

ITB 2022-01

FLORIDA KEYS MOSQUITO CONTROL DISTRICT

TRUCK MOUNT GAS ULV SPRAYERS

Submissions must be in an envelope separate from any express mail or courier envelopes, as those will be opened and discarded.

Be sure to include the name of the company submitting the proposal where requested.

Cut along the outer border and affix this label to your sealed envelope to identify it as a "Sealed Proposal".

**SEALED PROPOSAL •
DO NOT OPEN**

SOLICITATION NO: **ITB 2022-01**

SOLICITATION TITLE:

TRUCK MOUNT GAS ULV SPRAYERS

SUBMISSION DUE DATE/TIME:

Monday, February 7, 2022
4:00 PM

SUBMITTED BY:

(Name of Company)

DELIVER TO:

Florida Keys Mosquito Control District
503 107th Street, Gulf
Marathon, FL 33050

ITB 2022-01

FLORIDA KEYS MOSQUITO CONTROL DISTRICT

INVITATION TO BID

Notice is hereby given that the Board of Commissioners for the Florida Keys Mosquito Control District, at 503 107th Street, Gulf, Marathon, FL 33050, will receive SEALED BIDS for the following:

TRUCK MOUNT GAS ULV SPRAYERS

INTERESTED PERSONS may obtain specifications by calling the Florida Keys Mosquito Control District Office at (305) 292-7190, email requests to rlmiller@keysmosquito.org or by download from the District website: www.keysmosquito.org.

SEALED BIDS WILL BE RECEIVED up to 4:00 PM on Monday, February 7th, 2022 and OPENED on Tuesday, February 8th, 2022 at 10:00 AM at the Marathon Mosquito Control Office, 503 107th Street, Gulf, Marathon, FL 33050. Recommendations will be given to the Board of Commissioners at the Regular Meeting to be held on Tuesday, February 15th, 2022, at the Marathon Mosquito Control Office, 503 107th Street, Gulf, Marathon, FL 33050. Bids must be clearly marked on the face of the envelope "GAS ULV SPRAYERS." All Bidders are welcome to be present for the opening and/or the award of the bids.

THE BOARD reserves the right to reject any and all bids and/or to waive any and all irregularities in all bids.

BY ORDER of the Board of Commissioners, Florida Keys Mosquito Control District.

Phillip L. Goodman
Chairman

ATTEST:

Thomas McDonald
Secretary-Treasurer



Publish January 15th and 16th Weekend Edition.

ITB 2022-01

FLORIDA KEYS MOSQUITO CONTROL DISTRICT

INSTRUCTIONS TO BIDDERS

1. The Board of Commissioners of the Florida Keys Mosquito Control District reserves the right to reject any or all bids and to make awards in such manner as they consider to be in the best interest of the Florida Keys Mosquito Control District and citizens and taxpayers of Monroe County, Florida.
2. Bids must be delivered in person or by mail to 503 107th Street, Gulf, Marathon, Florida 33050 *prior* to 4:00 P.M., Monday, February 7th, 2022. All bids must be sealed and addressed as indicated in the Invitation to Bid Package. Bids received after the time set for the opening will be returned to the bidder unopened. On the face of the envelope containing the bid shall be written in large letters the words "GAS ULV SPRAYERS." A bidder may withdraw his proposal at any time prior to that fixed for the opening of bids, without prejudice to their self.
3. The Bid Opening Committee will publicly open bids promptly at 10:00 A.M. on Tuesday, February 8th, 2022 at the Marathon Mosquito Control Office, 503 107th Street, Gulf, Marathon, FL 33050 and recommendations will be forwarded to the Board of Commissioners at their Regular Meeting to be held on Tuesday, February 15th, 2022.
4. Florida Statutes Section 287.133 (3) requires that prior to an award of a contract for goods or services, including building construction contracts in excess of Threshold Category II (\$35,000), a sworn statement shall be submitted.
5. Bid package must include one (1) original and four (4) copies of proposal.
6. Bid Acknowledgement Form must be signed and included with Bid Package.

ITB 2022-01

FLORIDA KEYS MOSQUITO CONTROL DISTRICT

TRUCK MOUNT GAS ULV SPRAYERS

Objective:

Florida Keys Mosquito Control District would like to purchase three (3) Truck Mount Gas ULV Sprayer Units for three (3) of the District's trucks. Units will emit a fog while the vehicle drives at variable speeds and still maintain accurate application rates and droplet size. The installation of these units will be handled in-house.

Specifications:

The UV Sprayer must meet or exceed the following requirements:

- **12 volt DC operation**
- **Variable flow with GPS**
- **Air Flow nozzle swivels 360° horizontally and 200° vertically**
- **ULV application up to 20 mph**
- **Distribution of 6-30 microns droplet size**
- **Easy to configure in vehicle**
- **Cab control system**
- **Rotary positive displacement blower 350 CFM @ 10 P.S.I.**
- **All quick connect system**
- **Ability to use multi flow rate for different chemicals**
- **Up to 15 gal capability**
- **Expandable software capability**
- **Rear spotlight to illuminate spray cloud**
- **Simple flow rate calibration**
- **Remote engine start/stop/choke/flush**
- **Built in circuit diagnostic features**
- **Electric start**
- **18 HP OHV Briggs & Stratton engine with automotive type lubrication with spin-on-oil filter.**
- **10.25 gallon marine aluminum gas tank (EPA approved)**
- **Automatic low pressure cutoff**
- **Engine hour meter and tachometer**
- **Features EPC module (Electronic Pressure Control) which electronically maintains set pressure**

Shipping:

Please include estimated shipping cost. Ship to address: Florida Keys Mosquito Control District
18 Aquamarine Drive, Key West, FL 33040.

Selection Criteria:

The vendor will be selected through a combination of: 1) Pricing 2) Vendor Experience 3) Component Compatibility & Functionality 4) Estimated Delivery Time.

FLORIDA KEYS MOSQUITO CONTROL DISTRICT

BIDDER ACKNOWLEDGEMENT

MAIL BIDS TO:
FLORIDA KEYS MOSQUITO CONTROL DISTRICT
503 107TH STREET GULF
MARATHON, FL 33050

ALL AWARDS MADE AS A RESULT OF THIS BID SHALL CONFORM TO APPLICABLE FLORIDA STATUTES.

NAME OF VENDOR

MAILING DATE:

MAILING ADDRESS

CITY – STATE – ZIP

CERTIFIED OR CASHIER'S CHECK IS ATTACHED
WHEN REQUIRED, IN THE AMOUNT OF \$

TELEPHONE NUMBER

EMAIL ADDRESS

I CERTIFY THAT THIS BID IS MADE WITHOUT PRIOR UNDERSTANDING, AGREEMENT, OR CONNECTION WITH ANY CORPORATION, FIRM, OR PERSON SUBMITTING A BID FOR THE SAME MATERIALS, SUPPLIES, OR EQUIPMENT AND IS IN ALL RESPECTS FAIR AND WITHOUT COLLUSION OR FRAUD. I AGREE TO ABIDE BY ALL CONDITIONS OF THIS BID AND CERTIFY THAT I AM AUTHORIZED TO SIGN THIS BID FOR THE BIDDER.

AUTHORIZED SIGNATURE (MANUAL)

AUTHORIZED SIGNATURE (TYPED)

GENERAL CONDITIONS

BIDDER: To insure acceptance of the bid follow these instructions.

SEALED BIDS: All bid sheets and this form must be executed and returned. All bids are subject to the conditions specified hereon and on the attached sheets.

RETURN ONE ORIGINAL AND SPECIFIED NUMBER OF COPIES: Bid must be submitted in sealed envelope. The face of the envelope shall contain, in addition to the above address, the bid number.

1. EXECUTION OF BID: Bid must contain a manual signature of an authorized representative in the space provided above. The company name must also appear on each page of the bid as required.
2. NO BID: If not submitting a bid, respond by returning one copy of this form, marking it "No Bid," and explain below the reason. Repeated failure to quote without sufficient justification shall be cause for removal of a supplier's name from the bid mailing list. Note: A bidder, to qualify as a respondent, must submit a "no bid" and same must be received no later than the stated bid opening date an hour.

Reason for "no bid": _____

3. PRICES QUOTED: Deduct trade discounts and quote firm net prices. Give both unit price and extended total. In case of a mistake in extensions, the unit price will take precedence. All prices F.O.B. destination (unless otherwise stated in special conditions). Bidders may offer discounts as an inducement to secure expeditious payment of invoices. Additional discount for prompt payment may be considered in making the award. Discount time will be computed from the date of satisfactory delivery at place of acceptance or from receipt of correct invoice at the office specified, whichever is later. Prices and extensions shall be typed or printed in ink.
 - a) TAXES: The FKMCD does not pay federal excise and state sales taxes. Do not include these items on invoices. The applicable tax exemption number is shown on purchase order.
 - b) MISTAKES: Bidders are expected to examine the specifications, delivery schedule, bid prices and extensions, and all instructions pertaining to supplies and services. Failure to do so will be at bidder's risk.
 - c) CONDITION AND PACKAGING: It is understood and agreed that any item offered or shipped as a result of this bid shall be new (current production model at the time of the bid). All containers shall be suitable for storage or shipment, and all prices shall include standard commercial packaging.
 - d) UNDERWRITERS' LABORATORIES: Unless otherwise stipulated in the bid, all manufactured items and fabricated assemblies shall carry U.L. approval or re-examination listing where such has been established by U.L. for the item(s) offered and furnished.
 - e) BIDDER'S CONDITIONS: Any conditions to be made as part of the bid, should be submitted by letter with notes thereof on bid sheet for consideration.

4. **EQUIVALENTS:** Any manufacturer's names, trade names, brand names, information and/or catalog numbers listed in a specification are for information and not to limit competition. Bid any brand which meets or exceeds the quality of specifications listed for any item. If the bid is based on equivalent products, indicate on the bid form the manufacturer's name and number and indicate any deviation from the specifications as listed. Include fully descriptive literature on item(s). Lacking any written indication of intent to quote an alternate brand or model number, the bid will be considered as a quotation in complete compliance with the specifications listed in the form.
5. **NONCONFORMANCE TO CONTRACT CONDITIONS:** Items may be tested for compliance with specifications under the direction of the Florida Department of Agriculture and Consumer Services. Items delivered not conforming to specifications may be rejected and returned at vendor's expense. These items and items not delivered as per delivery date in bid and/or purchase order may be purchased on the open market. Any increase in cost may be charged against the bidder. Any violation of these stipulations may also result in –
 1. Vendor's name being removed from the FKMCD vendor mailing list.
 2. All area departments being advised not to do business with vendor without written approval.
6. **SAMPLES:** Samples of items, when required, must be furnished free of expense and, if not destroyed, will, upon request, be returned at the bidder's expense. Request for the return of samples must be made within 10 days following opening of bids. Each individual sample must be labeled with bidder's name, bid number, and item number. Failure of bidder to either deliver required samples or to clearly identify samples as indicated may be reason for rejection of the bid.
7. **DELIVERY:** Unless actual date of delivery is specified (or if specified delivery cannot be met), show number of days required to make delivery after receipt of purchase order in space provided. Delivery time may become a basis for making an award (see Special Conditions). Delivery shall be within the normal working hours of the user, Monday through Friday.
8. **INTERPRETATIONS:** Any questions concerning conditions and specifications should be submitted to the buyer no later than three (3) days prior to the bid opening.
9. **AWARDS:** As the best interest of FKMCD may require, the right is reserved to reject any and all bids and to waive any irregularity in bids received; to accept any item or group of items unless qualified by bidder; to acquire additional quantities at prices quoted on this proposal unless additional quantities are not acceptable, in which case the bid sheets must be noted "BID IS FOR SPECIFIED QUANTITY ONLY".
10. **BID OPENING:** Shall be public, on the date at the time specified on the bid form. All bids received after that time shall be returned. Offers by telegram or telephone are not acceptable.
11. **ADVERTISING:** In submitting a proposal, bidder agrees not to use the results therefrom as a part of any commercial advertising.
12. **INSPECTION, ACCEPTANCE & TITLE:** Inspection and acceptance will be at destination unless otherwise provided. Title to/or risk of loss or damage to all items shall be the responsibility of the successful bidder until acceptance by the buyer unless loss or damage results from negligence by the buyer.
13. **PAYMENT:** Payment will be made by the buyer after the items awarded to a vendor have been received, inspected, and found to comply with award specifications, free of damage or defect and properly invoiced.
14. **CONFLICT OF INTEREST:** The award hereunder is subject to Chapter 112, Florida Statutes, wherein it states, in part: "... all bidders must disclose with their bid the name of any officer, director, or agent who is also an employee of the FKMCD. All bidders must disclose the name of any employee who owns directly or indirectly an interest of 5% or more in the bidder's firm or any of its branches..."
15. **DISPUTES:** In case of any doubt or difference of opinion as to the items to be furnished hereunder, the decision of the buyer shall be final and binding on both parties.
16. **LEGAL REQUIREMENTS:** Federal, State, county, and local laws, ordinances, rules, and regulations that in any manner affect the items covered herein apply. Lack of knowledge by the bidder will in no way be a cause for relief from responsibility.
17. **PATENTS & ROYALTIES:** The bidder without exception, shall indemnify and save harmless, the FKMCD and its employees from liability of any nature or kind, including cost and expenses for or on account of any copyrighted, patented, or unpatented invention, process, or article manufactured or used in the performance of the contract, including its use by the MCMCD the bidder uses any design, device, or materials covered by letters, patent or copyright, it is mutually agreed and understood without exception that the bid prices shall include all royalties or cost arising from the use of such design, device, or materials in any way involved in the work.
18. **STANDARD COMMERCIAL WARRANTY:** The manufacturers'/sellers' standard commercial warranty shall apply to all the items described herein and the seller shall furnish a copy to the buyer as a part of his bid.
19. **SPECIAL CONDITIONS:** Any and all special conditions that may vary from these General Conditions shall have precedence.

BIDS SHOULD BE MAILED EARLY ENOUGH PRIOR TO THE OPENING DATE/TIME TO PERMIT TIMELY DELIVERY BY THE POSTAL DEPARTMENT OR ANY OTHER EXPRESS MAIL SERVICE. BIDS MAILED ONLY ONE OR TWO DAYS PRIOR TO THE OPENING DATE INVARIABLY RESULT IN LATE BIDS. BIDS WILL BE RECEIVED UP UNTIL THE TIME ANNOUNCED HEREIN FOR OPENING, ANY BIDS RECEIVED AFTER THE TIME SPECIFIED FOR OPENING WILL NOT BE ACCEPTED FOR CONSIDERATION AND WILL BE RETURNED TO THE SENDER UNOPENED.

ENCLOSED IS THE FLORIDA CRIMES ENTITY FORM WHICH MUST BE FILLED OUT AND NOTARIZED AND RETURNED WITH SIGNED BID OR BID WILL NOT BE VALID.

287.133 PUBLIC ENTITY CRIME; DENIAL OR REVOCATION OF THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES.

(1) As used in this section:

(a) "Affiliate" means:

1. A predecessor or successor of a person convicted of a public entity crime; or
2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

(b) "Convicted" or "conviction" means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

(c) "Convicted vendor list" means the list required to be kept by the department pursuant to paragraph (3)(d).

(d) "Department" means the Department of Management Services.

(e) "Person" means any natural person or any entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

(f) "Public entity" means the State of Florida, any of its departments or agencies, or any political subdivision. (g)

"Public entity crime" means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any bid, proposal, reply, or contract for goods or services, any lease for real property, or any contract for the construction or repair of a public building or public work, involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

(2)(a) A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. [287.017](#) for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

(b) A public entity may not accept any bid, proposal, or reply from, award any contract to, or transact any business in excess of the threshold amount provided in s. [287.017](#) for CATEGORY TWO with any person or affiliate on the convicted vendor list for a period of 36 months following the date that person or affiliate was placed on the convicted vendor list unless that person or affiliate has been removed from the list pursuant to paragraph (3)(f). A public entity that was transacting business with a person at the time of the commission of a public entity crime resulting in that person being placed on the convicted vendor list may not accept any bid, proposal, or reply from, award any contract to, or transact any business with any other person who is under the same, or substantially the same, control as the person whose name appears on the convicted vendor list so long as that person's name appears on the convicted vendor list.

(3)(a) All invitations to bid, requests for proposals, and invitations to negotiate, as defined in s. [287.012](#), and any contract document described by s. [287.058](#) shall contain a statement informing persons of the provisions of paragraph (2)(a).

(b) Any person must notify the department within 30 days after a conviction of a public entity crime applicable to that person or to an affiliate of that person. Any public entity which receives information that a person has been convicted of a public entity crime shall transmit that information to the department in writing within 10 days.

(c) If the department has reason to believe that a person or an affiliate has been convicted of a public entity crime, the department may issue a written demand upon that person or affiliate, concerning any such conviction or affiliation, to appear and be examined under oath, to answer interrogatories under oath, or to produce documents or other tangible evidence for inspection and copying. The department shall conduct any such inquiry in accord with applicable provisions of the Florida Rules of Civil Procedure.

(d) The department shall maintain a list of the names and addresses of those who have been disqualified from the public contracting and purchasing process under this section. The department shall publish an initial list on January 1, 1990, and shall publish an updated version of the list quarterly thereafter. The revised quarterly lists shall be electronically posted. Notwithstanding this paragraph, a person or affiliate disqualified from the public contracting and purchasing process pursuant to this section shall be disqualified as of the date the final order is entered.

(e)1. Upon receiving reasonable information from any source that a person has been convicted, the department shall investigate the information and determine whether good cause exists to place that person or an affiliate of that person on the convicted vendor list. If good cause exists, the department shall notify the person or affiliate in writing of its intent to place the name of that person or affiliate on the convicted vendor list, and of the person's or affiliate's right to a hearing, the procedure that must be followed, and the applicable time requirements. If the person or affiliate does not request a hearing, the department shall enter a final order placing the name of the person or affiliate on the convicted vendor list. No person or affiliate may be placed on the convicted vendor list without receiving an individual notice of intent from the department.

2. Within 21 days of receipt of the notice of intent, the person or affiliate may file a petition for a formal hearing pursuant to ss. [120.569](#) and [120.57\(1\)](#) to determine whether it is in the public interest for that person or affiliate to be placed on the convicted vendor list. A person or affiliate may not file a petition for an informal hearing under s. [120.57\(2\)](#). The procedures of chapter 120 shall apply to any formal hearing under this section except where they are in conflict with the following provisions:

a. The petition shall be filed with the department. The department shall be a party to the proceeding for all purposes.

b. Within 5 days after the filing of the petition, the department shall notify the Division of Administrative Hearings of the request for a formal hearing. The director of the Division of Administrative Hearings shall, within 5 days after receipt of notice from the department, assign an administrative law judge to preside over the proceeding. The administrative law judge, upon request by a party, may consolidate related proceedings.

c. The administrative law judge shall conduct the formal hearing within 30 days after being assigned, unless otherwise stipulated by the parties.

d. Within 30 days after the formal hearing or receipt of the hearing transcript, whichever is later, the administrative law judge shall enter a final order, which shall consist of findings of fact, conclusions of law, interpretation of agency rules, and any other information required by law or rule to be contained in the final order. Such final order shall place or not place the person or affiliate on the convicted vendor list.

e. The final order of the administrative law judge shall be final agency action for purposes of s. [120.68](#).

f. At any time after the filing of the petition, informal disposition may be made pursuant to s. [120.57\(4\)](#). In that event, the administrative law judge shall enter a final order adopting the stipulation, agreed settlement, or consent order.

3. In determining whether it is in the public interest to place a person or affiliate on the convicted vendor list, the administrative law judge shall consider the following factors:

a. Whether the person or affiliate committed a public entity crime.

b. The nature and details of the public entity crime.

c. The degree of culpability of the person or affiliate proposed to be placed on the convicted vendor list.

d. Prompt or voluntary payment of any damages or penalty as a result of the conviction.

e. Cooperation with state or federal investigation or prosecution of any public entity crime, provided that a good faith exercise of any constitutional, statutory, or other right during any portion of the investigation or prosecution of any public entity crime shall not be considered a lack of cooperation.

f. Disassociation from any other persons or affiliates convicted of the public entity crime.

g. Prior or future self-policing by the person or affiliate to prevent public entity crimes.

h. Reinstatement or clemency in any jurisdiction in relation to the public entity crime at issue in the proceeding.

i. Compliance by the person or affiliate with the notification provisions of paragraph (b).

j. The needs of public entities for additional competition in the procurement of goods and services in their respective markets.

k. Mitigation based upon any demonstration of good citizenship by the person or affiliate.

4. In any proceeding under this section, the department shall be required to prove that it is in the public interest for the person to whom it has given notice under this section to be placed on the convicted vendor list. Proof of a conviction of the person or that one is an affiliate of such person shall constitute a prima facie case that it is in the public interest for the person or affiliate to whom the department has given notice to be put on the convicted vendor list. Prompt payment of damages or posting of a bond, cooperation with investigation, and termination of the employment or other relationship with the employee or other natural person responsible for the public entity crime shall create a rebuttable presumption that it is not in the public interest to place a person or affiliate on the convicted vendor list. Status as an affiliate must be proven by clear and convincing evidence. If the administrative law judge determines that the person was not convicted or is not an affiliate of such person, that person or affiliate shall not be placed on the convicted vendor list.

5. Any person or affiliate who has been notified by the department of its intent to place his or her name on the convicted vendor list may offer evidence on any relevant issue. An affidavit alone shall not constitute competent substantial evidence that the person has not been convicted or is not an affiliate of a person so convicted. Upon establishment of a prima facie case that it is in the public interest for the person or affiliate to whom the department has given notice to be put on the convicted vendor list, that person or affiliate may prove by a preponderance of the evidence that it would not be in the public interest to put him or her on the convicted vendor list, based upon evidence addressing the factors in subparagraph 3.

(f)1. A person on the convicted vendor list may petition for removal from the list no sooner than 6 months from the date a final order is entered disqualifying that person from the public purchasing and contracting process pursuant to this section, but may petition for removal at any time if the petition is based upon a reversal of the conviction on appellate review or pardon. The petition shall be filed with the department, and the proceeding shall be conducted pursuant to the procedures and requirements of this subsection.

2. A person may be removed from the convicted vendor list subject to such terms and conditions as may be prescribed by the administrative law judge upon a determination that removal is in the public interest. In determining whether removal would be in the public interest, the administrative law judge shall give consideration to any relevant factors, including, but not limited to, the factors identified in subparagraph (e)3. Upon proof that a person's conviction has been reversed on appellate review or that he or she has been pardoned, the administrative law judge shall determine that removal of the person or an affiliate of that person from the convicted vendor list is in the public interest.

3. If a petition for removal is denied, the person or affiliate may not petition for another hearing on removal for a period of 9 months after the date of denial, unless the petition is based upon a reversal of the conviction on appellate review or a pardon. The department may petition for removal prior to the expiration of such period if, in its discretion, it determines that removal would be in the public interest.

(4) The conviction of a person for a public entity crime, or placement on the convicted vendor list, shall not affect any rights or obligations under any contract, franchise, or other binding agreement which predates such conviction or placement on the convicted vendor list. However, the administrative law judge in a proceeding instituted under this section may declare voidable any specific contract, franchise, or other binding agreement entered into after July 1, 1989, by a person placed on the convicted vendor list and a public entity, but only if the administrative law judge finds as fact that the person to be placed on the list has not satisfied the criteria set forth in sub-subparagraphs (3)(e)3.d., f., and g.

(5) The provisions of this section do not apply to any activities regulated by the Florida public Service Commission or to the purchase of goods or services made by any public entity from the Department of Corrections, from the nonprofit corporation organized under chapter 946, or from any accredited nonprofit workshop certified under ss. [413.032-413.037](#).

History.—s. 2, ch. 89-114; s. 1, ch. 90-33; s. 32, ch. 90-268; s. 259, ch. 92-279; s. 55, ch. 92-326; s. 217, ch. 95-148; s. 33, ch. 95-196; s. 4, ch. 95-420; s. 62, ch. 96-410; s. 58, ch. 99-13; s. 29, ch. 2002-207.

**SWORN STATEMENT PURSUANT TO SECTION 287.133 (3) (a),
FLORIDA STATUTES ON PUBLIC ENTITY CRIMES**

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to _____
(print name of the public entity)
by _____
(print individual's name and title)
for _____
(print name of entity submitting sworn statement)

whose business address is _____ and (if applicable) its Federal Employer Identification Number (FEIN) is _____. (If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____.)

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any bid, proposal, reply, or contract for goods or services, any lease for real property, or any contract for the construction or repair of a public building or public work, involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "convicted" or "conviction" as defined in paragraph 287.133 (1) (b), Florida Statutes, means a finding of guilt of a conviction of public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment of information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea guilty or nolo contendere.
4. I understand that an "affiliate" as defined in Paragraph 287.133 (1) (a), Florida Statutes, means:
1. A predecessor or successor of a person convicted of a public entity crime; or
 2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a "person" as defined in Paragraph 287.133 (1) ©, Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, member, and agents who are active in management of an entity.

6. Based on information and belief, that statement which I have marked below is true in relation to the entity submitting this sworn statement. (Indicate which statement applies.)

_____Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, share holders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with any convicted of a public entity crime subsequent to July 1, 1989.

_____The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting the sworn statement on the convicted vendor list. (Attached a copy of the final order)

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY INDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

(Signature)

(Date)

STATE OF _____

COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority,

Who, after first sworn by me, affixed his/her signature in the space provided

(name of individual signing)

above on this _____ day of _____, 20_____

NOTARY PUBLIC

My commission expires: