



**BID NO.: 1182-0/19**

**OPENING: 2:00 P.M.  
Wednesday  
September 25, 2013**

**MIAMI-DADE COUNTY, FLORIDA**

**I N V I T A T I O N  
T O B I D**

**TITLE:  
TERMITE CONTROL SERVICES – PREQUALIFICATION**

**FOR INFORMATION CONTACT:  
Denis Chung, 305-375-3904, [HCDC@miamidade.gov](mailto:HCDC@miamidade.gov)**

**IMPORTANT NOTICE TO BIDDERS:**

- **READ THIS ENTIRE DOCUMENT, THE GENERAL TERMS AND CONDITIONS, AND HANDLE ALL QUESTIONS IN ACCORDANCE WITH THE TERMS OUTLINED IN PARAGRAPH 1.2(D) OF THE GENERAL TERMS AND CONDITIONS.**
- **FAILURE TO SIGN BID SUBMITTAL FORM IN SECTION 4 WILL RENDER YOUR BID NON-RESPONSIVE**

**MIAMI-DADE COUNTY  
INTERNAL SERVICES DEPARTMENT  
PROCUREMENT MANAGEMENT DIVISION**



**MIAMI-DADE COUNTY, FLORIDA**

**INVITATION TO BID**

**Bid Number: 1182-0/19**

**Bid Title: Termite Control Services - Prequalification**

**Procurement Officer: Denis Chung, CPPB**

**Bids will be accepted until 2:00 p.m. on September 25, 2013**

**Bids will be publicly opened.** The County provides equal access and does not discriminate on the basis of disability in its programs or services. It is our policy to make all communication available to the public, including those who may be visually or hearing impaired. If you require information in a non-traditional format please call 305-375-5278.

**Instructions:** The Clerk of the Board business hours are 8:00am to 4:30pm, Monday through Friday. Additionally, the Clerk of the Board is closed on holidays observed by the County. Each Bid submitted to the Clerk of the Board shall have the following information clearly marked on the face of the envelope: the Bidders name, return address, Bid number, opening date of the Bid and the title of the Bid. Included in the envelope shall be an original and two copies of the Bid Submittal, plus attachments if applicable.

All Bids received time and date stamped by the Clerk of the Board prior to the bid submittal deadline shall be accepted as timely submitted. The circumstances surrounding all bids received and time stamped by the Clerk of the Board after the bid submittal deadline will be evaluated by the procuring department, in consultation with the County Attorney's Office, to determine whether the bid will be accepted as timely.

**NOTICE TO ALL BIDDERS:**

- **FAILURE TO SIGN THE BID SUBMITTAL FORM WILL RENDER YOUR BID NON-RESPONSIVE.**
- **THE BID SUBMITTAL FORM CONTAINS IMPORTANT CERTIFICATIONS THAT REQUIRE REVIEW AND COMPLETION BY ANY BIDDER RESPONDING TO THIS SOLICITATION.**

**MIAMI-DADE COUNTY  
INTERNAL SERVICES DEPARTMENT  
PROCUREMENT MANAGEMENT DIVISION**

SECTION 1  
GENERAL TERMS AND CONDITIONS

**TERMITE CONTROL SERVICES - PREQUALIFICATION**

All general terms and conditions of Miami-Dade County Procurement Contracts for Invitations to Bid are posted online. Persons and Companies that receive an award from Miami-Dade County through Miami-Dade County's competitive procurement process must anticipate the inclusion of these requirements in the resultant Contract. These standard general terms and conditions are considered non-negotiable subject to the County's final approval.

All applicable general terms and conditions pertaining to this solicitation and resultant contract may be viewed online at the Miami-Dade County Procurement Management website by clicking on the following link:

<http://www.miamidade.gov/procurement/library/boilerplate/general-terms-and-conditions-r13-3.pdf>

**SECTION 2**  
**SPECIAL CONDITIONS**

**TERMITE CONTROL SERVICES - PREQUALIFICATION**

**2.1 PURPOSE:**

The purpose of this solicitation is to establish a prequalified bidder pool contract for Miami-Dade County to purchase termite control services when needed.

**2.2 TERM OF CONTRACT:**

This contract shall commence on the first calendar day of the month succeeding approval of the contract by the Board of County Commissioners, or designee, unless otherwise stipulated in the Notice of Award Letter which is distributed by the County's Procurement Management Division, and contingent upon the completion and submittal of all required bid documents. The contract shall remain in effect for (5) five years, and upon completion of the expressed and/or implied warranty periods.

**2.3 METHOD OF AWARD:**

Award of this contract will be made to responsive and responsible bidders that meet the minimum requirements set forth in this solicitation. Awarded bidders will be placed on a "Pre-qualified Bidders List" which will be accessed by the County when needed to obtain Spot Market quotations through Requests for Quotations (RFQ).

**MINIMUM QUALIFICATIONS:** In addition to the requirements included in this solicitation for Groups 1 and 2, all bidders shall submit the following to be considered as a pre-qualified bidder:

1. Their current pest control business license issued by the State of Florida
  2. Evidence of an office maintained and equipped with personnel, modern office equipment, especially a facsimile (FAX) machine and/or an e-mail address. These resources must be available Monday-Friday, 8:00AM-5:00PM to provide support and expedite quotations
- A. GROUP 1:** Spot Treatment for Dry Wood Termites, and Partial & Total Treatment for Subterranean Termites.
1. Provide the County a copy of the certification issued by the State of Florida for its employed pest control operator(s) in the category of Termite and Other Wood-Destroying Organisms Control.
  2. Submit three (3) commercial references from companies to which it has provided the required services for at least the twelve months preceding the time of bid opening. These references shall ascertain to the County's satisfaction that the bidder has sufficient expertise in termite control services as described for Group 1.
- B. GROUP 2:** General Fumigation for Dry Wood Termites.
1. Submit a copy of the certification issued by the State of Florida for its employed pest control operator(s) in the category of Fumigation
  2. Submit three (3) commercial references of companies from which it has provided the required services for at least the twelve months preceding the time of bid opening. For

**SECTION 2**  
**SPECIAL CONDITIONS**

**TERMITE CONTROL SERVICES - PREQUALIFICATION**

each reference, the size (volume in cubic feet) of the largest structure treated must be included. These references shall ascertain to the County's satisfaction that the bidder has sufficient expertise in termite fumigation services.

**2.4 INDEMNIFICATION AND INSURANCE:**

In addition to the requirements outlined in Section 1.21, the following is required.

- a. Commercial General Liability Insurance in an amount not less than one million (\$1,000,000) combined single limit per occurrence for bodily injury and property damage. Policy must include coverage for products and completed operations (including coverage for application of pesticides). **Miami-Dade County must be shown as an additional insured with respect to this coverage.**
- b. Automobile Liability Insurance covering all owned, non-owned and hired vehicles used in connection with the work, in an amount not less than \$500,000 combined single limit per occurrence for bodily injury and property damage.

**Under no circumstances** will contractors be permitted on the **Miami International Airport's Aircraft Operating Airside (AOA) without increasing automobile coverage to \$5 million**. Only vehicles owned or leased by a company will be authorized for the AOA. Vehicles owned by individuals will not be authorized. A \$1 million limit applies to all other MDAD airports.

**2.5 CONTACT PERSON:**

For any additional information regarding the terms and conditions of this solicitation and resultant contract, contact Denis Chung at (305) 375-3904, email – [hcdc@miamidade.gov](mailto:hcdc@miamidade.gov)

**2.6 AVAILABILITY OF CONTRACT TO COUNTY DEPARTMENTS**

Any County department or agency may avail itself to the resultant contract of this solicitation and the governing terms and conditions established herein.

**2.7 ACCIDENT PREVENTION AND BARRICADES**

Precautions shall be exercised by the contractor at all times for the protection of persons and property. All contractors and sub-contractors shall conform to all Occupational Safety and Health Administration (OSHA), State and County regulations while performing under the terms and conditions of this contract. Any fines levied by the above mentioned authorities because of inadequacies to comply with these requirements shall be borne solely by the contractor. Barricades shall be provided by the contractor when work is performed in areas traversed by person, or when deemed necessary by the County Project Manager.

**2.8 COMPLIANCE WITH FEDERAL STANDARDS**

The bidder shall provide all services purchased in conjunction with the resultant contract shall be in accordance with all governmental standards, to include, but not be limited to, those issued by the Occupational Safety and Health Administration (OSHA), the United States Environmental Protection Agency (EPA), and the Florida Departmental of Agriculture and Consumer Services.

**SECTION 2**  
**SPECIAL CONDITIONS**

**TERMITE CONTROL SERVICES - PREQUALIFICATION**

**2.9 LABOR, MATERIALS, AND EQUIPMENT SHALL BE SUPPLIED BY THE BIDDER**

The bidder shall furnish all labor, material and equipment necessary for satisfactory contract performance. When not specifically identified in the technical specifications, such materials and equipment shall be of a suitable type and grade for the purpose. All material, workmanship, and equipment shall be subject to the inspection and approval of the County's Project Manager.

**2.10 LEGAL REQUIREMENT FOR POLLUTION CONTROL**

It is the intent of these specifications to comply with the Miami-Dade County Pollution Control Ordinance as stated in Chapter 24 of the Miami-Dade Code. This ordinance is made a part of these specifications by reference and may be obtained, if necessary, by the bidder through the Department of Permitting, Environment and Regulatory Affairs, 701 NW 1<sup>st</sup> Street, Miami, FL 33130, Telephone (305) 372-6789.

**2.11 LICENSES, PERMITS AND FEES**

The bidder shall obtain and pay for all licenses, permits and inspection fees required for this project and shall comply with all laws, ordinances, regulations and building code requirements applicable to the work contemplated herein. Damages, penalties and or fines imposed on the County or the bidder for failure to obtain required licenses, permits or fines shall be borne by the bidder.

**2.12 PURCHASE OF OTHER SERVICES NOT LISTED WITHIN THIS SOLICITATION BASED ON PRICE QUOTES**

While the County has listed all major services within this solicitation which are utilized by County departments in conjunction with their operations, there may be similar services that must be purchased by the County during the term of this contract. Under these circumstances, a County representative will commence spot market procedures as required.

The County reserves the right to acquire the similar services through a separate solicitation.

**2.13 WORK ACCEPTANCE**

This project will be inspected by an authorized representative of the County. This inspection shall be performed to determine acceptance of work, appropriate invoicing, and warranty conditions.

**2.14 HUD SECTION 3 REQUIREMENT FOR MIAMI-DADE PUBLIC HOUSING AND COMMUNITY DEVELOPMENT (MDPHCD) PROJECTS**

This contract is a HUD Section 3 covered activity for Miami-Dade Public Housing and Community Development (MDPHC). HUD Section 3 requires that job training, employment and contracting opportunities be directed toward low and very low income persons and to businesses that provide economic opportunities to those persons.

All Bidders are required to execute and submit Document 00400, "Section 3, Economic Opportunity and Affirmative Marketing Plan (Plan)", with its bid submittal – see Appendix B. An

**SECTION 2**  
**SPECIAL CONDITIONS**

**TERMITE CONTROL SERVICES - PREQUALIFICATION**

executed Plan document is the Bidder's certification that he or she will take all necessary affirmative marketing steps required, in connection with each MDPHCD project award, to (a) meet HUD Section 3 training and employment goals, where feasible, when filling vacant or new positions resulting from MDPHCD awards, and also seek to recruit qualified minorities and women to fill vacant or new positions resulting from MDPHCD awards, and (b) meet HUD Section 3 subcontracting goals and ensure small, minority and women subcontractors are used (where subcontracting is permitted).

Questions regarding "Section 3 Business" contract requirements may be faxed to Penelope Bivins, MPDHA Resident Services Coordinator to (786) 469-4151 or she can be contacted at (786)469-4133.

**2.15 MIAMI-DADE HOUSING EXEMPTION TO CERTAIN CLAUSES**

The contract to be awarded under this solicitation will be accessed by the Miami-Dade Public Housing Community Development (MDPHCD). As a Federally-funded agency, the following clauses within this solicitation do not apply to that Department's allocation:

- Section 1, Paragraph 1.10 (Local Preferences),
- Section 1, Paragraph 1.27 (Office of the Inspector General),
- Section 1, Paragraph 1.35 (County User Access Program - UAP)
- Section 1, Paragraph 1.43 (Small Business Contract Measures).

**2.16 NO SUBCONTRACTING PERMITTED**

Sub-contracting is prohibited for any procedure of termite control in conjunction with the resultant contract.

**2.17 DEADLINE FOR QUESTIONS**

Questions pertaining to this solicitation must be received no later than **September 19, 2013**. Questions should specifically reference the section of the solicitation to which the question pertains.

**SECTION 3**  
**TECHNICAL SPECIFICATIONS**

**TERMITE CONTROL SERVICES - PREQUALIFICATION**

**3.1 SCOPE**

Pre-qualified bidders shall provide treatment services for the eradication of termites in facilities as directed by the County in accordance with the provisions and specifications herein, utilizing either of the following treatment methods: general fumigation and spot treatments for dry wood termites, and partial or total treatment for subterranean termites.

For each spot market purchase, the County's Pest Control Manager will define the treatment requirements in the RFQ. The procedure which provides long-term termite eradication and maximum economy for the County will be selected.

The bidder shall furnish all labor, materials, equipment, supervision, permits, etc. necessary to provide gas fumigation, spot treatments, partial or total subterranean treatments.

**3.2 WORK ORDER PROCEDURES**

The County will initiate spot market purchases on an as-needed basis with the issuance of a work order to the pre-qualified bidder(s) for a specific treatment service. The award to one bidder does not preclude the ability of the remaining pre-qualified bidders from submitting offers for other orders as requested by County departments.

The bidder may be consulted for the procedure which will eliminate the termite infestation with minimal disruption to County business, and at the least expense to the County. The Project Manager will ultimately determine the material quantities and/or specifications for each spot market purchase. The work order will include the location, description and plans, if necessary, covering the scope of work to be completed. For purposes of identification and payment, each work order will be uniquely numbered and dated.

The solicited bidder(s) shall supply the Project Manager/issuer with a written response within the time frame stipulated in the RFQ. The County reserves the right to reject any and all proposals based on price or other reasons, to waive irregularities or technicalities, and to re-solicit for all or any part of the work order as deemed in its best interest.

The work order may direct the bidder to commence work on a certain day and may specify the amount of time allotted for completion of service. All service dates and times covered by a work order constitute a service treatment schedule.

The bidder shall be authorized to commence services upon receipt of a purchase order from an authorized County representative.

**3.3 COORDINATION**

The awarded bidder shall coordinate with the County departmental or facility manager of the infested site and the Pest Control Manager for all requests for services to control a termite infestation in a facility. Unless otherwise stated or not required, within one week of an issued purchase order for a work order, the awarded bidder shall arrange and conduct an inspection or schedule an appointment to conduct an inspection of the infested site. Inspection reports, graphs, etc. that results from the inspection findings shall be submitted to the Pest Control Manager and become part of the record of treatment. After the inspection, the bidder shall establish an agreeable schedule for completion of the termite control procedure.

**SECTION 3**  
**TECHNICAL SPECIFICATIONS**

**TERMITE CONTROL SERVICES - PREQUALIFICATION**

Failure of the bidder to submit inspection reports, graphs, and other required documents for treatment records and failure to properly coordinate with the Pest Control Manager may result in a reduced selection for participation in spot market purchases for the bidder.

**3.4 GENERAL FUMIGATION**

**A. PROCEDURE**

A thorough inspection shall be performed by the bidder to determine the extent of an infestation. It is highly recommended that the bidder providing treatment services utilizing general fumigation methods be a participant in the Dow Agro Sciences Commitment to Excellence<sup>SM</sup> (CTE) Program. The bidder shall use only Vikane® gas fumigant manufactured by Dow Agro Sciences.

Vikane® fumigation shall be accomplished by the bidder in strict accordance with the Dow Fumigation manual, product label instructions, and with best industry practice. Normal gas exposure period will be twenty (20) to twenty-four (24) hours.

Should it is determined by the Pest Control Manager that an accelerated fumigation is in the best interest of the County, bidders must be prepared to accommodate this need.

Often, multiple tenants or Departments use a single facility. The bidder must provide signature proof that all Departments and tenants of a fumigation site have been issued hard copies of safety precautions to be taken during the procedure, in time for them to properly prepare.

Gas fumigation methods are either by tenting or non-tent sealing. The Pest Control Manager shall authorize the non-tent sealing method in writing. Tenting shall be done completely by covering the building with gas proof tarpaulins, which shall be in excellent or good condition as determined by industry standards. Sealing shall be done by covering doors, windows, vents, etc. with vinyl coated tarpaulins or polyethylene plastic that is minimum 4 'mil' thickness. Standard industry practices for rendering a building sealed gas-tight shall be used.

For buildings in excess of 200,000 cubic feet the County shall require that gas concentrations be monitored with a fumiscope. The County requires one monitoring line/100,000 cubic feet to determine that equilibrium has been reached. A minimum of three reading shall be performed. The first is to determine that equilibrium has been reached. The second shall determine the actual half loss time so that needed adjustments may be made to insure sufficient ounce hours are achieved and termite mortality. A third and final reading shall be made to insure that gas tight conditions have been maintained throughout the exposure time.

A fumigation log form shall be submitted to the Pest Control Manager following each fumigation, which shall include monitoring specifications when monitoring is required.

**B. GUARANTEE**

Upon completion of the fumigation termite control procedure, the bidder shall guarantee in writing that the building which has been treated for termites, to be free of such termites for no less than three (3) years. Upon notice from the Department, the facility manager or the Pest Control Manager, the bidder shall promptly provide such treatment as may be necessary for the elimination of drywood termite infestation during the guarantee period. Additional treatment

**SECTION 3**  
**TECHNICAL SPECIFICATIONS**

**TERMITE CONTROL SERVICES - PREQUALIFICATION**

made as a result of termite infestation prior to the expiration of the guarantee period shall be made at the expense of the bidder. The bidder is not responsible for the re-treatment of the building if it is determined that termite infested materials were brought into the site during the guarantee period. The County may negotiate a cost to renew the guarantee at its sole discretion.

For gas fumigations, the bidder shall also make a thorough inspection of the treated site, annually, within thirty (30) days prior to the anniversary of the treatment date.

If the Department renews the Work Order agreement, the bidder shall inspect the site thirty (30) days prior to the expiration of the renewal period, for every year of renewal.

The County Pest Control Manager shall be notified in writing one week prior to annual inspections and shall be provided the opportunity to participate in the inspections. Following each inspection the bidder shall provide the County a written report detailing the condition of the site with reference to drywood termite infestation.

**3.5 SPOT TREATMENTS**

**A. PROCEDURE**

Spot treatments for termite control may be utilized due to the need to operate certain critical sites on a constant basis, it is in the best economic interest of the County, or improved effectiveness. A spot treatment may be construed as a treatment other than a general fumigation and other than a total subterranean treatment.

Techniques may include isolating emergence holes, kick out holes and galleries and using a product approved for injection; injection of foams into wall voids, topical applications, etc.; or a combination of techniques. The limitation of treatment area will be set for each service. Limited or partial treatments for subterranean termites also fall under the treatment service of spot treatments. During the preparation stage of the work order scope, the Pest Control Manager may request recommendations from bidders or may require a specified treatment method in the work order be used. Best industry practices must be adhered to at all times in order to control residues, safety and conformity to label requirements.

Scheduling of work is at the convenience of the County and therefore the work will often be done outside normal operating hours, as mutually agreed on between the Project Manager and the bidder. A precise description of the work plan shall be submitted by the bidder to the Project Manager with each response to a Work Order, which will become a part of the record of the treatment.

**B. GUARANTEE**

Spot treatments shall be guaranteed by the bidder for one year, unless otherwise stated by the County. Since spot treatments vary in probable effectiveness, some may be exempt from guarantee and some may have a two-year guarantee. The guarantee period will be specified as a part of the scope of work of the work order.

**SECTION 3**  
**TECHNICAL SPECIFICATIONS**

**TERMITE CONTROL SERVICES - PREQUALIFICATION**

**3.5 TOTAL TREATMENT FOR SUBTERRANEAN TERMITES**

**A. PROCEDURE**

Treatment for subterranean termites shall start with a thorough inspection by the bidder of the infested site to determine the extent of the infestation, factors that may contribute to the presence of the infestation (i.e. plumbing leaks, excessive watering, etc.), infesting species, and treatment "hotspots" such as entry points or aerial nests.

Total subterranean treatments shall be provided by either performing a continuous chemical treated zone or barrier between the cellulose food source in the structure and soil inhabiting termites, or by employing the baiting and monitoring system. Where is determined to be necessary, supplemental treatments may be needed for colonies established above ground (aerial nests). Strict interpretation of label is to be adhered to in all applications.

Baiting and monitoring systems constitute a separate treatment option. When such a treatment is requested by the County, bidders shall submit treatment recommendations in strict conformity with highest industry standard and label requirements. A precise description of the work plan shall be submitted by the bidder to the Project Manager with each proposal and become a part of the record of treatment.

**B. GUARANTEE**

There shall be a three-year guarantee by the bidder for subterranean termite treatments in which the method of treatment is forming a continuous chemically treated zone or barrier in the soil. During the guarantee period treated structures shall remain termite free. The bidder is not responsible for above ground infestations that remain viable due to roof leaks, plumbing leaks, or other water sources.

Guarantee period for the baiting and monitoring option will be determined at the time of installation.

The bidder shall inspect treated sites annually, thirty days prior to the anniversary date of treatment and thirty days prior to the termination of the warranty period. A report of findings from each inspection shall be submitted to the Pest Control Manager, which becomes a part of the record of treatment.

The County Pest Control Manager shall be notified in writing one week prior to annual inspections and shall be provided the opportunity to participate in the inspections. Following each inspection, the bidder shall provide the County a written report detailing the condition of the site with reference to termite infestation. The report will become a part of the record of treatment. The County may negotiate a cost to renew the guarantee at its sole discretion.

Evidence of active infestation of termites at any time after the completion of the work and within the warranty or renewal period shall constitute evidence of inadequate treatment. The bidder shall upon notification by the Department or the Pest Control Manager, retreat the site within one month. If notified by on site personnel, the bidder shall notify the Pest Control Manager of the requirement to retreat and the date of re-treatment. The bidder shall retreat at its expense.

**SECTION 3**  
**TECHNICAL SPECIFICATIONS**

**TERMITE CONTROL SERVICES - PREQUALIFICATION**

When informed of an active infestation in a facility under guarantee, the bidder shall within ten working days coordinate with the County to inspect that facility and determine the proper action for re-treatment. If the bidder fails to re-treat within one month after notification, this guarantee shall include restoration of identifiable termite damage caused during the delay. Restoration shall be at no cost to the County.

**3.6 SAFETY**

Safety is the overall responsibility of the bidder. All necessary precautions to prevent injury shall be taken, including, but not limited to:

- A. Placement of warning signs in conformity to current Florida Department of Agriculture and Consumer Services (FDACS) Regulations
- B. The proper use of chloropicrin, as to amount, number of placements, use of correct pans and wickering material, etc.
- C. The proper clearance of the site for re-occupancy, using an approved detection device, which shall be calibrated in conformity to the most recent FDACS Regulations.
- D. Maintain sufficient self-contained breathing apparatuses (SCBA), a minimum of two at each treatment.
- E. Must keep a sufficient number of secondary locks.
- F. Sub-slab drilling equipment must be equipped with interrupter devices to prevent damage to plumbing pipes and electrical conduits.
- G. Where applicable residues must be cleaned up per label instruction.

**SECTION 4**  
**BID SUBMITTAL FORMS**

**Submit Bid To:**  
**CLERK OF THE BOARD**  
**Stephen P. Clark Center**  
**111 NW 1<sup>st</sup> Street**  
**17<sup>th</sup> Floor, Suite 202**  
**Miami, Florida 33128-1983**

**OPENING: 2:00 P.M.**  
**Wednesday**  
**September 25, 2013**



**PLEASE QUOTE PRICES F.O.B. DESTINATION, FREIGHT ALLOWED, LESS TAXES,  
DELIVERED IN MIAMI-DADE COUNTY, FLORIDA.**

NOTE: Miami-Dade County is exempt from all taxes (Federal, State, Local). Bid price should be less all taxes. Tax Exemption Certificate furnished upon request.

Issued by: **ISD/PM** Date Issued: **This Bid Submittal Consists of**  
**Denis Chung** **9/9/2013** **Pages 11 through 18 and affidavits.**

Sealed bids subject to the Terms and Conditions of this Invitation to Bid and the accompanying Bid Submittal. Such other contract provisions, specifications, drawings or other data as are attached or incorporated by reference in the Bid Submittal, will be received at the office of the Clerk of the Board at the address shown above until the above stated time and date, and at that time, publicly opened for furnishing the supplies or services described in the accompanying Bid Submittal Requirement.

**Title:**  
**Termite Control Services – Prequalification**

A Bid Deposit in the amount of **N/A** the total amount of the bid shall accompany all bids.

A Performance Bond in the amount of **N/A** the total amount of the bid will be required upon execution of the contract by the successful bidder and Miami-Dade County.

<b>DO NOT WRITE IN THIS SPACE</b>		
ACCEPTED _____	HIGHER THAN LOW _____	
NON-RESPONSIVE _____	NON-RESPONSIBLE _____	
DATE B.C.C. _____	NO BID _____	FIRM NAME _____
ITEM NOS. ACCEPTED _____		
COMMODITY CODE: <b>910-59</b>		
Procurement Contracting Officer: <b>Denis Chung</b>		

**RETURN ONE ORIGINAL AND TWO COPIES OF BID SUBMITTAL PAGES AND AFFIDAVITS.**

**FAILURE TO SIGN THE BID SUBMITTAL FORM IN SECTION 4 WILL RENDER YOUR BID NON-RESPONSIVE.**

SECTION 4  
BID SUBMITTAL FOR:

FIRM NAME: \_\_\_\_\_

4.1 Provide the following information per Section 2.3.2 regarding the bidder’s office and contact information to be utilized in conjunction with services under the resultant contract.

Business address: \_\_\_\_\_

Contact person: \_\_\_\_\_

Title/Position: \_\_\_\_\_

Phone number(s): \_\_\_\_\_

Fax number: \_\_\_\_\_

Email address: \_\_\_\_\_

4.2 Place an “X” in the column for any Treatment Service below to indicate the category/categories the bidder wishes to be qualified under for subsequent spot market purchases.

Treatment Services:

- \_\_\_\_\_ 1. General fumigation for drywood termite control in large buildings, **greater than** 600,000 cubic feet.
- \_\_\_\_\_ 2. General fumigation for drywood termite control in small buildings, **less than** 600,000 cubic feet.
- \_\_\_\_\_ 3. Spot treatment for drywood termite control.
- \_\_\_\_\_ 4. Partial treatment for subterranean termite control.
- \_\_\_\_\_ 5. Total treatment for subterranean termite control.
- \_\_\_\_\_ 6. Treatment of wood poles, posts and landscape ornamentation.

4.3 HUD Section 3 per Section 2.14 of the solicitation:

\_\_\_\_\_ Place an “X” to indicate the bidder has executed and submitted Document 00400 with its Section 4 Bid Submittal Form, per Paragraph 2.14; HUD Section 3 Requirement

SECTION 4  
BID SUBMITTAL FOR:

FIRM NAME: \_\_\_\_\_

4.4 Place an "X" next to each requirement to indicate the bidder has submitted the documentation with its Section 4 Bid Submittal Form, per Paragraph 2.3; Minimum Qualifications.

\_\_\_\_\_ 1. All bidders shall provide the County a copy of its current pest control business license issued by the State of Florida.

\_\_\_\_\_ 2. Evidence of an office maintained and equipped with personnel, modern office equipment, especially a facsimile (FAX) machine and/or an e-mail address. These resources must be available Monday-Friday, 8:00AM-5:00PM to provide support and expedite quotations.

\_\_\_\_\_ **GROUP 1:** Spot Treatment for Dry Wood Termites, and Partial & Total Treatment for Subterranean Termites

\_\_\_\_\_ 1) Provide the County a copy of the certification issued by the State of Florida for its employed pest control operator(s) in the category of Termite and Other Wood-Destroying Organisms Control

\_\_\_\_\_ 2) Submit three (3) commercial references from companies to which it has provided the required services for at least the twelve months preceding the time of bid opening. These references shall ascertain to the County's satisfaction that the bidder has sufficient expertise in termite control services.

**GROUP 2:** General Fumigation for Dry Wood Termites

\_\_\_\_\_ 1. Submit a copy of the certification issued by the State of Florida for its employed pest control operator(s) in the category of Fumigation.

\_\_\_\_\_ 2. Submit three (3) commercial references of companies to which it has provided the required services for at least the twelve months preceding the time of bid opening. For each reference, the size (volume in cubic feet) of the largest structure treated must be included. These references shall ascertain to the County's satisfaction that the bidder has sufficient expertise in termite fumigation services.

SECTION 4  
BID SUBMITTAL FOR:

FIRM NAME: \_\_\_\_\_

**REFERENCES LIST:**

Per Paragraph 2.3.A.2, *Minimum Requirements*, bidders who wish to be pre-qualified in the Spot Treatment for Dry Wood Termites and Partial & Total Treatment for Subterranean Termites must provide a minimum of three (3) commercial references from companies to which it has successfully provided the required service within the year preceding the time of bid opening. These references shall ascertain to the County's satisfaction that the bidder has sufficient expertise in Spot Treatment for Dry Wood Termites and Partial & Total Treatment for Subterranean Termites.

1. Commercial Customer Reference

Company Name:	_____
Telephone Number:	_____
Contact Person & Title:	_____
Date/Period service was provided:	_____
Approximate cubic or linear footage:	_____

2. Commercial Customer Reference

Company Name:	_____
Telephone Number:	_____
Contact Person & Title:	_____
Date/Period service was provided:	_____
Approximate cubic or linear footage:	_____

3. Commercial Customer Reference

Company Name:	_____
Telephone Number:	_____
Contact Person & Title:	_____
Date/Period service was provided:	_____
Approximate cubic or linear footage:	_____

SECTION 4  
BID SUBMITTAL FOR:

FIRM NAME: \_\_\_\_\_

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**REFERENCES LIST:**

Per Paragraph 2.3.B.2, *Minimum Requirements*, bidders who wish to be pre-qualified in General Fumigation for Dry Wood Termites must provide three (3) commercial references from companies to which it has successfully provided the required service within the past year from the time of bid opening. These references shall ascertain to the County's satisfaction that the bidder has sufficient expertise in termite fumigation services.

1. Commercial Customer Reference

Company Name:	_____
Telephone Number:	_____
Contact Person & Title:	_____
Date/Period service was provided:	_____
Approximate cubic footage:	_____

2. Commercial Customer Reference

Company Name:	_____
Telephone Number:	_____
Contact Person & Title:	_____
Date/Period service was provided:	_____
Approximate cubic footage:	_____

3. Commercial Customer Reference

Company Name:	_____
Telephone Number:	_____
Contact Person & Title:	_____
Date/Period service was provided:	_____
Approximate cubic footage:	_____

SECTION 4  
BID SUBMITTAL  
Termite Control Services - Prequalification

ACKNOWLEDGEMENT OF ADDENDA

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**INSTRUCTIONS:** COMPLETE PART I OR PART II, WHICHEVER APPLIES

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**PART I:**

LIST BELOW THE DATES OF ISSUE FOR EACH ADDENDUM RECEIVED IN CONNECTION WITH THIS BID

Addendum #1, Dated \_\_\_\_\_

Addendum #2, Dated \_\_\_\_\_

Addendum #3, Dated \_\_\_\_\_

Addendum #4, Dated \_\_\_\_\_

Addendum #5, Dated \_\_\_\_\_

Addendum #6, Dated \_\_\_\_\_

Addendum #7, Dated \_\_\_\_\_

Addendum #8, Dated \_\_\_\_\_

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**PART II:**

NO ADDENDUM WAS RECEIVED IN CONNECTION WITH THIS BID

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**FIRM NAME:** \_\_\_\_\_

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

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

**TITLE OF OFFICER:** \_\_\_\_\_



**Bid Title:** Termite Control Services - Prequalification

By signing this Bid Submittal Form the Bidder certifies that it satisfies all legal requirements (as an entity) to do business with the County, including all Conflict of Interest and Code of Ethics provisions in Section 2-11 of the Miami-Dade County Code. Any County employee or member of his or her immediate family seeking to contract with the County shall seek a conflict of interest opinion from the Miami-Dade County Ethics Commission prior to submittal of a Bid response or application of any type to contract with the County by the employee or his or her immediate family and file a copy of that request for opinion and any opinion or waiver from the Board of County Commissioners with the Clerk of the Board. The affected employee shall file with the Clerk of the Board a statement in a form satisfactory to the Clerk disclosing the employee's interest or the interest of his or her immediate family in the proposed contract and the nature of the intended contract at the same time as or before submitting a Bid, response, or application of any type to contract with the County. Also a copy of the request for a conflict of interest opinion from the Ethics Commission and any corresponding opinion, or any waiver issued by the Board of County Commissioners, must be submitted with the response to the solicitation.

In accordance with Sec. 2-11.1(s) of the County Code as amended, prior to conducting any lobbying **regarding this solicitation, the Bidder must file the appropriate form with the Clerk of the Board stating that a particular lobbyist is authorized to represent the Bidder.** Failure to file the appropriate form in relation to each solicitation may be considered as evidence that the Bidder is not a responsible contractor. **The Bidder confirms that this Bid is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a Bid for the same goods and/or services and in all respects is without collusion, and that the Bidder will accept any resultant award. Further, the undersigned acknowledges that award of a contract is contingent upon bidder registration. Failure to register as a bidder within the specified time may result in your firm not being considered for award.**

Pursuant to Miami-Dade County Ordinance 94-34, any individual, corporation, partnership, joint venture or other legal entity having an officer, director, or executive who has been convicted of a felony during the past ten (10) years shall disclose this information at the time of bid or proposal submission.

Place a check mark here only if bidder has such conviction to disclose.

By executing this proposal through a duly authorized representative, the proposer certifies that the proposer is not on the **Scrutinized Companies with Activities in Sudan List** or the **Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List**, as those terms are used and defined in sections 287.135 and 215.473 of the Florida Statutes. In the event that the proposer is unable to provide such certification but still seeks to be considered for award of this solicitation, the proposer shall execute the proposal through a duly authorized representative and **shall also initial this space:** \_\_\_\_\_. In such event, the proposer shall furnish together with its proposal a duly executed written explanation of the facts supporting any exception to the requirement for certification that it claims under Section 287.135 of the Florida Statutes. The proposer agrees to cooperate fully with the County in any investigation undertaken by the County to determine whether the claimed exception would be applicable. The County shall have the right to terminate any contract resulting from this solicitation for default if the proposer is found to have submitted a false certification or to have been placed on the Scrutinized Companies for Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List.

**LOCAL PREFERENCE CERTIFICATION:** For the purpose of this certification, a "local business" is a business located within the limits of Miami-Dade County (or Broward County in accordance with the Interlocal Agreement between the two counties) that conforms with the provisions of Section 1.10 of the General Terms and Conditions of this solicitation and contributes to the economic development of the community in a verifiable and measurable way. This may include, but not be limited to, the retention and expansion of employment opportunities and the support and increase to the County's tax base.

Place a check mark here only if affirming bidder meets requirements for Local Preference. Failure to complete this certification at this time (by checking the box above) may render the bidder ineligible for Local Preference.

**LOCALLY-HEADQUARTERED BUSINESS CERTIFICATION:** For the purpose of this certification, a "locally-headquartered business" is a Local Business whose "principal place of business" is in Miami-Dade County, as defined in Section 1.10 of the General Terms and Conditions of this solicitation.

Place a check mark here only if affirming bidder meets requirements for the Locally-Headquartered Preference (LHP). Failure to complete this certification at this time (by checking the box above) may render the bidder ineligible for the LHP. The address of the locally-headquartered office is \_\_\_\_\_.



LOCAL CERTIFIED SERVICE-DISABLED VETERAN BUSINESS ENTERPRISE CERTIFICATION: A Local Certified Service-Disabled Veteran Business Enterprise is a firm that is (a) a local business pursuant to Section 2-8.5 of the Code of Miami-Dade County and (b) prior to bid submission is certified by the State of Florida Department of Management Services as a service-disabled veteran business enterprise pursuant to Section 295.187 of the Florida Statutes.

Place a check mark here only if affirming bidder is a Local Certified Service-Disabled Veteran Business Enterprise. A copy of the certification must be submitted with this proposal.

COUNTY USER ACCESS PROGRAM (UAP): Joint purchase and entity revenue sharing program

For the County's information, the bidder is requested to indicate, at 'A' and 'B' below, its general interest in participating in the Joint Purchase Program of the County User Access Program (UAP) described in Section 1.35 of this contract solicitation, if that section is present in this solicitation document. Bidder participation in the Joint Purchase portion of the UAP is voluntary, and the bidder's expression of general interest at 'A' and 'B' below is for the County's information only and shall not be binding on the bidder.

A. If awarded this County contract, would you be interest in participating in the Joint Purchase portion of the UAP with respect to other governmental, quasi-governmental or not-for-profit entities located within the geographical boundaries of Miami-Dade County?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If awarded this County contract, would you be interested in participating in the Joint Purchase portion of the UAP with respect to other governmental, quasi-governmental or not-for-profit entities located outside the geographical boundaries of Miami-Dade County?

Yes \_\_\_\_\_ No \_\_\_\_\_

Firm Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Email Address: \_\_\_\_\_ FEIN No. \_/\_-\_/\_/\_/\_/\_/\_

Prompt Payment Terms: \_\_\_% \_\_\_ days net \_\_\_ days (Please see paragraph 1.2 H of General Terms and Conditions)

Signature: \_\_\_\_\_ (Signature of authorized agent)

\*"By signing this document the bidder agrees to all Terms and Conditions of this Solicitation and the resulting Contract."

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

THE EXECUTION OF THIS FORM CONSTITUTES THE UNEQUIVOCAL OFFER OF PROPOSER TO BE BOUND BY THE TERMS OF ITS PROPOSAL. FAILURE TO SIGN THIS SOLICITATION WHERE INDICATED ABOVE BY AN AUTHORIZED REPRESENTATIVE SHALL RENDER THE PROPOSAL NON-RESPONSIVE. THE COUNTY MAY, HOWEVER, IN ITS SOLE DISCRETION, ACCEPT ANY PROPOSAL THAT INCLUDES AN EXECUTED DOCUMENT WHICH UNEQUIVOCALLY BINDS THE PROPOSER TO THE TERMS OF ITS OFFER.



# **APPENDIX**

## **AFFIDAVITS FORMAL BIDS**





Name of Proposer: \_\_\_\_\_ FEIN No. \_\_\_\_\_

In accordance with Sections 2-8.1, 2-8.8 and 10.34 of the Miami-Dade County Code, this form must be submitted as a condition of award by all Proposers on County contracts for purchase of supplies, materials or services, including professional services which involve expenditures of \$100,000 or more, and all Proposers on County or Public Health Trust construction contracts which involve expenditures of \$100,000 or more. The Proposers who is awarded this contract shall not change or substitute first tier subcontractors or direct suppliers or the portions of the contract work to be performed or materials to be supplied from those identified, except upon written approval of the County. The Proposers should enter the word "NONE" under the appropriate heading of this form if no subcontractors or suppliers will be used on the contract and sign the form below.

In accordance with Ordinance No. 11-90, an entity contracting with the County shall report the race, gender and ethnic origin of the owners and employees of all first tier subcontractors/suppliers. In the event that the recommended Proposer demonstrates to the County prior to award that the race, gender, and ethnic information is not reasonably available at that time, the Proposer shall be obligated to exercise diligent efforts to obtain that information and provide the same to the County not later than ten (10) days after it becomes available and, in any event, prior to final payment under the contract.

**(Please duplicate this form if additional space is needed.)**

Business Name and Address of First Tier Subcontractor/ Subconsultant	Principal Owner	Scope of Work to be Performed by Subcontractor/ Subconsultant	Principal Owner (Enter the number of male and female owners by race/ethnicity)								Employee(s) (Enter the number of male and female employees and the number of employees by race/ethnicity)						
			Gender		Race/Ethnicity						Gender		Race/Ethnicity				
			M	F	White	Black	Hispanic	Asian/Pacific Islander	Native American/ Native Alaskan	Other	M	F	White	Black	Hispanic	Asian/Pacific Islander	Native American/ Native Alaskan
Business Name and Address of First Tier Direct Supplier	Principal Owner	Supplies/Material s/Services to be Provided by Supplier	Principal Owner (Enter the number of male and female owners by race/ethnicity)								Employee(s) (Enter the number of male and female employees and the number of employees by race/ethnicity)						
			Gender		Race/Ethnicity						Gender		Race/Ethnicity				
			M	F	White	Black	Hispanic	Asian/Pacific Islander	Native American/ Native Alaskan	Other	M	F	White	Black	Hispanic	Asian/Pacific Islander	Native American/ Native Alaskan

Mark here if race, gender and ethnicity information is not available and will be provided at a later date. This data may be submitted to contracting department or on-line to the Small Business Development of the Department of Regulatory and Economic Resources at <http://www.miamidade.gov/business/business-development-contracts.asp>. As a condition of final payment, Proposer shall provide subcontractor information on the Subcontractor Payment Report Sub 200 form which can be found at <http://www.miamidade.gov/business/library/forms/subcontractors-payment.pdf>.

I certify that the representations contained in this Subcontractor/Supplier listing are to the best of my knowledge true and accurate.

Signature of Proposer

Print Name

Print Title

Date

**APPENDIX  
PUBLIC HOUSING & COMMUNITY DEVELOPMENT (PHCD)  
SECTION 3 OF THE HUD ACT OF 1968**

**CONE OF SILENCE EXEMPTION: PHCD staff and bidders may communicate orally while a bid is in progress and prior to award of bid to clarify Section 3 definitions, requirements and business preference procedures, pursuant to the Miami-Dade Commission on Ethics opinion on March 10, 2004.**

**I. GENERAL REQUIREMENTS FOR PHCD ONLY**

This contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968 and the implementing regulations in 24 Code of Federal Regulations (CFR) Part 135, as amended by interim rule published on June 30, 1994 (59 FR 33866). Bidders interested in receiving copy of this regulation may fax their request to Public Housing and Community Development (PHCD) Office of Compliance at 786-469-4151. Section 3 requires that, to the greatest extent feasible and consistent with Federal, State and local laws and regulations, job training, employment, and contracting opportunities be directed to low and very-low income persons. Contractors must familiarize themselves with Section 3 regulations and requirements.

This contract is also subject to federal affirmative marketing plan requirements, which require the contractor to take all necessary affirmative marketing steps to ensure small, minority and women-owned business enterprises are used only, if subcontracting is applicable to this contract.

**II. SECTION 3 DEFINITIONS**

The term "Section 3 business" is defined as follows:

Firms owned by Miami-Dade County (M-DC) residents who meet M-DC's low income household limits (see "Miami-Dade Income Limits") or whose firms include 30% of these persons as full-time employees.

The term "new hires" is defined as follows:

New hires means full-time employees for permanent, temporary or seasonal employment opportunities and include, but are not necessarily limited to, all management, maintenance, clerical and administrative jobs arising in connection with the development(s) stipulated in the contract award.

The term "Section 3 Resident" is defined as follows:

A **Section 3 Resident** is an individual who lives in Miami-Dade County and (a) is a resident of public housing; **or** (b) is a resident of another federally assisted housing program (Section 8, Section 202, etc.); **or** is a current recipient or participant in a public assistance program (TANF, JTPA, etc.); **or** (c) whose family household income meets the definition of a low-or very-low income family (see No. 5, below).

The current Miami-Dade Income Limits are as follows:

**MIAMI-DADE 2010 INCOME LIMITS**

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
<b>*Very Low Income (50%)</b>	\$24,650	\$28,150	\$31,650	\$35,150	\$38,000	\$40,800	\$43,600	\$46,400
<b>** Low-Income (80%)</b>	\$39,400	\$45,000	\$50,650	\$56,250	\$60,750	\$65,250	\$69,750	\$74,250

**III. SECTION 3 BID PREFERENCE TERMS AND REQUIREMENTS**

***Preference in the award of PHCD requests for quotes under this contract will be provided as follows:***

1. Bids are being solicited from all businesses. If no responsive bid by a PHCD pre-certified Section 3 business meets the “X” factor, as defined below, the contract may be awarded to the lowest responsive, responsible bidder.
2. Where applicable, an award will be made to the LOWEST responsive, responsible pre-certified Section 3 business, with the highest priority ranking, as stipulated under Section III, “Section 3 Business Priority Rankings”, if that bid: is within the maximum total contract price established in PHCD’s budget, and is not more than “X” higher than the total bid price of the lowest responsive

Bid Amount	X = Lesser of:
When the lowest responsive bid is less than \$100,000	10% of that bid, up to <b>\$9,000</b>
When the lowest responsive bid is between:	
\$100,000, but less than \$200,000	9% of that bid, up to <b>\$16,000</b>
\$200,000, but less than \$300,000	8% of that bid, up to <b>\$21,000</b>
\$300,000, but less than \$400,000	7% of that bid, up to <b>\$24,000</b>
\$400,000, but less than \$500,000	6% of that bid, up to <b>\$25,000</b>
\$500,000, but less than \$1 million	5% of that bid, up to <b>\$40,000</b>
\$1 million, but less than \$2 million	4% of that bid, up to <b>\$60,000</b>
\$2 million, but less than \$4 million	3% of that bid, up to <b>\$80,000</b>
\$4 million, but less than \$7 million	2% of that bid, up to <b>\$105,000</b>
\$7 million or more	1 %of lowest/responsive bid, with no dollar limit

bid from any responsible bidder. “X” is determined as follows:

3. For information on how to become a PHCD-certified Section 3 business, download application at [www.miamidade.gov/housing/section3](http://www.miamidade.gov/housing/section3) or fax, PHCD Office of Compliance, at 786-469-4151.
4. **In order for bidder to qualify for a Section 3 contracting preference**, bidder must be pre-certified by PHCD as a Section 3 business, at least two weeks prior to the bid opening date, and submit **Document 00200-B, “Section 3 Business Preference Claim”** (Attachment 2) with bid quote.
5. Section 3 businesses are required to comply with procedures listed under Section IV, “Section 3 Required Documents to Be Submitted with Each PHCD Bid (When Subcontracting is Not Applicable)”, page 3, and Section VI “Section 3 Required Contractor and Subcontractor Post-Award Procedures (PHCD Projects Only)”.
6. **SECTION 3 BUSINESS PRIORITY RANKINGS:** (The highest priority ranking (PR) is #1.)
  - PR#1:** 51% or more owned by PHCD public housing residents, or whose full-time, permanent work force includes 30 percent of these persons as employees (**Category 1 Businesses**);
  - PR#2:** Business owners who are or were participants (within last three years) in HUD Youth build programs currently operating in Miami-Dade County. For more information, contact YWCA of Greater Miami, Inc., at 305- 377-9922, or Fax 305-373-9922 (**Category 2 Businesses**);
  - PR#3:** 51% or more owned by residents of a federally assisted housing program, such as Section 8, Section 202, HOME, etc., or whose full-time, permanent work force includes no less than 30 percent of those persons as employees (**Category 3 Businesses**);
  - PR#4:** a) 51 percent or more owned by low or very low-income persons who reside in Miami-Dade County; or whose permanent, full-time work force includes no less than 30 percent of low-income Miami-Dade County persons as employees, including persons that are not currently low or very low-income persons but were low or very- low-income persons, as long as the date of first employment with the business concern has not exceeded a period of three years (see Section II. No. 4”, for current Miami-Dade low and very-low income limits); or

b) Provide evidence of a commitment to subcontract in excess of 25 percent of the total amount of subcontracts to be awarded to business concerns identified under Priority # 1 (category 1 businesses only (PR#4 a and b above are **Category 4 Businesses**)).

**IV. SECTION 3 REQUIRED DOCUMENTS TO BE SUBMITTED WITH EACH PHCD BID (WHEN SUBCONTRACTING IS NOT APPLICABLE)**

This contract is a Section 3 covered activity (Public Housing and Community Development (PHCD) only). Section 3 requires that job training, employment and contracting opportunities be directed toward low and very-low income persons and to businesses that provide economic opportunities to those persons.

**All bidders are required to execute and submit Document 00400, "Section 3 Economic Opportunity and Affirmative Marketing Plan (Plan)", with the bid (see Appendix Attachment 1).** An executed Plan document is the bidder's certification that he or she will take all necessary affirmative marketing steps required, in connection with PHCD project award, to (a) meet Section 3 training and employment goals, where feasible, when filling vacant or new positions resulting from PHCD awards, and also seek to recruit qualified minorities and women to fill vacant or new positions resulting from PHCD awards; and (b) meet Section 3 subcontract goals and ensure small minority and women subcontractors are used (where applicable is permitted).

**V. SECTION 3 OPTIONAL DOCUMENT (TO BE SUBMITTED WITH BID)**

Bidders who wish to claim a Section 3 bid preference, are required to submit *Document 00200-B, "Section 3 Business Preference Claim"* (Attachment 2), with the bid (see Section II., Section 3 Bid Preference Terms and Requirements, page 2). Only bidders who have been pre-certified by PHCD as a Section 3 business shall be eligible to claim a Section 3 business preference.

**VI. SECTION 3 POST-AWARD PROCEDURES (PHCD PROJECTS ONLY)**

1. The contractor must submit required PHCD post-award forms (presented at a PHCD post-award meeting), during the performance of the contract in the frequency and format requested by PHCD.
2. Contractor will be required to submit documentation to PHCD of efforts and results made to train and employ Section 3 residents (resulting from PHCD awards only) in accordance with his or her Plan during the performance of the contract in the format and frequency required by PHCD.
3. Contractor, including any Section 3, small, minority or women-owned business concern awarded work through this PHCD project, must commit to train and employ qualified Section 3 residents (only where vacant or new positions exist in connection with this award) to the greatest extent feasible, not less than **30% of the total number of new hires, but no less than one, whichever is greater**, within their labor force during the term of the contract, in the priority order indicated under Section VII, "Section 3 Resident Priority Order for Training and Employment Opportunities", No.8, below.
4. Contractor is also required to undertake efforts to hire public housing, Section 8 and other Section 3 residents (only where vacant or new positions exist in connection with this award), in part-time positions, for permanent, temporary, or seasonal employment.
5. In addition to nos. 1 and 2 above, contractors must solicit to all minorities and women when filling vacant or new full-time or part-time positions generated through PHCD projects.
6. Contractor must explain to all job applicants how to claim a Section 3 preference (using PHCD forms provided at each pre-construction meeting) and show them the Miami-Dade income chart, included under Section II, page 1.
7. When there is a need for new hires, contractor must include Section 3 preference language in job news ads, flyers, and community notice. Notices must be placed at the site where work is to take place and in the surrounding community.

8. When there is a need for new hires resulting from PHCD awards, contractor must carry out recruitment in accordance with the training and employment recruitment requirements listed in Contractor's Plan (see Document 00400, Attachment 1).

**VII. SECTION 3 RESIDENT PRIORITY ORDER FOR TRAINING AND EMPLOYMENT OPPORTUNITIES**

1. PHCD public housing residents (Category 1 residents);
2. Participants in HUD Youth build programs currently operating in Miami-Dade County. For more information, contact YWCA of Greater Miami, Inc. at 305-377-9922, or Fax 305-373-9922 (Category 2 residents);
3. Recipients of federal government housing assistance programs, such as Section 8, Section 202, HOME, etc., or who are participants in a federally funded job training program, such as J.T.P.A., etc. (Category 3 residents); or
4. Other individuals who reside in Miami-Dade County, and meet the definition of a low, or very low-income person, as defined in the current Miami-Dade Income limits (Category 4 residents).

**VIII. WELFARE-TO-WORK TAX INCENTIVE AND WORK OPPORTUNITY TAX CREDIT PROGRAM**

For information and application assistance, contact the South Florida Workforce, at 305-693-2060, 7900 NW 27 Avenue, Miami, FL 33147.

**IX. SECTION 3 CLAUSE**

The *Section 3 Clause* found at Section 3 regulation, 24 CFR Part 135, p.135.38, must be included in all Section 3 covered contracts. The awarded contractor and subcontractors (where applicable) will be bound by its provisions and the *Clause* and must be included in all subcontractor agreements.

**SECTION 3 CLAUSE**

- a. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that the employment and other economic opportunities generated by HUD assistance of HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low and very low income persons, particularly persons who are recipients of HUD assistance for housing.
- b. The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 135 regulations.
- c. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or worker's representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- d. The contractor agrees to include this Section 3 clause in every subcontract subject to be in compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.
- e. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed; and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment

opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.

- f. Noncompliance with HUD's regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- g. With respect to work performed in connection with Section 3 covered Indian housing assistance, Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises Parties to this contract that are subject to the provisions of Section 3 and Section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with Section 7(b).

## Page 1 of 2: DOCUMENT 00400; ATTACHMENT 1

**Section 3 Economic Opportunity and Affirmative Marketing Plan (Plan)**

Firm Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

The individual above, (consultant), is responsible for planning, implementing and tracking firm's Section 3 (S-3) and affirmative marketing training, employment and contracting goals applicable to Public Housing and Community Development (PHCD) projects and must comply with United States Housing and Urban Development's (USHUD) S-3 regulation at 24 CFR Part 135.

**Recruitment Procedures Required to Fill Vacant or New Contractor or Consultant or Subcontractor Positions (only if subcontracting is permitted) Resulting from all PHCD Project Awards**

1. The PHCD Section 3 Coordinator may assist by providing referrals for economic opportunities from public housing, other housing program recipients and Section 3 residents.
2. Advertise at job site and surrounding neighborhood for targeted workers and use *Document 00404*, "**Section 3 Language for News Ads, Flyers and Job Notices**" in all job notices & flyers.
3. Schedule a time and place convenient for public housing, other S-3 residents (listed under No. 1 above), minorities and women to complete job applications.
4. Contact YWCA of Greater Miami, Inc. at 305-377-9922, or fax 305-373-9922, for HUD Youth build employment referrals.
5. Send notices about S-3 training and employment obligations and opportunities required for Public Housing and Community Development projects to labor organizations, where applicable (review **Section 3 Clause**).
6. Present *Document 00401*, "**Section 3 Resident Preference Claim Form**" to all job applicants, explaining S-3 residents will receive preference in the recruitment process, if they meet minimum job eligibility criteria.
7. Ensure applicants that claim a S-3 preference provide proof as described in Document 00401, or complete *Document 00402*, "**Section 3 Resident or Employee Household Income Certification Form**" (Public housing residents must receive the highest preference points during the interview/selection process.)
8. Consultant and sub consultants are required to: (a) establish files to document all recruitment efforts and results when filling vacancies or new positions in connection with PHCD projects; (b) use Document 00403, "**Training & Employment Outreach Documentation**" form to document agency referral responses, and (c) produce evidence of recruitment efforts to PHCD as requested.
9. Consultant is responsible for collection of sub consultant(s) training and employment documentation outreach efforts (described under No. 8), new hire reports (required) and weekly employment forms (only when sub consultant(s) hire workers for vacant or new positions in connection with PHCD awards).

Forms described above, under No's. 2 and 6-8, are post-award forms, applicable to successful PHCD bidder only, and will be distributed at each pre-construction meeting.

Contractor's Recruitment of Section 3, Small, Minority and Women-Owned Businesses (Solicitation Requirements Applicable only on Projects which permit Subcontracting).

Consultant will follow Plan's affirmative marketing steps for each PHCD award, when he or she subcontracts work, to award a minimum goal of 10% of the overall award amount to S-3 businesses, where feasible, and ensure small, minority and women-owned businesses are used (definitions of a S-3 business and a small, minority and/or women-owned business may overlap, permitting S-3 and affirmative marketing goals in these awards to be simultaneously met). Consultants who subcontract work are required to provide PHCD with a written explanation if the S-3 minimum subcontracting goal is not met.

Consultant shall demonstrate compliance in solicitation to the business categories, listed above, by following the steps described on page two of this Plan and providing evidence to PHCD when requested.

1. Refer any interested sub consultants that may meet the criteria to become a certified S-3 business to *PHCD Office of Compliance* (Compliance) for S-3 business application assistance. The application to become a Section 3 pre-certified business is available at <http://www.miamidade.gov/housing/section3.asp>.
2. You may solicit Section 3 pre-certified businesses from PHCD S-3 business lists by faxing a request to the Section 3 Coordinator.
3. Contact *Department of Small Business Development* (SBD), 305-375-3111 or via email [miamidade.gov](mailto:miamidade.gov) to obtain lists of small, minority and/or women-owned businesses. Solicitations and awards must be made, where feasible, to various minority-owned firms, including minorities other than firm's own minority, and to women firms.
4. Advertise for S-3 sub consultants/subcontractors (subs) in construction trade journals, such as "The Dodge Reports", and post notices and distributes flyers at work site and surrounding neighborhood. The purpose of such advertisements is to make prospective subs aware of the Section 3 preference requirements applicable to PHCD project awards.
5. Fax, send or deliver "**Sub consultant Solicitation to Section 3, Small, Minority and Women Businesses**" form, to all prospective sub consultant firms solicited for each PHCD award.
6. Allow each sub consultant *a minimum of five business days* to respond to consultant's solicitation request. Include all "**Letters of Intent**" forms received from S-3, small, and minority, and women-owned sub consultants. Request sub consultants not interested or unavailable to bid to provide consultant with "**Certificate of Unavailability**" form.
7. Use the "**Outreach Documentation Form**" to document recruitment and follow-up with sub consultants. Make a second attempt to solicit to any S-3 firms who did not respond to the first solicitation attempt, using a variety of communication methods, i.e. facsimile, telephone, pager, e-mail, etc.
8. Consultants are required to negotiate with S-3 businesses, first and small, minority and women-owned businesses; second, if the sub consultant's bid amount would make the project infeasible.
9. Submit the following evidence to PHCD when requested (described under nos. 3-8 above and under "Contractors Recruitment of S-3, Small, Minority and Women businesses", page one, para. one). Other post-award required submittals include *Document 00430*, "**List of Subcontractors/Sub consultants**", and, from consultant and its sub consultants or subcontractors, *Documents 00450, 00452 and 00453*, "**Estimated Workforce Breakdown**", "**Employee List**" and "**Consultant/Sub consultant Certification**".
10. For each PHCD project award, retain documentation of outreach efforts and responses received from any organizations and sub consultants contacted for three years after project is completed.

Forms described above, under No's. 5-9, are post-award forms, applicable only if successful bidder will be subcontracting (where subcontracting is permitted)

(To obtain copies or additional information send request to PHCD Section 3 Coordinator at fax 786-469-4151).

**Sign and Print** Firm Official's Name and Title

Submission Date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

\_\_\_\_\_  
Firm Name/Address

Firm Telephone and Fax Numbers: \_\_\_\_\_

DOCUMENT REQUIRED WITH BID
DOCUMENT 00200-B ATTACHMENT 2

SECTION 3 BUSINESS PREFERENCE CLAIM FORM

This document applies to current PHCD certified Section 3 (S-3) businesses who wish to claim a bidder's preference. S-3 businesses must become certified at least two weeks prior to bid opening date to be eligible to claim S-3 bidder's preference. The S-3 Business application is available at http://www.miamidade.gov/housing/section3.asp or by request to the Section 3 Coordinator, at fax 786-469-4151.

Only initial those items applicable to your firm.

- 1. (Initial) (Firm Name) was certified by PHCD as a S-3 Business on (Date). Said firm is claiming a preference for the bid, identified below.
2. (Initial) Firm's original business certification was based on proof that firm owner was low or very low income. Firm owner's current family income meets the definition of a very-low or low-income household.
3. (Initial) Said firm certifies, below, with the firm president's signature, that the full-time employee composition, and the ratio of S-3 full-time employees to non-S-3 employees continues to be at least 30% or higher.
4. (Initial) Said firm has attached Document 00452, "Employee List". This list includes all current employees and is back-up for item No. 3 above.
5. (Initial) Said firm has attached, for each new S-3 employee (hired since original business certification date shown under item one above, if this proof has not previously been provided to PHCD Office of Compliance staff), Documents 00401, "Resident or Employee Preference Claim" and 00402, "Household Income Verification", or other applicable documentation, to demonstrate whether any new employees who have been hired after date of business certification meet the definition of a low or very-low income Miami-Dade family (based on household size and family income).

If items 4 and 5 above are initialed by bidder and/or applicable to bidder, bidder must attach the listed S-3 documentation. FAILURE TO DO SO SHALL INVALIDATE BIDDER'S S-3 BUSINESS PREFERENCE CLAIM.

BID NUMBER BID NAME

FIRM NAME (Please print or type)

PRESIDENT'S NAME (Please print or type)

PRESIDENT'S SIGNATURE:

PHONE AND FAX NUMBERS:

DATE: / /