousness. Elaborate artwork, expensive visual aids, and other presentation aids are neither necessary nor desired, unless specifically requested. Each submittal should contain:

Tab 1, Introduction:

Please provide the following information. (one page single or double sided)

- Legal name of entity proposing to purchase the Property (if the entity purchasing the Property is different from the entity intended to operate the Rohr Home Facility, please provide information for both entities).

- Corporate Organizational Chart.
- Contact Person responsible for answering any questions regarding the Proposer's submitted Proposal. This person should also have legal authority to sign on behalf of the entity.
- Contact person email and phone number
- Number of years the entity has been in business.

Tab 2, Experience and Expertise (30 Points)

- Describe the Proposer's experience with purchasing, obtaining necessary permits and other approvals needed to purchase and operate a skilled nursing facility. (One page, single or double sided.)
- Provide a listing of skilled nursing facilities that the Proposer has owned and operated within the past 10 years. Preference will be given for skilled nursing facilities purchased and operated within the State of Florida. For each facility identified please include the following: (Maximum of 2 pages, single or double-sided for each facility identified.)
 1. Name and address of facility
 2. Contact person
 3. Contact's phone number and email address
 4. Identify how many years your company owned and operated the facility including the date of purchase, and if applicable, the date of sale.
 5. Provide the current rating of the healthcare administration authority in which the facility was operated. E.g. Agency for Health Care Administration (AHCA) for the State of Florida. (Please provide evidence within this tab.)
 6. Number of beds
 7. Other
 8. Brief description of the services provided.

Tab 3, Price (50 Points)

- Please state the proposed purchase price for the Property using Attachment "F" Cost Sheet. Only provide one price; no alternatives or options are to be provided. Please provide backup to support proposed purchase price as specified immediately below.
- Provide all documentation necessary to demonstrate the Proposer has sufficient resources and financial wherewithal to support the submitted Purchase Price (e.g., bank statements, financing commitment letter, etc.).

Tab 4, Asset Purchase Agreement (10 Points)

- List and describe in detail all proposed material revisions to the APA attached as Attachment "E". The Proposer may submit a redlined version of the APA or a bullet-point

list identifying the specific APA section by number and describing the proposed revision. If a Proposer is unsure whether a proposed revision is material, the revision should be included in the redline or list. Proposers should be prepared to thoroughly discuss their responses to Tab 4 during Proposer Interviews, if selected to participate in Elevation Level 3.

- As time is of the essence, preference will be given for Proposers who require minimal revisions to the APA in order to expedite contract negotiations.

Tab 5, Remaining Due Diligence Information Needed (10 Points)

- In order to expedite the closing of this transaction, the County has made available for review to all Proposers substantial records, documentation, and other due diligence materials, including asset lists, financials, contract schedules, licenses and accreditations, Medicare/Medicaid information, surveys, employee and contractor schedules, required government approvals and authorizations, and more. This information can be found on the County's FTP site as stated on the page 1 of this document.
- Upon thorough review of the information currently provided, as described above, please identify any **additional** information that the Proposer will require in order to (1) execute the APA, and (2) close the transaction.
- As time is of the essence in this transaction, preference will be given for Proposers who demonstrate a thorough understanding of the legal requirements and government approvals needed to transfer the skilled-nursing facility operations, and who require less time and County resources to close.

VIII. EVALUATION CRITERIA AND SELECTION PROCESS

Proposals will be evaluated in accordance with this section and all applicable County procurement policies and procedures.

The County shall appoint a selection committee (the "Selection Committee") that will be responsible for evaluating and scoring/ranking the Proposals in accordance with this Section.

The County will use a competitive selection process based on the Elevation Levels described in this Section. At Elevation Levels 2 and 3, the Selection Committee will score and/or rank the Proposals as applicable.

Selection of a final Proposal will be based upon the following steps and factors:

Elevation Level 1 (Procurement Requirements Assessment)

The County Procurement Division shall review all Proposals for conformance with RFP guidelines and detailed submittal requirements. At the County's discretion, non-conforming Proposals may be eliminated from further consideration and conforming Proposals shall be elevated to Elevation Level 2.

Procurement will distribute Proposals and evaluation criteria to the Selection Committee.

The Selection Committee may convene to review questions that arise during individual member review of submitted Proposals before Elevation Level 2 to allow for questions, clarifications, explanations, or other discussion to be held before the review of Proposals is completed.

Elevation Level 2 (Selection Committee Evaluation)

Procurement shall score each Proposal on the following evaluation criteria:

- Price (Tab 3) - 50 Points

by the process stated under each corresponding Tab description.

Each Selection Committee member shall score each Proposal on the following evaluation criteria:

- Experience and Expertise (Tap 2) -30 Points
- Purchase and Sale Agreement (Tab 4) -10 Points
- Remaining Due Diligence Information Needed (Tab 5) – 10 Points

using the following process:

Each Selection Committee member shall determine which of the following descriptions applies to each of the foregoing evaluation criteria:

EXCELLENT (1.0): *Of the highest or finest quality; exceptional; superior; superb; exquisite; peerless.*

The Proposer provided information for a given criteria that satisfied the requirements and described specifically how and what will be accomplished in such a manner that exhibited an exceptional and superior degree of understanding, skill, and competency, both qualitatively and quantitatively. The facts included in the narrative (including all supporting documentation, diagrams, drawings, charts, and schedules, etc.) demonstrate the Proposer's ability to perform and deliver far beyond expectation.

VERY GOOD (0.8): *To a high degree; better than or above competent and/or skillful.*

The Proposer provided information for a given criteria that satisfied the requirements and described specifically how and what will be accomplished in such a manner that exhibited a very high degree of understanding, skill, and competency, both qualitatively and quantitatively. The facts included in the narrative (including all supporting documentation, diagrams, drawings, charts, and schedules, etc.) demonstrate the Proposer's ability to perform and deliver beyond expectation.

GOOD (0.6): *Having positive or desirable qualities; competent; skilled; above average.*

The Proposer provided information for a given criteria that satisfied the requirements and described specifically how and what will be accomplished in such a manner that exhibited a skillful and above-average degree of understanding, skill, and competency, both qualitatively and quantitatively. The facts included in the narrative (including all supporting documentation, diagrams, drawings, charts, and schedules, etc.) demonstrate the Proposer's ability to perform and deliver at the expected level.

FAIR (0.4): *Average; moderate; mediocre; adequate; sufficient; satisfactory; standard.*

The Proposer provided information for a given criteria that satisfied the requirements and described sufficiently how and what will be accomplished in a manner that exhibited an adequate and average degree of understanding, skill, and competency, both qualitatively and quantitatively. The facts included in the narrative (including all supporting documentation, diagrams, drawings, charts, and schedules, etc.) demonstrate the Proposer's ability to perform and deliver at a level slightly below expectation.

POOR (0.2): *Inadequate; lacking; inferior in quality; of little or less merit; substandard; marginal.*

The Proposer provided information for a given criteria that did not satisfy the requirements and described in an inadequate manner how and what will be accomplished. The information provided simply reiterated a requirement, contained inaccurate statements or references, lacked adequate information, or was of inferior quality. The facts included in the narrative (including all supporting documentation, diagrams, drawings, charts, and schedules, etc.) demonstrate the Proposer's ability to perform and deliver at a substandard and inferior level.

UNACCEPTABLE (0.0): *The Proposer failed to provide any information for a given criteria, provided information that could not be understood, or did not provide the information for a given category as requested.*

After a Selection Committee member has determined the description applicable for each evaluation criterion, the total points available for such criterion shall be multiplied by the factor associated with the applicable description to produce the number of points allocated for that evaluation criterion. For example, a Selection Committee member classifies the "Experience and Expertise" criterion (which shall be worth 25 points for the purpose of this example) as "Very Good" (which is a description factor multiplier of 0.8). The points that Selection Committee member allocated for that evaluation criterion would be 20, calculated as follows: 25 available points x 0.8 applicable description factor multiplier = 20 points.

A Selection Committee member's total score for each Proposal shall equal the sum of the total points allocated for each evaluation criteria.

When all Selection Committee members have completed their Proposal evaluations, the individual Selection Committee member's total scores for each Proposal will be added together to produce a final score for each Proposal.

Procurement will confirm the calculations for the final score for each Proposal. Then, Procurement shall publish a rank-ordered listing of the Proposals to the Selection Committee with the Proposal receiving the highest point as the highest-ranked Proposal.

If the Selection Committee decides to interview Proposers based on the final scores, then at a minimum the Selection Committee shall elevate the two highest-ranked Proposers to Elevation Level 3 for interviews. If the Selection Committee decides not to interview Proposers, they will collectively decide if they would like to recommend the Board enter into Contract Negotiations with all Proposers, starting with the highest scoring Proposer. After Board approval to authorize staff to negotiate a contract, the Proposers will then be elevated to Elevation Level 4 for contract negotiations.

Elevation Level 3 (Proposer Interviews)

The Selection Committee shall conduct interviews of the Proposers that it has elevated from Elevation Level 2 to Elevation Level 3. During an interview, elevated Proposers shall make a presentation describing the key elements of their Proposal and/or address any specific topics the Selection Committee may determine necessary. The Selection Committee members will have an opportunity to inquire about any aspect of the RFP and the Proposer's Proposal. After all elevated Proposer interviews, each Selection Committee member shall evaluate each Proposer with emphasis on the following:

Proposer interview and presentation focusing on the key elements of their presentation and answers to questions of the Selection Committee.

After the interviews, each Selection Committee member will individually rank the Proposers in numerical order beginning at number 1 for the highest-ranked Proposer. Procurement shall receive and compile each Selection Committee member's ranking of each Proposer, and then publish a rank-ordered listing of Proposers to the Selection Committee, based on the combined average rankings given each Proposer. The Selection Committee members will then collectively decide if they would like to recommend the Board authorize staff to enter into Contract Negotiations with all Proposers elevated to Proposer Interviews, starting with the highest-ranked Proposer. After Board approval to authorize staff to negotiate a contract, the highest-ranked Proposer will then be elevated to Elevation Level 4, Contract Negotiations.

Elevation Level 4 (Contract Negotiations)

If a Proposer is elevated to this level, the User division, with the assistance of the Procurement and the County Attorney's Office, shall negotiate an Agreement with the elevated Proposer.

If after negotiating for a reasonable time period the parties cannot agree on a contract, the County shall, in its sole discretion, terminate further contract negotiations with that Proposer. Procurement shall notify the Selection Committee that contract negotiations with the elevated Proposer have terminated. The Selection Committee shall then determine whether to enter into contract negotiations with the next-highest-ranked Proposer, and so on. If the Selection Committee decides not to recommend contract negotiations with the next-highest-ranked Proposer, and so on, or if the County determines there is no other Proposer with whom the County can successfully negotiate a contract, then the RFP Selection Process shall terminate.

After contract negotiations with a Proposer are successfully completed pursuant to Elevation Level 4, the Selection Committee shall recommend to the Board of County Commissioners that it selects such Proposer to provide the services as outlined in the Agreement. The Board of County Commissioners shall make the final decision whether the County shall enter into an Agreement with a Proposer.

GENERAL CONDITIONS

Polk County, a political subdivision of the State of Florida, is accepting sealed proposals for the purchase of surplus property. Property to be sold is one (1) county owned parcel, Tax I.D. No. 253009-000000-041040 along with a portion of parcel, Tax I.D. No. 253009-000000-041020. The Board of County Commissioners has not established a minimum price. The subject parcel(s) are located at 2120 Marshall Edwards Drive, Bartow, FL 33830.

BID OPENING

Proposers may attend the Bid Opening in person or via conference call by dialing (646) 558-8656 and enter Meeting ID: 327 647 2818. A listing of all Proposers will be posted to Procurement's website as soon as possible after bid opening.

COMMUNICATIONS

After the issuance of any Request for Proposal, prospective Proposers shall not contact, communicate with or discuss any matter relating in any way to the Request for Proposal with the Board of County Commissioners, the County Manager, or any employee of Polk County other than the Procurement Director or as directed in the cover page of the Request for Proposal. This prohibition begins with the issuance of any Request for Proposal and ends upon execution of the final contract. Such communications initiated by a Proposer shall be grounds for disqualifying the offending Proposer from consideration for award of the proposal and/or any future proposal.

PUBLIC ENTITY CRIMES STATEMENT

The Proposer declares and warrants that neither the Proposer nor any of the Proposer's affiliates, as that term is defined in Section 287.133, Florida Statutes, are subject to the restrictions in Section 287.133, Florida Statutes, regarding the commission of a public entity crime. If during the term of this Agreement, the Proposer or any affiliate is convicted of a public entity crime or is otherwise prohibited from performing work for or transacting business with the County pursuant to Section 287.133, Florida Statutes, then the Proposer shall be in material default of this Agreement, and in such case, the County shall have the rights and remedies as provided herein.

EQUAL OPPORTUNITY/AFFIRMATIVE ACTION

The County is an equal opportunity/affirmative action employer. The County is committed to equal opportunity employment effort; and expects entities that do business with the County to have a vigorous affirmative action program.

WOMEN/MINORITY BUSINESS ENTERPRISE OUTREACH

The County hereby notifies all Proposers that W/MBE's are to be afforded a full opportunity to participate in any request for proposal by the County and will not be subject to discrimination on the basis of race, color, sex or national origin.

AFFIRMATION

By submitting their proposal, the Proposer affirms that the proposal is genuine and not made in the interest of or on behalf of any undisclosed person, consultant or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; the Proposer has not directly or indirectly induced or solicited any other person to submit a false or sham proposal; the Proposer has not solicited or induced any person, consultant or corporation to refrain from submitting a proposal; and the Proposer has not sought by collusion to obtain for him/herself any advantage over other persons or over the County.

DEVELOPMENT COSTS

Neither the County nor its representative(s) shall be liable for any expenses incurred in connection with preparation of a submittal to the RFP. Proposers should prepare their proposals simply and economically, providing a straightforward and concise description of the Proposer's ability to meet the requirements of the RFP.

ADDENDA

The County may record its responses to inquiries and any supplemental instructions in the form of written addenda. The addenda will be posted on the County's website at <https://www.polk-county.net/business/procurement/>. It is the sole responsibility of the Proposers to check the website to ensure that all available information has been received prior to submitting a proposal.

CODE OF ETHICS

If any Proposer violates or is a party to a violation of the code of ethics of Polk County or the State of Florida, with respect to this proposal, such Proposer may be disqualified from performing the work described in this proposal or from furnishing the goods or services for which the proposal is submitted and shall be further disqualified from bidding on any future proposals for work, goods, or services for the County.

DRUG FREE WORKPLACE

Preference shall be given to businesses with Drug Free Workplace (DFW) programs. Whenever two or more proposals, which are equal with respect to price, quality and service, are received by the County for the procurement of commodities or contractual services, a proposal received from a business that has provided a statement that it is a DFW shall be given preference in the award process.

APPLICABLE LAWS AND COURTS

This RFP and any resulting agreements shall be governed in all respects by the laws of the State of Florida and any litigation with respect thereto shall be brought only in the courts of Polk County, State of Florida or the Middle District of Florida, Hillsborough County, Florida. The Proposer shall comply with all applicable federal, state and local laws and regulations.

CONTRACT

All contracts are subject to final approval of the Polk County Board of County Commissioners or County Manager, as applicable. Persons or consultants which incur expenses or change position in anticipation of a contract prior to the Board's approval do so at their own risk.

PROPOSAL ACCEPTANCE PERIOD

A proposal shall be binding upon the offeror and irrevocable by it for one hundred and twenty (120) calendar days following the proposal opening date. Any proposal in which offeror shortens the acceptance period may be rejected.

ADDITION/DELETION

The County reserves the right to add to or delete any item from this proposal or resulting agreements when deemed to be in the best interest of the County.

PROPRIETARY INFORMATION

In accordance with Chapter 119 of the Florida Statutes (Public Records Law) and except as may be provided by other applicable State and Federal Law, all Proposers should be aware that Request for Proposals and the submittals thereto are in the public domain. However, the

Proposers are required to identify specifically any information contained in their proposals which they consider confidential and/or proprietary and which they believe to be exempt from disclosure, citing specifically the applicable exempting law. Proposers should provide a redacted copy of proposal with submittal or must provide within thirty (30) days from the Proposal due date.

All proposals received from Proposers in response to this Request for Proposal will become the property of the County and will not be returned to the Proposers. In the event of contract award, all documentation produced as part of the contract will become the exclusive property of the County.

REVIEW OF PROPOSAL FILES

In accordance with Chapter 119.071 of the Florida Statutes, the submittals received for this Request for Proposal are exempt from review for thirty (30) days after the Bid Opening Date or at Recommendation of Award, whichever event occurs first.

Should the RFP be cancelled and re-solicited for any reason, proposal submittals shall remain exempt from disclosure for a period not to exceed twelve (12) months or at Recommendation of Award of the subsequent solicitation.

RFP PROTEST: Any Proposer desiring to file a protest, with respect to a recommended award of any RFP, shall do so by filing a written protest. The written protest must be in the possession of the Procurement Division within three (3) working days of the Notice of Recommended Award mailing date. All Proposers who submitted a proposal will be sent a Notice of Recommended Award, unless only one proposal was received.

A copy of the protest procedures may be obtained from the Polk County Procurement Division or can be downloaded from the County's website at <https://www.polk-county.net/business/procurement/protest-procedures/>.

FAILURE TO FOLLOW PROTEST PROCEDURE REQUIREMENTS WITHIN THE TIME FRAMES PRESCRIBED HEREIN AS ESTABLISHED BY POLK COUNTY, FLORIDA, SHALL CONSTITUTE A WAIVER OF THE PROPOSER'S RIGHT TO PROTEST AND ANY RESULTING CLAIM.

LIMITATIONS

The County reserves the right to revise, amend or withdraw this proposal at any time to protect its interest. Proposers will not be compensated by the County for costs incurred in preparation of responses to this RFP.

ATTORNEY'S FEES AND COSTS: Each party shall be responsible for its own legal and attorney's fees, costs and expenses incurred in connection with any dispute or any litigation arising out of, or relating to this Agreement, including attorney's fees, costs and expenses incurred for any appellate or bankruptcy proceedings.

Prohibition Against Considering Vendor Interests: In accordance with Section 287.05701, Florida Statutes, the County may not (i) request documentation of or consider a Vendor's social, political, or ideological interests when determining if the Vendor is a responsible vendor; or (ii) give preference to a Vendor based on the Vendor's social, political, or ideological interests.

PUBLIC RECORD LAWS

- (a) The Proposer acknowledges the County's obligations under Article I, Section 24, of the Florida Constitution and under Chapter 119, Florida Statutes, to release public records to members of the public upon request and comply in the handling of the materials created under this Agreement. The Proposer further acknowledges that the constitutional and statutory provisions control over the terms of this Agreement. In association with its performance pursuant to this Agreement, the Proposer shall not release or otherwise disclose the content of any documents or information that is specifically exempt from disclosure pursuant to all applicable laws.
- (b) Without in any manner limiting the generality of the foregoing, to the extent applicable, the Proposer acknowledges its obligations to comply with Section 119.0701, Florida Statutes, with regard to public records, and shall:
- (1) keep and maintain public records required by the County to perform the services required under this Agreement;
 - (2) upon request from the County's Custodian of Public Records or his/her designee, provide the County with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law;
 - (3) ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the term of this Agreement and following completion of this Agreement if the Proposer does not transfer the records to the County; and
 - (4) upon completion of this Agreement, transfer, at no cost, to the County all public records in possession of the Proposer or keep and maintain public records required by the County to perform the service. If the Proposer transfers all public records to the County upon completion of this Agreement, the Proposer shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Proposer keeps and maintains public records upon completion of this Agreement, the Proposer shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the County, upon request from the County's Custodian of Public Records, in a format that is compatible with the information technology systems of the County.
- (c) **IF THE PROPOSER HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE PROPOSER'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE COUNTY'S CUSTODIAN OF PUBLIC RECORDS AT:**
RECORDS MANAGEMENT LIAISON OFFICER
POLK COUNTY
330 WEST CHURCH ST
BARTOW, FL 33830
TELEPHONE: (863) 534-7527
EMAIL: RMLO@POLK-COUNTY.NET

Proposers Incorporation Information (Submittal Page)

The following section should be completed by all bidders and submitted with their bid submittal:

Company Name: _____

DBA/Fictitious Name (if applicable): _____

TIN #: _____

Address: _____

City: _____

State: _____

Zip Code: _____

County: _____

Note: Company name must match legal name assigned to the TIN number. A current W9 should be submitted with your bid submittal.

Contact Person: _____

Phone Number: _____

Cell Phone Number: _____

Email Address: _____

Type of Organization (select one type)

- Sole Proprietorship
- Partnership
- Non-Profit
- Sub Chapter
- Joint Venture
- Corporation
- LLC
- LLP
- Publicly Traded
- Employee Owned

State of Incorporation: _____

The Successful vendor must complete and submit this form prior to award. The Successful vendor must invoice using the company name listed above.