



City of Cocoa | Finance Department | Purchasing & Contracts  
Division

65 Stone Street, Cocoa, FL 32922  
Phone: 321-433-8486, or extension 8844 | Fax: 321-433-8690

Solicitation Number:  
RFP-21-26-COC

**REQUEST FOR PROPOSALS (RFP)**

**Due Date:**  
**August 13, 2021 @**  
**3:00 PM**

**TITLE: City of Cocoa – Contract Mowing Services**

Issuance | Release Date: Tuesday, June 29, 2021  
Legal Advertisement Date: Tuesday, June 29, 2021 (Florida Today)  
To: All Prospective Proposers  
From: Heath Hancher, PmP, CPPM – Purchasing / Contracts Manager

Dear Potential Proposer:

The City of Cocoa, Florida, a municipal corporation existing under the laws of the State of Florida, herein after also referred to as the “City”, does hereby announce that it is accepting written proposals from all qualified firms or individuals interested in providing the services generally described herein and as specified in the “Scope of Services” of this Request for Proposals (RFP) document. The successful proposer(s) must demonstrate by his/her qualifications, experience, availability, approach, and work plan that he/she will best serve the overall needs of the City.

If you are interested in preparing a response to this RFP, please read requirements carefully and complete the proposal in the manner as set forth in this RFP document. Your response is considered a binding offer to perform in the manner described in the proposal response and shall remain a firm offer for a period not to exceed one hundred eighty (180) days from public opening. Also please be aware that, under the competitive proposal process, the stipulations set forth herein are fully binding on the proposer to the extent that you confirm acceptance by your signature on **Attachment “F”, Price Proposal and Acceptance of Proposal Terms and Conditions.**

**There will be a NON-MANDATORY Pre-Proposal conference held for this project Tuesday, July 13 at 10:00 AM Local Time. Due to COVID-19 a virtual dial in is provided: (321) 635-7600 | Participant Code: 395 181 472 PRESS #.**

Questions regarding this solicitation must be received in writing at the address above **no later than Friday July 30<sup>th</sup>, at 5:00 PM.** Responses to those questions considered material to the solicitation shall be distributed via formal addenda and posted to the City of Cocoa website: <https://www.coco afl.org> and to the City’s online bidding platform, Vendor Link, <http://www.myvendorlink.com>.

**All proposers are advised that under Chapter 119, Florida Statutes, all responses are deemed a public record and open to the public as provided for in said statute.**

The City welcomes your response to this RFP document. Proposals should be prepared in accordance with the RFP instructions and will be evaluated by the City as stated in the evaluation section of this document. The City reserves the right to waive any formalities, to reject any or all proposals or to re-advertise for proposals for these services. The City may withdraw all or part of this RFP at any time to protect the interests of the City. All proposers are asked to be thorough yet concise in their response. Failure to provide the response in the manner prescribed herein may be grounds for disqualification. Thank you for your interest in doing business with the City of Cocoa, Florida.

City of Cocoa, Florida | Purchasing & Contracts Division



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**SECTION 1. PROJECT OVERVIEW.**

**1.01 INTENT AND PURPOSE.**

It is the intent of the City to contract mowing services from multiple professional lawn maintenance providers capable of meeting the requirements set forth within this Request for Proposal (RFP). Various locations within the City’s limit shall be maintained on a regularly scheduled basis throughout the year. Contractors must have the ability to maintain the areas depicted within the scope of work, exhibits herein without deviation of the set schedules, areas, services and work as defined.

The City intends the award of this RFP to multiple vendors as a multi-year; three-year (3) plus two (2) one-year renewals – not to exceed five (5) years, continuing services agreement. Renewals shall be determined based upon contractor performance and what is considered to be in the best interest of the City.

**1.02 PROJECT BACKGROUND.**

The City of Cocoa has contracted mowing services previously for many of its’ local municipal buildings, roadways, easements, parks etc., with assistance through the Florida Department of Corrections to offset areas that could not be attended due to manpower constraints. Since COVID-19, the use of the Department of Corrections has since been cancelled leaving the City to expand the areas requiring contracted mowing services.

**1.03 CITY OF COCOA HISTORICAL REFERENCE.**

The City of Cocoa was incorporated in 1895 and is located at the crossroads where Florida Avenue and Stone Street intersect, and just two blocks from Highway US 1 and SR 520. City Hall is nestled within the Historic Cocoa Village, Taylor Park, Lee Wenner Park and boat ramp making Cocoa Village a popular tourist spot.

The City's thriving downtown Historic Cocoa Village is home to the Historic Cocoa Village Playhouse, which attracts nearly 30,000 visitors each year, as well as the headquarters for the Florida Historical Society, and historic landmarks such as Porcher House and Derby Street Chapel.

Cocoa is centrally located in Brevard County and the State of Florida, giving you access to the Orlando region without the costs of operating there. Cocoa is served by Interstate 95 running north-south and State Road 528 running east-west, giving you access to major metropolitan regions such as Jacksonville, Tampa, and Fort Lauderdale/Miami. Located 30 minutes from Orlando International Airport and just minutes to Port Canaveral, access to the nation and the global marketplace is within reach.

The City operates under a City Council, City Manager form of government and provides a full range of services to include, police, the construction and maintenance of streets, sidewalks, parks, stormwater, wastewater, water and other infrastructure, engineering, planning and community development, code enforcement, general administration and support services, and recreational and cultural events.



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A quick City Snapshot (as of 2020, provided by the Cocoa Economic Development Office):

- Area: 13.33 square miles
- Population: 19,110
- Median Household Income: \$39,735
- 18 Parks

**1.04 TERM.**

The term of this agreement shall be awarded as a Continuing Service Level Agreement for a period of three (3) years, plus two (2) one-year renewals, not to exceed five (5) total years. The City shall afford the Contractor 15-days to correct any contractual violations, shortcomings, or poor performance by providing a detailed written notice of the areas needing corrected. The City also reserves the right to terminate upon issuance of a written 30-day notice to the Contractor should the Contractor fail to meet the expectations of the City or satisfactorily correct deficiencies due to poor performance, failure to comply with contractual guidelines, failure to adhere to invoicing instructions or other factors that may inhibit the services rendered.

**1.05 MINIMUM REQUIREMENTS.**

In order to be considered, the firm must meet all of the following criteria:

- A. The Proposer shall have been in business for a minimum of **five (5) consecutive years** and shall currently be licensed to perform services, specifically experienced with contracted mowing / maintenance services within the State of Florida. This requirement shall be based on the Solicitation's due date. Copies of documentation demonstrating meeting this minimum requirement shall be submitted with your response. Examples of documentation may include, but not be limited to; local business tax receipts for five (5) years, corporation documents with date of inception, certificate of authority, etcetera.
  1. If the business headquarters is located **outside of the state of Florida**, they shall currently be licensed to perform services, specifically experienced with contracted mowing / maintenance services in both their home state and the state of Florida; and shall have been in business for a minimum of **five (5) consecutive years**. This requirement shall be based on the Solicitation's due date. Copies of documentation demonstrating meeting this minimum requirement shall be submitted with your response. Examples of documentation may include, but not be limited to, local business tax receipts for five (5) years, corporation documents with date of inception, certificate of authority, etcetera.
    - a. In this case the Proposer shall submit to Procurement a current Certificate of Authority, which is issued through the Department of State and in accordance with Florida Statute 607.1501, within ten (10) business days upon notice of intent to award.
- ~~B. The Proposer must have a current Florida General Contractors License and provide proof of certification within their proposal.~~
- ~~C. The Proposer must have a current Florida Underground Contractors License and provide proof of certification within their proposal.~~



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- D. The Proposer must demonstrate a minimum of three (3) years specifically experienced with contracted mowing / maintenance services, **Attachment “K” References** with your proposal response. Three (3) consecutive years’ experience is defined as December 2017 through December 2020. The Proposer must provide ALL requested information in **Attachment “K” References** to demonstrate meeting this requirement. Proposers not demonstrating minimum similar and acceptable experience will be deemed non-responsible.
- E. ~~Provide letter from an authorized agent of Florida admitted bonding company stating:~~
  - 1. ~~Maximum bonding capacity of the Proposer.~~
  - 2. ~~Bonding Company and Contractor are capable of fulfilling all bonding requirements set forth in this solicitation, inclusive of 1) meeting time requirements of producing performance and payment bonds; and 2) Surety evidencing bonding capacity to handle the requirements of work specified herein per Section 1.08, Performance Payment Bond. This letter shall be valid for one year.~~
- F. The Proposer (Company) shall provide a letter from their insurance agent stating the Proposer’s ability to obtain the insurance requirements of General Liability of not less than \$1,000,000.00, Business Auto Policy of not less than \$1,000,000.00 and Worker Compensation Insurance covering all employees meeting Statutory Limits.

The Proposer shall provide proof of the above minimum qualification by furnishing copies and or written documentation to substantiate meeting the requirements. Failure to provide said documentation with your proposal shall be grounds for deeming your proposal unresponsive and removing it from further consideration. This is a non-negotiable item.

**1.06 FEDERAL REGISTRATION REQUIREMENT.**

- A. The successful proposer will be required to obtain and maintain a current DUNS number and CAGE code registration for the life of this Agreement.
- B. Data Universal Numbering System Number (DUNS) and System for Award Management (SAM) requirements FAR 52.204-7:
  - 1. Definitions. As used in this provision:
    - a. “Data Universal Numbering System (DUNS) number” means the 9-digit number assigned by Dun and Bradstreet, Inc. (D&B) to identify unique business entities.
    - b. “Data Universal Numbering System +4 (DUNS+4) number” means the DUNS number assigned by D&B plus a 4-character suffix that may be assigned by a business concern. (D&B has no affiliation with this 4-character suffix.) This 4-character suffix may be assigned at the discretion of the business concern to establish additional System for Award Management records for identifying alternative Electronic Funds Transfer (EFT) accounts (see the FAR at subpart 32.11) for the same concern.
    - c. “Registered in the System for Award Management (SAM) database” means that:
      - i. The proposer has entered all mandatory information, including the DUNS number or the DUNS+4 number, the Contractor and Government Entity (CAGE) code, as well as data required by the Federal Funding Accountability and transparency Act of 2006 (see subpart 4.14) into the



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- SAM database;
- ii. The proposer has completed the Core, Assertions, and Representations and Certifications, and Points of Contact sections of the registration in the SAM database;
  - iii. The Government has validated all mandatory data fields, to include validation of the Taxpayer Identification Number (TIN) with the Internal Revenue Service (IRS). The bidder will be required to provide consent for TIN validation to the Government as a part of the SAM registration process; and
  - iv. The Government has marked the record “Active”.
2. By submission of an offer, the proposer acknowledges the requirement that a prospective awardee shall be registered in the SAM database prior to award, during performance, and through final payment of any contract, basic agreement, basic ordering agreement, or blanket purchasing agreement resulting from this solicitation.
  3. The bidder shall enter on the proposer’s response, the DUNS or DUNS +4 number that identifies the proposer’s name and address exactly as stated in the RFP response. The DUNS number will be used by the Purchasing & Contracts Division to verify that the proposer is registered in the SAM database.
  4. If the proposer does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one.
    - a. A proposer may obtain a DUNS number— (i) Via the Internet at <http://fedgov.dnb.com/webform> or if the bidder does not have internet access, it may call Dun and Bradstreet at 1-866-705-5711 if located within the United States; or (ii) If located outside the United States, by contacting the local Dun and Bradstreet office. The proposer should indicate that it is a proposer for a U.S. Government contract when contacting the local Dun and Bradstreet office.
    - b. The proposer should be prepared to provide the following information:
      - i. Company legal business.
      - ii. Trade style, doing business, or other name by which your entity is commonly recognized.
      - iii. Company Physical Street Address, City, State, and ZIP Code.
      - iv. Company Mailing Address, City, State and ZIP Code (if separate from physical).
      - v. Company Telephone Number.
      - vi. Date the company was started.
      - vii. Number of employees at your location.
      - viii. Chief executive officer/key manager.
      - ix. Line of business (industry).
      - x. Company Headquarters name and address (reporting relationship within your entity).
  5. If the proposer does not become registered in the SAM database in the time prescribed in this solicitation, the City will proceed to award to the next lowest responsive and responsible registered proposer.
  6. Processing time, which normally takes forty-eight (48) hours, should be taken into



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consideration when registering. Proposers who are not registered should consider applying for registration immediately upon receipt of this solicitation.

- 7. Proposers may obtain information on registration at <https://www.acquisition.gov>.

**1.07 RFP BID BOND. (NOT APPLICABLE)**

NO BID BOND IS REQUIRED FOR THIS RFP.

**1.08 PERFORMANCE AND PAYMENT BONDS. (NOT APPLICABLE)**

~~Upon award of this project, the successful proposer(s) shall furnish a Performance and Payment Bond, or alternative form of performance and payment security such as a money order, certified or cashier’s check, cash (U.S. currency only), letter of credit as outlined herein. This is a Standby / Pre-Event Agreement. Upon activation of a Pre-Event Agreement by the City, the Contractor will be required to provide Performance and Payment Bonds in the amount of \$1,000,000 or 100% of the Contract value, whichever is greater, within seventy two (72) hours of the issuance of a written ‘Notice to Proceed’ or Purchase Order by the City. Once activated, the Payment and Performance Bonds shall be in force for a period of not less than one (1) year from the date of original execution by the Bond Surety. No commencement of work shall be authorized by the City without receipt of the Performance and Payment Bond or alternative security.~~

~~A. The Performance and Payment Bond shall be submitted in the form of a Payment and Performance Bond; made payable to the City of Cocoa – City Clerk’s Office, issued by a Surety firm and through a reputable and responsible surety bond agency licensed to do business in the State of Florida.~~

- ~~1. The Surety must be rated as "A+”® or better as to strength by Best’s Insurance Guide, published by A. M. Best Company, Inc., located at 1 Ambest Road, Oldwick, New Jersey 08858. For the latest ratings and Insurance Guide, access [www.ambest.com](http://www.ambest.com).~~
- ~~2. In lieu of a Payment and Performance Bond, the successful proposer(s) may select one (1) of the below listed alternative methods to provide the required security:~~
  - ~~a. A money order, certified or cashier’s check drawn from a national or state bank whose deposits are insured by the Federal Deposit Insurance Corporation (FDIC), in the amount of one hundred percent (100%) of the total amount awarded under this project, made payable to the City of Cocoa;~~
  - ~~b. An irrevocable Letter of Credit drawn from a national or state bank whose deposits are insured by the Federal Deposit Insurance Corporation (FDIC), in the amount of one hundred percent (100%) of the total amount awarded under this project, made payable to the City of Cocoa. The irrevocable Letter of Credit shall contain the following:~~

~~➤ The “Beneficiary” shall be stated as:~~

- ~~\_\_\_\_\_ City of Cocoa – City Clerk’s Office~~
- ~~\_\_\_\_\_ 65 Stone Street~~
- ~~\_\_\_\_\_ Cocoa, Florida 32922~~



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➤ ~~The Letter of Credit shall also contain the following language:~~

~~“It is a condition of this letter of credit that it shall be deemed automatically extended without amendment for one (1) year from the present or any future expiration date of this letter of credit unless at least forty five (45) days prior to such expiration date we notify the beneficiary by certified mail that we elect not to consider this letter of credit renewed for such additional period.”~~

~~e. Cash (U.S. currency only).~~

~~3. The terms of the Payment and Performance Bond or alternative form of security used shall be:~~

~~a. The successful proposer(s) shall assure faithful performance of this project;~~

~~b. The successful proposer(s) shall assure timely payments to all persons providing labor, materials and/or supplies used in the performance of the work associated with this project;~~

~~c. Any interest earned as a result of the City depositing the accepted money order, certified or cashier’s check, or cash received into an interest bearing account shall be retained by the City; and,~~

~~d. Nothing in this section shall be construed to limit the authority of the City Council, the City Manager, or the Procurement Administrator to require other security in addition to, or in lieu of, those bonds or in circumstances other than those specified herein, when in the best interest of the City.~~

~~B. Return of Payment and Performance Bond or alternative form of security used. It shall be the sole responsibility of the successful proposer(s) to request in writing from the City the return of the Payment and Performance Bond or alternative form of security used. The request shall be considered no earlier than thirty (30) calendar days upon completion and final acceptance of the City, or expiration in a satisfactory manner of the awarded Agreement associated with this project. Payment and Performance Bonds or alternative form of security used shall not be returned unless requested by the successful proposer(s) in writing.~~

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## **SECTION 2. SCOPE OF SERVICES AND TECHNICAL REQUIREMENTS.**

### **2.01 GENERAL PROJECT DESCRIPTION AND REQUIREMENTS.**

#### **A. GENERAL PROJECT DESCRIPTION.**

All areas to be maintained are defined within Attachment F of this RFP. All grass and vegetation shall be cut down to a height of four (4-inches), unless otherwise directed by the Project Manager, with no streaks or scalping of the areas mowed. Mowing areas of different widths shall be connected with smooth flowing transitions. The use of hand tools, such as string trimmers, when used shall comply with the 4-inch minimum height requirement unless specified otherwise.

Completed areas will be inspected for quality and acceptance by the Project Manager. Areas determined to be unsatisfactory by the Project Manager shall be re-mowed at no additional cost to the City of Cocoa. Areas requiring re-mowing shall be completed within the cutting cycle time.

This Request for Proposal is solicited in accordance with Federal Procurement requirements as provided in 2 CFR 200. Contractors must follow and comply with all applicable requirements stated in 2 CFR §200.318 through §200.326 and Appendix II to Part 200 in the execution of this Agreement and must require and enforce similar compliance with all sub-contractors.

It is the City's belief that the service required is adequately described herein. Therefore, any negotiated contract, which may result from this RFP, must include the entire effort required of the Contractor to provide the service described. Specifically, no additional fees shall be allowed for any additional services performed for any reasons whatsoever except those directly attributable to the City's errors or omissions. A provision to this effect shall be included in any negotiated contract.

### **2.02 QUALIFICATIONS.**

The City wishes to assess the respondent's experience with services that are similar to those that would be envisioned in the Scope of Services associated with this contract. To familiarize the City with the applicable work experience, each respondent shall provide the following information that documents the respondent's qualifications.

The following minimum respondent qualifications have been established. Subject to the City's right to waive minor irregularities, Proposers that do not meet the mandatory minimum qualifications will be deemed non-responsive and will not be considered for further evaluation.

The proposer shall provide proof of the above minimum qualification by furnishing copies and or written documentation to substantiate meeting the requirements. Failure to provide said documentation



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with your proposal may be grounds for deeming your proposal unresponsive and removing it from further consideration.

**2.03 PERFORMANCE SCHEDULE.**

1. The Contractor will provide continuous services, per the rates proposed, negotiated, and agreed upon for the period specified in the notice to proceed upon issuance.
2. The Contractor will mobilize a staff of sufficient size to complete the work.
3. Should inclement weather prevent the Contractor from performing the work stated herein, the Project Manager and Contractor shall coordinate make-up dates to ensure services are caught up and back on the scheduled plan.

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**SECTION 3. GENERAL INSTRUCTIONS FOR PROPOSAL DELIVERY AND PREPARATION.**

**3.01 REQUESTING THE SOLICITATION DOCUMENT.**

The RFP documents are available on-line at no charge via the City of Cocoa online bidding platform, <http://www.myvendorlink.com>, and posted as public notice on the City’s website. Vendors must be registered through Vendor Link to download the solicitation documents. The City is not responsible for errors and omissions occurring in the transmission or downloading of any documents from these websites. In the event of any discrepancy between information on these websites and the hardcopy specifications, the terms of the hardcopy specifications shall prevail. For more information, call the Purchasing & Contracts Division (321) 433-8833 or by email at [purchasing@cocoafll.org](mailto:purchasing@cocoafll.org) . Important: The desire of the City to pursue proposals shall in no way obligate the City to compensate you for your efforts or to execute a contract with your firm.

**3.02 ON-LINE SERVICE PROVIDER DISCLAIMER.**

Vendor Link LLC has no affiliation with the City other than as a service that facilitates communication between the City and its vendors. Vendor Link is an independent entity and is not an agent or representative of the City. Communications to Vendor Link do not constitute communications to the City.

**3.03 SOLICITATION DOCUMENTS FROM THIRD PARTY PROVIDERS.**

The City of Cocoa Purchasing & Contracts Division , its website, and its service provider Vendor Link is the only authorized source of solicitation documents/forms. Solicitation documents/forms obtained from any other third-party source may be an incomplete set of documents. Proposers using solicitation documents/forms obtained from any other third-party ;source are advised to contact the City’s Purchasing & Contracts Division to provide a contact name, mailing address, phone number, fax number, and email address to obtain a complete set of solicitation documents and to enable notification of required addenda. Reproduction of these documents without the express permission of the City is prohibited.

**3.04 PRE-PROPOSAL CONFERENCE.**

There will be a NON-MANADATORY Pre-Proposal conference for this project, on **July 13<sup>th</sup>, 2021 at 10:00AM** local time, City of Cocoa, City Hall, 3<sup>rd</sup> Floor Conference Room, 65 Stone Street, Cocoa, FL 32922. **Due to COVID-19 a virtual dial in is provided: (321) 635-7600 | Participant Code: 395 181 472 PRESS #.**

**IMPORTANT NOTE:** It is imperative that all proposers have a clear understanding of the scope of services requirements. As such, the City reserves the right to schedule a pre-proposal conference. Therefore, in the event a mandatory pre-proposal conference is required and/or subsequently scheduled, attendance will be a pre-requisite for submitting a proposal; and proposals will only be accepted from those who are represented at a mandatory pre-proposal conference. Attendance at the pre-proposal conference will be evidenced by the proposer’s/representative’s signature on the attendance roster. In the event of a mandatory pre-proposal conference, the time, date, and location of the meeting will be noted in the released Addendum notifying such requirement. Please plan your travel time accordingly.



**City of Cocoa | Finance Department | Purchasing & Contracts  
Division**

65 Stone Street, Cocoa, FL 32922  
Phone: 321-433-8486, or extension 8844 | Fax: 321-433-8690

**Solicitation Number:  
RFP-21-26-COC**

**REQUEST FOR PROPOSALS (RFP)**

**Due Date:  
August 13, 2021 @  
3:00 PM**

**TITLE: City of Cocoa – Contract Mowing Services**

**3.05 INTERPRETATION AND QUESTIONS.**

All questions relating to this RFP must be submitted in writing and delivered electronically via email to the Purchasing Division no later than **5:00 P.M. Local Time on Friday, July 30<sup>th</sup>, 2021.**

The Purchasing Division will serve as the appointed official for receiving all questions pertaining to this RFP and publisher of corresponding addendums associated to this solicitation.

City of Cocoa Purchasing & Contracts Division  
65 Stone Street, 3<sup>rd</sup> Floor Conference Room, Cocoa, Florida 32922

Phone: (321) 433-8833, or extension 8844

Email: [purchasing@cocoafll.org](mailto:purchasing@cocoafll.org)

Subject: RFP – 21 – 26 - COC City of Cocoa – Contract Mowing Services

- A. It is the proposer’s responsibility to become familiar with and fully informed regarding the terms, conditions, and specifications of this RFP solicitation. Lack of understanding and/or misinterpretation of any portions of this RFP solicitation document shall not be cause for withdrawal of your RFP response after opening or for subsequent protest of award. Proposers must contact the Purchasing & Contracts Division **prior** to proposal opening, should clarification be required.
- B. Any interpretations, clarifications, or changes will be made in the form of written addenda issued by the Purchasing & Contracts Division .
- C. Any oral communications will not be authoritative and will not be binding on the City.
- D. It is the sole responsibility of the proposer to contact the Purchasing & Contracts Division **prior** to submitting a proposal to ascertain if any addenda have been issued, to obtain all such addenda, and to return executed addenda with each proposal.
- E. Addenda’s will be available to all proposers on the City of Cocoa’s online bidding platform, Vendor Link (<http://www.myvendorlink.com>).

**3.06 PREPARATION AND FORMAT.**

Proposals shall be prepared in an Original one (1) and four (4) copies to include one (1) electronic copy by use of USB Drive. Packages must be submitted in a clear and concise manner to meet the requirements of the RFP. Emphasis should concentrate on conformance to the RFP instructions, responsiveness to the requirements, as well as completeness and clarity of content.

**3.07 PAGE LIMITATION.**

Proposal packages shall be limited to not more than Fifty (50) pages, printed on a single side of paper, with a font no less than twelve (12) point.

Note: Required attachments and forms will not be counted in the Fifty (50) page limitation.

**3.08 COMPLETENESS.**



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Proposals shall contain the information as required in this solicitation. Failure to submit all information as requested may result in a lowered evaluation score of the proposal. Proposals that are substantially incomplete or lack key information may be rejected by the City. The following list details the appropriate proposal format:

- A. Selection dividers with tabs labeled. Tab “A” through Tab “E”, to identify each required criterion in Section 5;
- B. All attachments shall be placed under the appropriate tab for that sub-section.
- C. Currently valid Certificates of Insurance; and Local Business Tax Receipt (formerly known as Occupational License) shall be placed under Tab “A” of your proposal.

**3.09 JOINT VENTURES.**

All proposers intending to submit a proposal as a Joint Venture are required to have filed proper documents with the Florida Department of State, the Division of Professions, Construction Licensing Board and/or any other state or local licensing Agency prior to submitting a proposal response. Please refer to Section 489.119 Florida Statutes.

Joint Venture Firms must provide an affidavit attesting to the formulation of a joint venture and provide either proof of incorporation as a joint venture or a copy of the formal Joint Venture Agreement between all joint venture parties, indicating their respective roles, responsibilities, and levels of participation for the project.

**3.10 CORPORATE STANDING AND AUTHORIZED SIGNATORY.**

The proposer must demonstrate that the company is in good standing and that the person signing this proposal is an Authorized Signatory on behalf of the proposer to sign proposals, negotiate and/or sign contracts, agreements, amendments, and related documents to which the proposer will be duly bound. The proposer must provide a copy of the State Certificate of Good Standing/Articles of Incorporation listing the officers of the company. In addition to the aforementioned documents the Bidder/Proposer must include necessary information to verify the individual signing this proposal/bid and or any contract document has been authorized to bind the corporation. Examples include:

- A. A copy of your Articles of Incorporation listing the approved signatories of the corporation.
- B. A copy of a resolution listing the members of staff as authorized signatories for the company.
- C. A letter from a corporate officer listing the members of staff that are authorized signatories for the company.

**3.11 PROPRIETARY INFORMATION.**

- A. In accordance with Chapter 119 of the Florida Statutes (Public Records Law); and except as it may be provided by other applicable State and Federal Law, all Proposers should be aware the Request for Proposals(RFP) solicitation and the responses thereto are in the public domain. Proposers are requested to identify specifically any information contained in their Proposals which they consider confidential and/or proprietary and which they believe to be exempt from disclosure, citing, specifically the applicable exempting law.



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B. A generic notation that information is “confidential” is not sufficient. Failure to provide the Purchasing & Contracts Division with a detailed explanation and justification including statutory cites and specific reference to your Proposal detailing what provisions, if any, you believe are exempt from disclosure, may result in your entire Proposal being subject to disclosure in accordance with Chapter 119 of the Florida Statutes.

**3.12 PROPOSAL REPRODUCTION.**

Please submit five (5) copies of the proposal package, one (1) unbound original, four (4) bound copies. The submittal **MUST** also include a single memory stick containing the entire submittal electronically formatted to be read with Microsoft® software products or Adobe® PDF software.

**3.13 PROPOSAL SUBMITTAL AND DELIVERY.**

A. Sealed proposals must be received in the City’s Purchasing & Contracts Division **no later than 3:00 P.M. Local Time on Friday, August 13, 2021**. Proposals received after the stated date and time will not be accepted and will be returned unopened. The City will not be responsible for any bid/proposal delivered incorrectly or to the wrong address or location. No exceptions will be made. Proposals shall be submitted and delivered to the below address in a sealed, opaque envelope or packaging material, plainly marked on the outside with the following:

City of Cocoa Purchasing & Contracts Division  
65 Stone Street, 3<sup>rd</sup> Floor  
Cocoa, Florida 32922  
RE: Solicitation RFP 21-26-COC  
Solicitation Title: City of Cocoa - Contract Mowing Services  
Date and time proposal is due. August 13, 2021 at 3:00PM ET

For your convenience, **Attachment “Q”, Solicitation Response Identification Label** has been provided to properly identify and affix to your RFP response.

B. If submitted by mail, the Proposal submittal shall be enclosed in a sealed envelope addressed to the designated Procurement Administrator. Proposals submitted by mail must be received by the Purchasing & Contracts Division by the time specified herein for the opening thereof.

1. Please be advised that United States Postal Service (USPS) Express and Priority service class; are delivered to the City once daily. Accordingly, in order for a submission to be received by the Purchasing & Contracts Division when the services of the USPS are used, a proposer or bidder is responsible for ensuring that their submittal is transmitted in such manner as necessary for the USPS to receive, sort, and deliver to the City by the submittal due date and time.
2. The City only collects other USPS mail one (1) time per day upon opening of the local Post Office branch, which is then sorted by the City for delivery to the Purchasing & Contracts Division and other City departments. Submissions arriving at the USPS after the initial



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pick-up by the City will be placed in the City’s callbox for pick-up and will not be delivered to or received by the Purchasing & Contracts Division until the next business day.

- 3. When using the USPS or any other mail delivery services, it is the sole responsibility of the Proposer to ensure that Proposals are received in the Purchasing & Contracts Division by the due date and time. The City shall not be responsible for delays caused by any occurrence.

**3.14 IMPROPER IDENTIFICATION AND TIMELINESS.**

The City is not responsible for the failure of a proposer or the proposer’s agent to submit responses in a timely manner or for a proposal that is not properly addressed or identified. Proposal delivery by electronic means, such as facsimile and e-mail, is not allowed.

**3.15 PUBLIC OPENING OF PROPOSALS.**

Proposals will be announced publicly by the Purchasing & Contracts Division on the due date and time or as soon thereafter as possible. Only the names of the respondents and verification of bond submittal, if applicable, will be publicly announced. Sealed bids, proposals, or replies received by an agency pursuant to a competitive solicitation are exempt from s. 119.07(1) and s. 24(a), Article I of the State Constitution until such time as the agency provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever is earlier. All other information will be subject to Florida’s Open Government Laws to Public Contracting.

**3.16 WITHDRAWAL OF PROPOSALS.**

Proposals may not be withdrawn for a period of one hundred eighty days (180) days after the public opening date.

**3.17 OWNERSHIP OF DOCUMENTS.**

All documents resulting from this RFP solicitation shall become the sole property of the City. All Proposals received from proposers in response to the RFP solicitation will become the property of the City and will not be returned to proposers. In the event of an award, all documentation produced as part of the Contract will become the exclusive property of the City.

- A. Drawings, specifications, designs, models, photographs, reports, surveys, calculations, and other data provided in connection with this RFP solicitation and/or awarded agreement as a result of this solicitation process; are and shall remain the property of the City whether the project for which they are made is executed or not. Such finished or unfinished documents, data, calculations, studies, surveys, specifications, drawings, maps, models, photographs and reports prepared by the successful proposer(s) shall be delivered by the successful proposer(s) to the City at the conclusion of the project or the termination of the successful proposer(s)’ services.
- B. When such documents are provided to other parties, the successful proposer(s) shall ensure return of the City’s property by collecting a deposit equal to the cost of reproduction.

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**SECTION 4. RFP SOLICITATION PROCESS SCHEDULE.**

**4.01 TENTATIVE SCHEDULE.**

<b>Tentative Schedule</b>	
<b>Task</b>	<b>Date</b>
RFP Released to General Public	Tuesday June 29, 2021
RFP Non-Mandatory Pre-Proposal Meeting	Tuesday July 13 at 10:00AM ET
Deadline for Questions by Interested Parties	Friday July 30 at 3:00 PM ET
Proposal Due Date and Opening	Friday August 13 at 3:00 PM ET
Evaluation and Selection	August 2021
Presentations, if required	TBD
City Council or City Manager Approval of Contract	TBD

**SECTION 5. PROPOSAL RESPONSE, CRITERIA, AND EVALUATION POINT VALUES.**

**5.01 FIRM QUALIFICATIONS AND EXPERIENCE – TAB “A”**

- A. **Letter of Transmittal.** Provide a letter of transmittal, no longer than two (2) pages, signed by an authorized representative of the proposer, including a brief description of your firm’s location, organization structure, and philosophy.
- B. **Individuals and Qualifications.** Identify and include qualifications of specific individuals to be assigned to the project (include names, contact information, and resumes) and specify which services the individuals will provide to the City.
- C. **Litigation.** Please list any past and/or pending litigation or disputes relating to the work described herein that your firm has been involved in within the last five (5) years. The list shall include each project name and the nature of the litigation.
- D. **Financial Information.** Provide an official letter from the proposer’s financial institution detailing the financial status of the proposer. The letter shall include a contact name, address, phone number, and fax number. The failure to produce financial requirements may be grounds for disqualification of your proposal response and offer.

**5.02 SIMILAR PROJECTS – TAB “B” .**

- A. To demonstrate experience and success in conducting similar work, the proposer shall provide a minimum of five (5) references of similar size projects in similar circumstances with appropriate reference information, concentrating only on those projects completed within the last three (3) years or currently underway by the proposer’s firm, as follows:



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1. Client name, address, phone, fax number and email address;
  2. Description of all services provided;
  3. Performance period; and,
  4. Total annual amount of contract.
  5. Unless otherwise stated to submit reference information in a different format/manner, please complete and submit **Attachment “K” References** with your proposal response.
- B. Please provide a listing of current contracts your firm is committed to servicing as the City wants to determine whether your firm has enough capability to service the City and not have constraints due to other commitments.
- C. Describe any significant or unique awards received or accomplishments made in previous, similar projects.

**NOTE:** Please do not include projects completed or currently underway with the City of Cocoa.

**5.03 PROJECT APPROACH – TAB “C”.**

- A. State your firm’s technical approach to the project and the interpretation of the scope of services required.
- B. Define the adequacy of resources, including personnel, labor, equipment and supply resources, and other requirements to provide the requested services. Please include a listing of currently owned/leased equipment your firm has readily available for deployment upon activation. The City wants to determine whether your firm has enough capability to service the City and not have constraints due to other commitments.
- C. Provide a clear statement of the specific services and tasks to be performed. Include information concerning each task and staff committed to accomplish each task.
- D. Provide a typical response time and/or project implementation schedule for proposed services including any management and planning strategies.
- E. Provide information regarding any proposed innovative concepts that may enhance the value and quality of the services to be performed.

**5.04 RFP SOLICITATION RESPONSE REQUIRED FORMS – TAB “D”.**

Proposers shall include all applicable and duly executed forms under this section.

- A. **Insurance Certificates.** Provide copies of your current liability and workers’ compensation Certificates of Insurance. The successful proposer(s) will be required to provide Certificate(s) of Insurance evidencing coverage as required in **Attachment “B”, Insurance Requirements** within five (5) business days of the notification of intent to award. Note: Policies other than Workers’ Compensation shall be issued only by companies authorized to conduct business in the State of Florida, with active certificates of authority issued by the State of Florida, Department of Insurance.
- B. **Conflict of Interest.** Proposers must provide disclosure of any potential conflict of interest due to any other clients, contracts, or property interests for this project only. Proposers must complete and submit with their response **Attachment “C”, Conflict of Interest Statement** and have it



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notarized certifying that no member of your firm ownership, management, or staff has a vested interest in any aspect of this solicitation or any department within the City of Cocoa.

- C. **Non-Collusion/Lobbying Certification.** Proposers must complete and submit with their response **Attachment “D”, Non-Collusion/Lobbying Certification** and have it notarized.
- D. **Drug Free Workplace Certification.** If applicable, Proposers must complete and submit with their response **Attachment “E”, Drug Free Workplace Certification** and have it notarized.
- E. **Price Proposal and Acceptance of RFP Terms and Conditions.** Proposers shall complete **Attachment “F” Price Proposal and Acceptance of Proposal Terms and Conditions Certification** and have it notarized. An authorized signatory shall sign [page 46] attesting to knowledge of scope of services, committing to the prices as negotiated, and acceptance of the terms and conditions. This form must be notarized. As stewards of public funds, the City maintains all adopted budgetary parameters in the performance of its contracts. The ability of the successful proposer to maintain a sense of fiscal responsibility shall be favorably considered in the evaluation of proposals.
- F. **Addenda Acknowledgement.** If applicable, Proposers must complete and submit with their response **Attachment “G”, Addendum Acknowledgement**.
- G. **Corporate Standing and Authorized Signatories.** Proposers must provide a copy of the State Certificate of Good Standing/Articles of Incorporation listing the officers of the company. Please complete and comply with **Attachment “H”, Organizational Information** and provide one of the forms of evidence of Signatory Authority listed in Section III, (I) Corporate Standing and Authorized Signatories.
- H. **Sub-Contractors.** Proposers must list any sub-contractors that shall be used to accomplish the scope of services. Please complete and Submit **Attachment “I”, Schedule of Proposed**

**Subcontractor Participation.** If no subcontractors are going to be used, check the box for “No Subcontracting (of any kind) will be utilized on this project” at the top of the form.

- I. **Scrutinized Companies Certification.** If applicable, Proposers must complete and submit with their response **Attachment “J”, Contractor Certification Regarding Scrutinized Companies**.
- J. **References.** Proposers must list five (5) references resulting from projects which were performed within the last three (3) years. Proposers shall complete and submit with their response **Attachment “K”, References**.
- K. **Local Business Tax Receipt.** Provide a copy of your Local Business Tax Receipt. In accordance with section 205.065, Florida Statutes, a current Department of Professional Regulation certificate may be provided in lieu of a Local Business Tax Receipt, with a copy of the corresponding Occupational License of the home state, county, or city.
- L. **Proof of Licenses/certification.** Please include copies of applicable licensure/certification, including but not limited to:
  - 1. Provide proof of proper State of Florida business licensure and professional certification(s)/registration(s) in the State of Florida.
  - 2. Provide proof of corporate registration to operate in the State of Florida by the Department of State, Division of Corporations. Information concerning certification can be obtained at: <http://dos.myflorida.com/sunbiz/>. Please note certification must be on **active status only**.



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M. **W-9 Form.** Proposers that have not done business with the City or have not provided a W-9 within the last two (2) years must submit a W-9 with their proposal.

**5.05 FEE SCHEDULE – TAB.**

**Attachment “F”, Price Proposal and Acceptance of Proposal Terms and Conditions Certification,** [page 47] shall be completed and included in Tab D. An authorized signatory must sign [page 47] attesting to knowledge of scope of services, committing to the prices as offered, and acceptance of the terms and conditions. This form must be notarized. As stewards of public funds, the City maintains all adopted budgetary parameters in the performance of its contracts. The ability of the successful proposer to maintain a sense of fiscal responsibility shall be favorably considered in the evaluation of proposals.

**5.06 ADDITIONAL INFORMATION – TAB “F”.**

Proposers may include a section for appendixes including promotional material or supporting documentation not otherwise requested herein. Please clearly designate this section in your response. This will be for informational purposes only.

**SECTION 6. EVALUATION PROCESS.**

**6.01 DETERMINING RESPONSIBILITY.**

In conjunction with the criteria being used to determine the qualifications and capability of the proposer, the City may also consider the proposer’s ability to meet or exceed the following criteria:

- A. The proposer's ability, capacity, and skill to perform the contract or provide the service within the time specified;
- B. The quality of performance of previous contracts or services including previous performance with the City;
- C. Previous and existing compliance by the proposer with laws and ordinances relating to the contract or service;
- D. Financial resources of the proposer to perform the contract or provide the service; and,
- E. Whether the proposer is in arrears to the City on a debt or a contract; whether the proposer is in default on surety to the City; or whether the proposer's taxes are delinquent.

**6.02 USE OF THE WORDS “SHALL”, “MUST”, “WILL”.**

The City of Cocoa has established certain requirements with respect to proposals to be submitted by prospective Proposers. The use of "shall", "must" or "will" (except to indicate simple futurity) in the Request for Proposals(RFP) indicates a requirement or condition, which must be met. The City of Cocoa may, at its sole discretion, waive these requirements or conditions if the conditions are determined to be not material. A deviation from a requirement is material if the deficient response is not in substantial accord with the RFP requirements, provides an advantage to one Proposer over other Proposers, or has a potentially significant effect on the delivery, quantity or quality of items proposed amount paid to the Proposer, or for the cost to City of Cocoa. Material deviations cannot be waived.



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**6.03 INITIAL EVALUATION OF PROPOSALS.**

A. Each proposal is initially evaluated by the Purchasing & Contracts Division to ensure each proposal meets the minimum criteria as set forth in the solicitation document. A Proposal Submittal Checklist of the essential items required by the solicitation shall be prepared by the designated Procurement Representative and presented to the Evaluation Committee for consideration and action. This process may include, but is not limited to the following:

1. The proposal was submitted by the deadline;
2. All required documents have been submitted;
3. All documents requiring an original signature have been signed and submitted; and
4. Verification through the professional regulatory agency to ensure proper professional licenses or credentials, as required.

B. The City, at its sole discretion, may utilize the services of one or more independent firms, consultants, technical experts, and/or services to assist in the review or to provide an assessment, evaluation, and/or opinion as to the merits or validity of the proposer’s response to this RFP.

**6.04 EVALUATION COMMITTEE.**

An Evaluation Committee may be appointed and comprised of qualified and recommended City staff members, professional City advisors, or local government staff or officials who are appointed by the City Manager or Designee in coordination with the requesting department. If so, the Evaluation Committee shall consist of members who have experience, knowledge and/or expertise in the program area and service requirements of the solicitation. The designated Procurement Representative shall serve as the non-voting chair of the committee.

**6.05 INITIAL RANKING AND/OR SHORLIST.**

The Evaluation Committee may be tasked with selecting a minimum of two (2) and a maximum of four (4) of the proposals submitted for presentation and/or interview based upon the criteria established herein. If fewer than three (3) proposers submit a proposal, those that submit may be selected for presentations or interviews; or the solicitation may be cancelled at the sole discretion of the City.

**6.06 PRESENTATIONS OR INTERVIEWS.**

The City may request that proposers provide presentations to the Evaluation Committee, City Manager, and/or City Council; and/or conduct interviews with the selected proposers regarding the qualifications, ability to furnish the required services, and all criteria set forth herein. The Purchasing & Contracts Division will notify all selected proposers of the City’s decision to request presentations and/or interviews, as applicable. Therefore, the proposer shall have officials of the appropriate management level present and representing the firm if a presentation is scheduled by the City. The proposer understands that any and all costs related to the presentations and interview process is considered an operational cost of the Proposer and shall not be passed on to or be borne by the City.

Presentations may include, but not be limited to, a presentation from the proposer and questions from the City. The City will make an effort to provide questions to be addressed in these sessions to the respective proposer prior to the session. The proposer shall address all questions provided in their presentation and



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provide same in handouts and on digital format. The proposer understands that any and all costs related to the presentations and interview process is considered an operational cost of the Proposer and shall not be passed on to or be borne by the City.

Pursuant to Florida Statute Chapter 286, any portions of a meeting, at which a vendor makes an oral presentation, or answers questions as part of a competitive solicitation, are exempt from Florida Statute 286.011 and Statute 24(b), Article I of the State Constitution.

**6.07 BEST AND FINAL OFFER AND CONTRACT NEGOTIATIONS.**

The City may request that the respondents provide a Best and Final Offer submittal before final determination for recommendation of contract award. The contract negotiation team will include, at a minimum, a member from the Purchasing & Contracts Division and a member from the requesting Division/Department/Office. The City reserves the right to negotiate any and all elements of a contract resulting from this RFP solicitation. Pursuant to Florida Statute Chapter 286, any portion of a meeting, at which negotiation strategies are discussed, or negotiations with a vendor is conducted, are exempt from Florida Statute 286.011 and Statute 24(b), Article I of the State Constitution.

**6.08 RIGHT TO CANCEL OR REJECT.**

- A. A solicitation may be canceled, or any or all submittals in response to a solicitation issued by the City may be rejected, by the Procurement Administrator, in whole or in part, without recourse, when it is in the best interest of the City in accordance with the Section 5.14 of City of Cocoa Purchasing Policy. As the best interests of the City of Cocoa may require, the right is reserved to make award(s) by individual items, group of items, all or none, or a combination thereof, with one or more suppliers. The proposer agrees that the City has the right to reject, for any reason and without penalty, any and/or all proposal packages or any part of a proposal package, prior to and after the rankings are made by the City, and that the City has the right, for any reason and without penalty, to terminate any contract negotiations commenced with any proposer. The City also reserves the right to re-advertise and solicit new bids/proposals or to abandon the project in its entirety without reason and without penalty.
- B. The City reserves the right to accept or reject any or all Bids/Proposals, or to waive any formalities, technicalities, irregularities, or immaterial variation.
- C. The City also reserves the right to reject the proposal from a proposer who has previously failed to perform properly, or complete on time contracts of a similar nature, or who investigation shows is not in a position to perform the contract.

**6.09 EVALUATION COMMITTEE TABULATION.**

The Evaluation Committee Tabulation Form will be posted and available for download on the City of Cocoa's online bidding platform, Vendor Link (<http://www.myvendorlink.com>).

**6.10 NOTICE OF INTENT TO AWARD.**

The Purchasing & Contracts Division shall publish a Notice of Intent to Award available for download on the City of Cocoa's online bidding platform, Vendor Link (<http://www.myvendorlink.com>).



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Division**

65 Stone Street, Cocoa, FL 32922  
Phone: 321-433-8486, or extension 8844 | Fax: 321-433-8690

**Solicitation Number:  
RFP-21-26-COC**

**REQUEST FOR PROPOSALS (RFP)**

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3:00 PM**

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**PROTESTS AND APPEALS.**

- A. Any prospective Bidder or Respondent may file a Notice of Solicitation Protest concerning a Solicitation in writing to the Procurement Administrator. The protest must be received in the Purchasing & Contracts Division Office at least three (3) business days prior to the due date for the Solicitation in accordance with Section VIII of the City of Cocoa Purchasing Policy.
- B. Any Bidder or Respondent, who is not the intended awardee and who claims to be the rightful awardee, may file a Notice of Award Protest, in writing, with the Purchasing & Contracts Division Office, by 5:00 pm on the third (3rd) business day after the Notice of Intent to Award is posted. An Award Protest is not valid if filed by a Bidder who cannot show they would be awarded the Contract if their protest is upheld in accordance with Section VIII of the Cocoa Purchasing Policy.
- C. The decision of the City Council shall be final and conclusive.

**6.11 AGREEMENT/CONTRACT.**

The City intends to use and issue an agreement for the services requested herein. Typically, the Scope of Services outlined in this RFP solicitation, the successful proposer's response to same and the end result of negotiations will become Scope of Services on the agreement to include an outlined Pricing Schedule as negotiated.

- A. The successful proposer must sign the agreement prior to execution by the City, whereupon the successful proposer becomes the Contractor upon approval.
- B. The provisions of said agreement contain similar language to the provisions contained in this Statement of Qualifications solicitation document.
- C. The agreement shall be used as a basis for negotiation and the City reserves the right to change, revise, or modify the agreement in its entirety, or any part thereof, prior to obtaining signatures from all parties.
- D. The successful proposer shall execute and return the agreement to the City, within five (5) days after receipt along with any and all additional contractual documents, performance and payment bonds (if applicable), insurance certificates, completed subcontractor list (Please refer to Exhibit D in the Agreement), active registration for a DUNS number and System for Awards Management CAGE Code, and any other documents required as outlined in this solicitation document.
- E. In no event shall an agreement be considered binding upon the City until it has been properly executed by all parties.
- F. In conjunction with the agreement, a purchase order or other form of payment will be established by the City prior to the start of any project, service, or work by the successful proposer.

**6.12 AWARD OF CONTRACT.**

- A. The City Manager, or designee, shall review the fees and rates of compensation for reasonableness prior to execution of contract or submittal of a recommendation of contract or agreement to the City Council. The City Attorney may review all contract documents. Other experts may be consulted to assist in this process.
- B. The Purchasing & Contracts Division and the requesting Department/Division/Office will prepare the required award documents and make recommendations for approval to the City Council or City



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Manager. Upon award, Mayor or City Manager, as applicable, will execute the agreement. The City Council retains full discretion to award or reject a contract or authorize expenditures in the best interest of the City.

**6.13 NON-EXCLUSIVE CONTRACT.**

Award of this project shall impose no obligation on the City to utilize the successful proposer for all work of this type, which may develop during the contract period. This is not an exclusive contract. The City specifically reserves the right to concurrently contract with other companies for similar work if it deems such action to be in the City's best interest.

**6.14 OWNERSHIP AND RIGHTS IN DATA.**

Any work, product or deliverable report provided to the City as a result of work performed while under contract shall be considered the property of the City and may be used in any fashion the City deems appropriate. The City shall have exclusive ownership of all proprietary interest in, and the right to full and exclusive possession of all information, materials, and documents discovered or produced by the successful proposer pursuant to the terms of the awarded contract, including but not limited to reports, memoranda or letters concerning the research and reporting tasks of the awarded contract.

**SECTION 7. GENERAL TERMS AND CONDITIONS.**

**7.01 USE OF INTERCHANGEABLE TERMS.**

- A. Throughout this solicitation document, the usage of the terms Contractor, Proposer and/or Respondent may be used interchangeably with each other.
- B. Throughout this solicitation document, the usage of the terms Agreement and/or Contract may be used interchangeably with each other.

**7.02 FUND AVAILABILITY.**

Any contract resulting from this solicitation is deemed effective only to the extent that funds are available. The City of Cocoa abides by the provisions set forth in Florida Statutes relative to the appropriation of funds.

- A. Multi-Year Contracts and Appropriation of Funds (if applicable)
- B. Contracts for Goods, Services, or Construction may be entered into for more than one (1) fiscal year if it is deemed to be in the best interest of the City, if the term of the Contract and conditions of renewal or extension are included in the Solicitation, and funds are available for the first term of the Contract. Obligations for succeeding fiscal years may be subject to the availability and appropriation of funds by the City Council.
- C. For Construction Projects, total funding may be identified and appropriated in the fiscal year commencement of the Construction Project takes place, or to the maximum extent as possible and not inconsistent with law. Obligations for succeeding fiscal years shall be rolled over and/or appropriated as applicable.



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**7.03 PROMPT PAYMENT ACT.**

Payments will be made pursuant to section 218.70, Florida Statutes, Florida’s Prompt Payment Act.

**7.04 PURCHASING CARD PROGRAM.**

The City of Cocoa uses the VISA Purchasing Card Program to streamline our procurement process. In order to expedite payments to suppliers, the SunTrust VISA Purchasing Card (P-Card) and ePayables solution has been implemented to more effectively control our procurement activities and to achieve a significant cost savings over the traditional paper, purchasing and payment system.

As one of the City of Cocoa’s valued suppliers, your business can also achieve cost savings results by accepting the ePayables or P-Card. Identified supplier benefits of this Program are:

- Reduction of payment time;
- Payment within forty-eight (48) to seventy-two (72) hours;
- Direct electronic deposit to your primary bank account;
- Increase in working capital;
- Elimination of invoicing;
- Reduced collection efforts;
- Enhanced corporate relationships;
- Reduced billing costs; and
- Enhanced reporting.

Additionally, you will be able to grow your customer base by accepting purchasing cards from other corporate customers as well as all major credit cards; therefore, the City encourages all vendors to accept the VISA ePayables solution.

**7.05 INVOICES.**

- A. All invoices, in order to be classified as a proper invoice, shall be delivered to Finance Department, Attention: Accounts Payable, City of Cocoa, 65 Stone Street, Cocoa, Florida, 32922.

For purposes of billing submission and payment procedures, a "proper invoice" by a Contractor, consultant or other invoicing party shall conform to the following process:

1. A description (including quantity) of the goods and/or services provided to the City (or a party on behalf of the City) reasonably sufficient to identify it (or them);
2. the amount due, applicable discount(s), and the terms thereof;
3. the full name of the Vendor, Contractor or other party who is supplying the goods and/or services including a mailing address in case of a dispute and a mailing address for payment purposes (if they are different) and a telephone number;
4. the Purchase Order and Contract number (if applicable) as supplied by the City;
5. an identification by City Division, Department or Office of the party or parties to whom the goods were delivered or services provided; and
6. in order to be considered as a proper invoice, it must be based on:



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- a. a proper delivery,
- b. installation, or
- c. provision of the goods and/or services acceptance by the City; and
- d. the Vendor, Contractor or other party who is supplying the goods and/or services has otherwise complied with all of the Contract's terms and conditions and is not in default of any of them.

**B. Dispute Resolution**

In the event a dispute occurs between a contractor, vendor or other invoicing party ("invoicing party") and the City concerning payment of an invoice, the City Department, Office or Division which has the dispute along with a representative of the City's Purchasing & Contracts Division and the invoicing party shall meet to consider the disputed issues.

The invoicing party shall provide to the City such material and information as the City may reasonably require. Any such procedure shall be initiated by either party notifying the other in writing of a dispute or stating with specificity its nature. This procedure shall commence not later than forty-five (45) days and be resolved not later than sixty (60) days, after the date on which the

proper invoice was received by the City. Any decision by the Procurement Administrator shall constitute the final decision of the City regarding these matters and shall be communicated in writing to the invoicing party within three (3) business days after such decision.

If no decision is rendered within the time period as set out above, then a decision against the invoicing party shall be deemed to have been issued.

**7.06 LOCAL BUSINESS TAX RECEIPT.**

Both the City of Cocoa and Brevard County require a Local Business Tax Receipt (formerly Occupational License) be held by all its contractors. The City's Community Development Department can assist you in obtaining the required Business Tax Receipt from both Brevard County and the City at the same time. Please contact the City's Community Development Department directly for information concerning this requirement at (321) -8486, extension 8577.

**7.07 FOREIGN CORPORATION.**

In accordance with Section 607.1501, Florida Statutes, and provided an exemption is not available, a foreign corporation may not transact business in Florida until it obtains a certificate of authority from the Florida Department of State.

Foreign corporations may submit bids or Proposals prior to obtaining a certificate of authority from the Florida Department of State. A foreign corporation must be in compliance with F.S. 607.1501, prior to entering into a Contract with the City of Cocoa.



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**7.08 PERMITS, LICENSES OR FEES.**

At its sole expense, any required federal, state, and local permits, licenses, occupational and otherwise, or fees required shall be the responsibility of the proposer. The City will not entertain separate payment for these items.

**7.09 TAXES.**

The City of Cocoa is a municipality corporation existing under the laws of the State of Florida. As such, the City does not pay State of Florida Sales Tax. The City’s State Tax exemption number is 85-8012621548C 8 and the Federal Employee Identification Number is 59-6000292. The City’s sales tax exemption does not apply to goods and services purchased separately by the successful proposer in connection with its fulfillment of its contractual obligations with the City. The successful proposer shall be responsible for paying any taxes, fees or similar payments which are required to be paid in connection with the awarded Agreement as a result of this solicitation.

**7.10 COMPLIANCE WITH ALL LAWS AND VENUE.**

At its sole expense, any contractual arrangement between the City and the proposer shall comply with all laws, ordinances, judicial decisions, orders, and regulations of federal, state, county, and municipal governments, as well as their respective departments, commissions, boards, and officers, which are in effect at the time of award and execution of an Agreement or are adopted at any time following the execution of the awarded Agreement. All legal actions hereunder shall be conducted only in the circuit court in Brevard County or federal court in the Middle District of Florida; except that any final judgment may be enforced in other jurisdictions in any manner provided by law.

**7.11 CONFLICT OF INTEREST.**

All proposers must disclose, with their proposal, the name of any officer, director, or agent who is also an officer or employee of the City of Cocoa. Furthermore, all proposers must disclose the name of any City of Cocoa officer or employee who owns, directly or indirectly, an interest of ten percent (10%) or more of the proposer's firm or any of its branches, subsidiaries, or partnerships. Failure to disclose in this manner will result in the disqualification of the proposer or the cancellation of work. It is the sole responsibility of the proposer to ensure compliance with the Section 2.1, Conflict of Interest of the City of Cocoa Purchasing Policy. Please complete and submit **Attachment “C”, Conflict of Interest Statement** with your proposal response. The City may seek damages for the recoupment of losses in having to re-solicit or re-assign this project.

**7.12 NON-COLLUSION/LOBBYING CERTIFICATION.**

All proposers shall file a statement executed by, or on behalf of the person, firm, association, or corporation submitting the proposal certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action, in restraint of free competitive bidding in connection with the submitted proposal. In addition, no City appropriated funds have been paid or will be paid to any person for influencing or attempting to influence a member of the City Council, City Manager, or any City employee in connection with the awarded agreement as a result of this solicitation process. Please complete and submit **Attachment “D”, Non-Collusion/Lobbying Certification** with your proposal response.



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**7.13 ADDITIONAL TERMS AND CONDITIONS.**

No additional terms and conditions included within the proposal response shall be evaluated or considered, and any and all such additional terms and conditions shall have no force and effect and are inapplicable to this solicitation. If submitted either purposely, through intent or design, or inadvertently, appearing separately in transmitting letters, specifications, literature, price lists, or warranties, it is understood and agreed the general and special conditions in this solicitation are the only conditions applicable to this proposal and the proposer's authorized signature affixed to the proposal signature section attests to this.

**7.14 INDEPENDENT CONTRACTOR AND LIABILITY.**

The successful proposer and each sub-consultant are, and while performing the Services will continue to be, independent contractors. The successful proposer shall not be an agent of the City, except as may be otherwise expressly provided herein and/or the awarded Agreement, and only to the extent so provided. The successful proposer's employees and sub-consultant employees are not, and while performing any of the Services, they shall not be deemed to be, employees of the City.

**7.15 INDEMNIFICATION.**

- A. Indemnity: The successful proposer shall defend, indemnify and hold harmless the City and all of the City's officers, agents, and employees from and against all claims, liability, loss and expense, including reasonable costs, collection expenses, attorneys' fees, and court costs which may arise because of the negligence (whether active or passive), misconduct, or other fault, in whole or in part (whether joint, concurrent, or contributing), of the successful proposer, its officers, agents or employees or subcontractors in performance or non-performance of its obligations under the awarded Agreement. The successful proposer recognizes the broad nature of this indemnification and hold harmless clause, as well as the provision of a legal defense to the City when necessary, and voluntarily makes this covenant and expressly acknowledges the receipt of such good and valuable consideration provided by the City in support of these indemnification, legal defense and hold harmless contractual obligations in accordance with the laws of the State of Florida. This clause shall survive the termination of the awarded Agreement. Compliance with any insurance requirements required elsewhere within the awarded Agreement shall not relieve the successful proposer of its liability and obligation to defend, hold harmless and indemnify the City as set forth in this article of the awarded Agreement. The City will be permitted to choose legal counsel of its choice. The successful proposer shall require each of its agents/subcontractors to agree in writing to the provisions of this paragraph.
- B. Copyright Infringement: The successful proposer shall guarantee that all services performed under the awarded Agreement will be free from claims of patent, copyright, or trademark infringement. The successful proposer shall defend, indemnify and hold the City and its successors and assigns harmless from and against all third-party claims, suits, and proceedings and any and all damages, liabilities, costs and expenses (including reasonable attorneys' fees and court costs) incurred as a result of (i) infringement by the successful proposer of any third-party patent, copyright or trademark or (ii) misappropriation by the successful proposer of any third-party trade secret in connection with any of the foregoing.



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**7.16 INSURANCE REQUIREMENTS.**

- A. Include a copy of your current liability insurance, workman’s compensation insurance certificate, and a copy of your firm’s Local Business Tax Receipt with your proposal submittal.
- B. The successful proposer(s) shall provide original certificates of Insurance, evidencing coverage as required in **Attachment “B”, Insurance Requirements**, to the Purchasing & Contracts Division within five (5) regular business days of the notification of the intent to award the Agreement. Certificates of Insurance shall provide a minimum of a thirty (30) day notice of cancellation to the City and shall name the City of Cocoa as a Certificate Holder/Additional Insured.
- C. All insurance certificates shall remain valid and in full force for the term of the Agreement. Failure to maintain binding insurance policies for awarded services will be grounds for termination of awarded Agreement.

**7.17 PUBLIC ENTITY CRIMES.**

As required by section 287.133, Florida Statutes, the proposer warrants that it is not on the convicted contractor list for a public entity crime committed within the past thirty-six (36) months. The proposer further warrants that it will neither utilize the services of, nor contract with, any supplier, sub-contractor, or consultant in connection with this Agreement for a period of thirty-six (36) months from the date of being placed on the convicted contractor list. By way of a submittal response completion and signature on this solicitation, the proposer certifies that it is qualified to do business with the City of Cocoa in accordance with all Florida Statutes.

**7.18 ACCEPTANCE OF GOODS/SERVICES.**

Receipt of goods/service shall not constitute acceptance. Final acceptance and authorization of payment shall be given only after a thorough inspection indicates that the performance meets the specifications and/or all conditions. Should the delivered goods/services differ in any respect from the specifications, payment will be withheld pursuant to section 218.70, Florida Statutes, until such time as the successful proposer takes necessary corrective action. If the proposed corrective action is not acceptable to the City, the City may refuse final acceptance of the goods/services.

**7.19 DRUG FREE WORKPLACE PREFERENCE.**

Certification of an implemented drug-free workplace program must be included with the RFP response when submitted. If your firm has implemented a drug-free workplace program, please complete **Attachment “E”, Drug-Free Workplace Certification** and include with your RFP response.

**7.20 AMERICANS WITH DISABILITIES ACT.**

Persons with disabilities needing a special accommodation to participate in this proceeding should contact the Purchasing & Contracts Division , Cocoa City Hall 65 Stone Street, Cocoa, Florida 32922, telephone (321) 433-8833 or extension 8844, not later than seven (7) days prior to the date on which the accommodation is requested

**7.21 AUDITS AND RECORDS – RESPONSIBILITIES OF THE SUCCESSFUL PROPOSER.**

Before or after an agreement is prepared and executed, the successful proposer may be required to disclose their financial condition in a specified manner. In addition, subsequent to an agreement being executed,



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the successful proposer must maintain financial records and reports relating to funds paid by any parties for work on the matters which are the subject of this RFP document, and submit reports to the City in the form and frequency requested. The successful proposer must maintain books, records, documents, and other evidence according to generally accepted accounting principles, procedures, and practices, which sufficiently and properly reflect all costs of any nature expended in the performance of the resulting contract and retain said copies for a period of no less than five (5) years after termination of the project. The aforesaid records, books, documents, and other evidence shall be subject at all times to inspection, review, or audit by the City or its designee. The successful proposer shall include these aforementioned audit and record keeping requirements in contracts and subcontracts thereto entered into by the successful proposer with any party for work required in the performance of this project.

**7.22 ADDITIONAL INFORMATION.**

The City reserves the right to request any additional information needed for clarification from any proposer for evaluation purposes.

**7.23 EQUAL OPPORTUNITY.**

A. The City recognizes fair and open competition as a basic tenet of public procurement and encourages participation by minority and women owned business enterprises. All proposers are asked to make an affirmative statement as to its support of all applicable equal opportunity and affirmative action requirements. A copy of the City’s Equal Employment Opportunity policy is available upon request.

a. The City, in accordance with the provisions of Title VI of The Civil Rights Act of 1964 (78 Stat. 252) and the Regulations of the Department of Commerce (15 CFR, Part 8) issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this advertisement and will not be discriminated against on the grounds of race, color or national origin in consideration for an award. All bidders are hereby notified that the successful bidder (Contractor) must and shall comply with the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, the Americans with Disabilities Act and the Florida Civil Rights Act, all as amended. Specifically, Contractor agrees that:

1. No person shall, on the grounds of race, color, sex, religion, age, disability, national origin or marital status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program, activity or service funded through the contract.
2. Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, disability, national origin or marital status. Contractor agrees to post in a conspicuous place, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
3. Contractor will, in all solicitations or advertisements regarding program activities, services provided or applications for employment, state that all qualified applicants will receive consideration for services or employment without regard to race, color, religion, sex, age, disability, national origin or marital status.
4. City may require Contractor to submit reports as may be necessary to indicate non-



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discrimination. City officials will be permitted access to Contractor's books, records, accounts and other sources of information and its facilities as may be pertinent to ascertain compliance with non-discrimination laws.

- 5. It is expressly understood that City shall have the right to terminate the Agreement upon receipt of evidence of discrimination.

**7.24 CONE OF SILENCE/LOBBYING BLACK-OUT PERIOD; QUESTIONS REGARDING THE REQUEST FOR PROPOSALS(RFP) SOLICITATION PROCESS.**

- A. Lobbying is defined as any action taken by an individual, firm, association, joint venture, partnership, syndicate, corporation, and/or all other groups who seek to influence the governmental decision of a City Council Member, the City Manager, any requesting or evaluating Department/Division/Office personnel and/or any member of the Evaluation Committee concerning an active solicitation during the black-out period.
- B. A lobbying black-out period commences upon the issuance of this solicitation document.
  - 1. For awards requiring City Council approval concludes at the beginning of the meeting at which the City Council will be presented the award(s) for approval or a request to provide authorization to negotiate a Contract(s). However, if the City Council refers the item back to the City Manager, Purchasing & Contracts Division and/or requesting Department/Division/Office for further review or otherwise does not take action on the item, the Cone of Silence / Lobbying Black-out Period will be reinstated until such time as the City Council meets to consider the item for action.
  - 2. For awards requiring City Manager approval concludes upon issuance of a Notice of Intent to Award.
- C. Bidders, Respondents, potential Vendors, service providers, lobbyists, consultants, or Vendor representatives shall not contact any City Council member, the City Manager, any requesting or evaluating Division/Department/Office personnel, and/or any member of the Evaluation Committee concerning an active Solicitation during the Cone of Silence / Lobbying Black-out Period.
- D. All questions and inquiries concerning procedural matters shall be directed to the Purchasing & Contracts Division . Any questions relating to the interpretation of specifications or any aspect of the solicitation process shall be addressed to the Purchasing & Contracts Division , in writing, at least ten (10) calendar days before the proposal opening date or prior to the specific date and time specified in this solicitation for questions.
- E. Contact or communications by Bidders or Respondents to any City Council member, the City Manager, any requesting or evaluating City personnel, or any member of the Evaluation Committee, initiated during the Cone of Silence / Lobbying Black-Out Period, may result in disqualification from the Solicitation process by the Purchasing & Contracts Division .

**7.25 OFFICE OF RECORD.**

The City of Cocoa Purchasing & Contracts Division shall be the official “office of record” for all information transactions and data disbursements associated with this solicitation. The Purchasing &



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Contracts Division may be reached Monday through Friday between 8:30 A.M. to 4:30 P.M., Local Time via phone at (321) 433-8833 or extension 8844; and/or via fax at (321) 433-8690.

**7.26 PUBLIC RECORDS.**

Under Chapter 119, Florida Statutes, all responses to this solicitation shall be considered public record subject to distribution pursuant to the request for records by any interested party.

**7.27 TIME OF PERFORMANCE.**

The services described herein and on the attached shall be performed in a prompt and correct manner within the standards of good and ethical productivity as negotiated between the City and the successful proposer. All proposers are asked to provide the best estimate for compliance with the scope of services as established by the solicitation. All contract timelines will be based on the projected scope and the estimated time for performance.

**7.28 ATTACHMENTS AND EXHIBITS.**

All attachments and exhibits hereto are made a binding part of this solicitation by this reference.

**7.29 COST OF SUBMITTAL.**

The proposer understands that any and all costs related to the submittal of a proposal is considered an operational cost of the Proposer and shall not be passed on to or be borne by the City.

**7.30 PROHIBITION AGAINST CONTINGENT FEES.**

The Proposer warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Proposer, to solicit or secure an agreement as a result of this solicitation process, and that it has not paid or agreed to pay any person, company, corporation, individual, or firm other than a bona fide employee working solely for the Proposer, any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or making of the agreement as a result of this solicitation process.

**7.31 CERTIFICATION OF INDEPENDENT PRICE DETERMINATION.**

By submission of a response, the Proposer certifies that in connection with this proposal:

- A. The pricing and/or fees associated with this proposal have been arrived at independently, without consultation, collusion, communication, or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other Proposer or with any competitor.

**7.32 RESPONSIBILITY OF PROPOSER.**

By submitting a proposal, the Proposer certifies that the Proposer has fully read and understands this RFP document and has full knowledge of the scope, nature, quantity, and quality of work to be performed; the detailed requirements of the services to be provided; and the conditions under which the services are to be performed.



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**7.33 ILLEGAL ALIEN LABOR AND COMPLIANCE WITH THE IMMIGRATION REFORM AND CONTROL ACT OF 1986.**

The successful proposer(s) shall comply with all provisions of the Federal Immigration and Control Act of 1986 (8 U.S. Code § 1324 a) and any successor federal laws, as well as all provisions of Section 448.09, Florida Statutes, prohibiting the hiring and continued employment of aliens not authorized to work in the United States. The successful proposer(s) shall not knowingly employ or contract with an illegal alien to perform work under the awarded agreement as a result of this solicitation process or enter into a contract with a subcontractor that fails to certify to the contractor that the subcontractor is in compliance with the terms stated within. The General Contractor nor any subcontractor employed by him shall not knowingly employ or contract with an illegal alien to perform work under the awarded agreement as a result of this solicitation process.

**7.34 EMPLOYMENT ELIGIBILITY VERIFICATION (E-VERIFY).**

In accordance with State of Florida, Office of the Governor, Executive Order 11-116, in the event performance of this Agreement is or will be funded using state or federal funds, the proposer must comply with the Employment Eligibility Verification Program (“E-Verify Program”) developed by the federal government to verify the eligibility of individuals to work in the United States and 48 CFR 52.222-54 (as amended) is incorporated herein by reference.

If applicable, in accordance with Subpart 22.18 of the Federal Acquisition Register, the proposer must (1) enroll in the E-Verify Program, (2) use E-Verify to verify the employment eligibility of all new hires working in the United States; (3) use E-Verify to verify the employment eligibility of all employees assigned to the Agreement; and (4) include these requirements in certain subcontracts, such as construction. Information on registration for and use of the E-Verify Program can be obtained via the internet at the Department of Homeland Security Web site: <http://www.dhs.gov/E-Verify>. Vendors must complete the E-Verify Affidavit, “Attachment R”.

**7.35 SOVEREIGN IMMUNITY.**

Notwithstanding any other provision set forth in this solicitation and/or the resulting awarded Agreement, nothing contained in this solicitation and/or the resulting awarded Agreement shall be construed as a waiver of the City’s right of sovereign immunity under Section 768.28, F.S., or other limitations imposed on the City’s potential liability under state or federal law. The City shall not be liable under this solicitation and/or the resulting awarded Agreement for punitive damages or interest for the period before judgment. Further, the City is not liable for any claim or judgment or portion thereof, to any one person for more than two hundred thousand dollars (\$200,000.00), or any claim or judgment, or portion thereof, which, when totaled with all other claims or judgments paid by the City arising out of the same incident or occurrence, exceeds the sum of three hundred thousand dollars (\$300,000.00). This paragraph will survive termination of this solicitation and/or the resulting awarded Agreement.

**7.36 ESTIMATED QUANTITIES.**

The Estimated Quantities provision is applicable for this project.



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**7.37 PUBLIC EMERGENCIES.**

It is hereby made a part of this proposal that before, during, and after a public emergency, disaster, hurricane, tornado, flood, or other acts of God, the City of Cocoa shall require a “First Priority” for goods and services. It is vital and imperative that the health, safety, and welfare of the citizens of Cocoa are protected from any emergency situation that threatens public health and safety as determined by the City. The Proposer agrees to rent/sell/lease all goods and services to the City or governmental entities on a “first priority” basis. The City expects to pay contractual prices for all products and/or services under the awarded Agreement in the event of a disaster, emergency, hurricane, tornado, flood, or other acts of God. Should the Proposer provide the City with products and/or services not under the awarded Agreement, the City expects to pay a fair and reasonable price for all products and/or services rendered or contracted in the event of a disaster, emergency, hurricane, tornado, flood, or other acts of God.

**7.38 SCRUTINIZED COMPANIES CLAUSE.**

The City may not enter into any contract for One Million and 00/100 Dollars (\$1,000,000.00) or more with any company that is on the scrutinized companies lists enumerated in Section 287.135, Florida Statutes. All responses to solicitations for goods and/or services equal to or in excess of One Million and 00/100 Dollars (\$1,000,000.00) shall be required to complete **Attachment “J”, Contractor Certification Regarding Scrutinized Companies** certifying that the Respondent is not on any scrutinized companies list. All resulting contracts for \$1 million or more shall be subject to termination by the City:

- A. In the event the successful proposer is put on a scrutinized company lists enumerated in Section 287.135, Florida Statutes, or
- B. If the City determines that the proposer falsely certified to the City that the proposer is not listed as a scrutinized company.
- C. Exceptions and additional penalties shall be set forth in Section 287.135, Florida Statutes.

**7.39 PUBLIC RECORDS COMPLIANCE.**

The City is a public agency subject to Chapter 119, Florida Statutes. The successful Proposer/CONTRACTOR agrees to comply with Florida’s Public Records Law. As such the following language applies and shall be included in the awarded Agreement:

- A. The parties specifically acknowledge that this Agreement is subject to the laws of the state of Florida, including without limitation Chapter 119, Florida Statutes, which generally make public all records or other writings made or received by the parties. If the CONTRACTOR is either a “contractor” as defined in Section 119.0701(1)(a), Florida Statutes, or an “agency” as defined in Section 119.011(2), Florida Statutes, the CONTRACTOR shall:
  - 1. Keep and maintain all public records required by the CITY to perform the services herein; and
  - 2. Upon request from the CITY’s custodian of public records, provide the CITY with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, F.S. or as otherwise provided by law; and



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3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement Term and following completion of the Agreement if the CONTRACTOR does not transfer the records to the CITY; and
4. Upon completion of the Agreement, transfer, at no cost, to the CITY all public records in possession of the CONTRACTOR or keep and maintain public records required by the CITY to perform the services herein. If the CONTRACTOR transfers all public records to the CITY upon completion of the Agreement, the CONTRACTOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the CONTRACTOR keeps and maintains public records upon completion of the Agreement, the CONTRACTOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the CITY, upon request from the CITY’s custodian of public records, in a format compatible with the information technology systems of the CITY.

B. All requests to inspect or copy public records relating to the Agreement shall be made directly to the CITY. Notwithstanding any other provision of this Agreement to the contrary, failure to comply with the requirements of this paragraph shall result in the immediate termination of the Agreement, without penalty to the CITY. A CONTRACTOR who fails to provide the public records to the CITY within a reasonable time may be subject to penalties pursuant to Section 119.10, F.S. Further, the CONTRACTOR shall fully indemnify and hold harmless the CITY, its officers, agents, and employees from any liability and/or damages, including attorney’s fees through any appeals, resulting from the CONTRACTOR’s failure to comply with these requirements.

**C. IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR’S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CITY’S CUSTODIAN OF PUBLIC RECORDS, ATTN: CARIE SHEALY, MMC, MMA, CITY CLERK, AT 321-433-8484 [cshealy@cocoaf1.org](mailto:cshealy@cocoaf1.org), 65 STONE STREET, COCOA, FLORIDA 32922.**

**7.40 ADMINISTRATIVE PROVISIONS.**

In the event the City issues a purchase order, memorandum, letter, or any other instrument addressing the services, work, and materials to be provided and performed pursuant to a contractual agreement, it is specifically agreed and understood that any such purchase order, memorandum, letter or any other instrument is for the City’s internal purposes only, and any and all terms, provisions, and conditions contained therein, whether printed or written, shall in no way modify the covenants, terms, and provisions of the contractual agreement and shall have no force or effect thereon. This statement is not applicable to duly authorized and agreed upon amendments to the agreement and/or duly authorized and agreed upon change orders if applicable.



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**Attachment “A”**

**Statement of “No Proposal Submittal”**

If you do not intend to submit on this requirement, please complete and return this form prior to date shown for receipt of proposals to: City of Cocoa, Purchasing & Contracts Division , 65 Stone Street, Cocoa, Florida 32922.

I/WE HAVE DECLINED TO PROPOSE TO RFP 21-26-COC, titled City of Cocoa - Contract Mowing Services for the following reason(s): [Please place a check mark (✓) next to the reason(s) as applicable]

(✓)	Reason
	Proposal requirements too "restrictive".
	Insufficient time to respond to Request for Qualification.
	We do not offer this service.
	Our schedule would not permit us to perform.
	Unable to meet requirements.
	Unable to meet insurance or bond requirements.
	Scope of Services unclear (please explain below).
	Other (please specify below).

REMARKS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signatory Printed Name FEIN: \_\_\_\_\_

\_\_\_\_\_  
Title Date



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**Attachment “B”  
Insurance Requirements**

- A. Insurance. The successful Proposer/Contractor shall not commence any work in connection with an agreement until it has obtained all of the required types of insurance and has provided proof of same to the City, in the form of a certificate prior to the start of any work, nor shall the successful Proposer/Contractor allow any subcontractor to commence work on its subcontract until all similar insurance required of the subcontractor has been so obtained and approved. All insurance policies shall be with insurers qualified and doing business in Florida.
- B. Limits. The successful Proposer/Contractor and/or subcontractor shall maintain the types of insurance, with at a minimum the respective limits as outlined herein:
  - 1. AUTOMOBILE: \$1,000,000.00 Combined Single Limit for Bodily Injury and Property Damage per accident;
  - 2. GENERAL LIABILITY: \$1,000,000.00 each occurrence;
  - 3. GENERAL AGGREGATE: \$2,000,000.00;
  - 4. PROFESSIONAL LIABILITY COVERAGE: \$1,000,000.00; and
  - 5. Worker’s Compensation: Employers’ liability insurance which covers the statutory obligation for all persons engaged in the performance of the work required hereunder with limits not less than \$1,000,000.00 per occurrence. Evidence of qualified self-insurance status will suffice for this subsection. The proposer understands and acknowledges that it shall be solely responsible for any and all medical and liability costs associated with an injury to itself and/or to its employees, sub-contractors, volunteers, and the like, including the costs to defend the City in the event of litigation against same.
- C. City as Additional Insured. The successful Proposer/Contractor and/or subcontractor shall name the “City of Cocoa” as an Additional Insured, to the extent of the services to be provided hereunder, on all required insurance policies, and provide the City with proof of same.
- D. Certificates of Insurance. The successful Proposer/Contractor and/or subcontractor shall provide the City’s Human Resources/Risk Management Division with a Certificate of Insurance evidencing such coverage for the duration of this Agreement. Said Certificate of Insurance shall be dated and show:
  - 1. The name of the insured Contractor,
  - 2. The specified job by name and job number,
  - 3. The name of the insurer,
  - 4. The number of the policy,
  - 5. The effective date,
  - 6. The termination date,
  - 7. A statement that the insurer will mail notice to the City at least thirty (30) days prior to any material changes in the provisions or cancellation of the policy, and;
  - 8. The Certificate Holders Box must read as follows:

City of Cocoa  
c/o Human Resources/Risk Management Division  
65 Stone Street  
Cocoa, Florida 32922

Any other wording in the Certificate Holders Box shall not be acceptable. Non-conforming certificates will be returned for correction.



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**\*NOTE – FOR CONTRACTING PURPOSES THE CERTIFICATE OF INSURANCE MUST BE DELIVERED TO CITY OF COCOA, PURCHASING & CONTRACTS DIVISION , 65 STONE STREET, COCOA, FLORIDA 32922.**

- E. Waiver. Receipt of certificates or other documentation of insurance or policies or copies of policies by the City, or by any of its representatives, which indicates less coverage than is required, does not constitute a waiver of the successful Proposer’s/Contractor’s obligation to fulfill the insurance requirements specified herein.
- F. Subcontractors. The successful Proposer/Contractor shall ensure that any sub-contractor(s), hired to perform any of the duties contained in the Scope of Services of an Agreement, maintain the same insurance requirements set forth herein. In addition, the successful Proposer/Contractor shall maintain proof of same on file and make readily available upon request by the City.
- G. Loss Deductible Clause. The City shall be exempt from, and in no way liable for, any sums of money which may represent a deductible in any insurance policy. The payment of such deductible shall be the sole responsibility of the successful Proposer/Contractor and/or subcontractor providing such insurance.
- H. Additional Requirements. All insurance carriers shall have AM Best Rating of at least A-, and a size VII or larger. The General Liability and Workers Compensation policies shall have a waiver of subrogation in favor of the City of Cocoa. The liability policies shall be Primary/Non-Contributory.

\_\_\_\_\_  
AUTHORIZED SIGNATORY

\_\_\_\_\_  
Typed Name of AUTHORIZED SIGNATORY

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Typed Name of Witness

*The City reserves the unilateral right to modify the insurance requirements set forth at any time during the process of solicitation or subsequent thereto.*

**PLEASE COMPLETE AND SUBMIT WITH YOUR RFP RESPONSE**

**☞ Failure to submit this form may be grounds for disqualification of your submittal ☞**



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**Attachment “C”  
Conflict of Interest Statement**

This statement is submitted with Proposal, ITN, or Contract Number RFP 21-26-COC, titled City of Cocoa - Contract Mowing Services by

\_\_\_\_\_ whose business address is \_\_\_\_\_  
[Name of entity submitting sworn statement]

\_\_\_\_\_ and its Federal Employer Identification Number (FEIN) is \_\_\_\_\_.

My name is \_\_\_\_\_ and my relationship to the above is \_\_\_\_\_.  
[Please print name of individual signing]

- A. The Proposer has made diligent inquiry and provided the information in this statement based upon its full knowledge.
- B. The Proposer states that only one (1) submittal for this solicitation has been submitted and tendered by the appropriate date and time and that said above stated entity has no financial interest in other entities submitting a proposal for the work contemplated hereby.
- C. Neither the entity nor its affiliates, nor anyone associated with them, is presently suspended or otherwise prohibited from participation in this solicitation or any contract to follow thereafter by any government entity.
- D. Neither the entity nor its affiliates, nor anyone associated with them, have any potential conflict of interest because of and due to any other clients, contracts, or property interests in this solicitation or the resulting project.
- E. I hereby also certify that no member of the entity’s ownership or management or staff has a vested interest in any City Department/Division/Office.
- F. I certify that no member of the entity’s ownership or management is presently applying, actively seeking, or has been selected for an elected position within City of Cocoa government.
- G. In the event that a conflict of interest is identified in the provision of services, I, the undersigned will immediately notify the City in writing.
- H. Section 112.313, Florida Statutes, as amended; places limitations on public officers (including advisory board members) and employees’ ability to contract with the City either directly or indirectly. By my signature below, I hereby acknowledge the provisions as outlined in the hereto referenced statute and have provided any required and/or necessary information accordingly to date and shall commit to continue to do so in the future should I be a successful Proposer.

Please indicate if the following applies:

**PART I.**

I am an employee, public officer, or advisory board member of the City.  
\_\_\_\_\_ (List Position or Board)

I am the spouse or child of an employee, public officer, or advisory board member of the City.  
Name: \_\_\_\_\_

An employee, public officer or advisory board member of the City, or their spouse or child, is an officer, partner, director, or proprietor of Respondent or has a material interest in Respondent. “Material interest” means direct or indirect ownership of



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more than five percent (5%) of the total assets or capital stock of any business entity. For the purposes of [§112.313], indirect ownership does not include ownership by a spouse or minor child.

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

Respondent employs or contracts with an employee, public officer, or advisory board member of the City

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

None of The Above

**PART II:**

Are you going to request an advisory board member waiver?

I will request an advisory board member waiver under §112.313(12)

I will NOT request an advisory board member waiver under §112.313(12)

N/A

***The City will review any relationships which may be prohibited under the Florida Ethics Code and will disqualify any proposers, respondents, vendors, suppliers, contractors whose conflicts are not waived or exempt.***

By the signature(s) below, I/we, the undersigned, as authorized signatory to commit the firm, certify that the information as provided in Attachment “C”, Conflict of Interest Statement, is truthful and correct at the time of submission.

\_\_\_\_\_  
AUTHORIZED SIGNATORY

\_\_\_\_\_  
Typed Name of AUTHORIZED SIGNATORY

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Typed Name of Witness

**PLEASE COMPLETE AND SUBMIT WITH YOUR RFP RESPONSE**

**☞ Failure to submit this form may be grounds for disqualification of your submittal ☜**



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**Attachment “D”**

**Non-Collusion/Lobbying Certification**

This statement is submitted with Proposal, ITN, or Contract Number RFP 21-26-COC, titled City of Cocoa - Contract Mowing Services by

\_\_\_\_\_ whose business address is \_\_\_\_\_  
[Name of entity submitting sworn statement]

\_\_\_\_\_ and its Federal Employer Identification Number (FEIN) is \_\_\_\_\_.

My name is \_\_\_\_\_ and my relationship to the above is \_\_\_\_\_.  
[Please print name of individual signing]

**A. NON-COLLUSION PROVISION CERTIFICATION.**

The undersigned hereby certifies, to the best of his or her knowledge and belief, that on behalf of the person, firm, association, or corporation submitting the bid certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action, in restraint of free competitive bidding in connection with the submitted bid. Failure to submit the executed statement as part of the bidding documents will make the bid nonresponsive and not eligible for award consideration.

**B. LOBBYING CERTIFICATION.**

The undersigned hereby certifies, to the best of his or her knowledge and belief, that:

1. No City appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence either directly or indirectly an officer or employee of the City, City Council Member of Congress in connection with the awarding of any City Contract.
2. If any funds other than City appropriated funds have been paid or will be paid to any person for influencing or attempting to influence a member of City Council or an officer or employee of the City in connection with this contract, the undersigned shall complete and submit Standard Form-L “Disclosure Form to Report Lobbying”, in accordance with its instructions.

By the signature(s) below, I/we, the undersigned, as authorized signatory to commit the firm, certify that the information as provided in **Attachment “D”, Non-Collusion/Lobbying Certification**, is truthful and correct at the time of submission.

\_\_\_\_\_  
AUTHORIZED SIGNATORY

\_\_\_\_\_  
Typed Name of AUTHORIZED SIGNATORY

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Typed Name of Witness

**PLEASE COMPLETE AND SUBMIT WITH YOUR RFP RESPONSE**

**☞ Failure to submit this form may be grounds for disqualification of your submittal ☞**



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**Attachment “E”  
Drug-Free Workplace Certification**

When applicable, the drug-free certification form below must be signed and returned with the RFP response.

**IDENTICAL TIE PROPOSALS:** Preference may be given to businesses with drug-free workplace programs. Whenever two or more proposals that are equal with respect to price, quality, and service are received by the State or by any political subdivision for the procurement of commodities or contractual services, a proposal received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie proposals will be followed if none of the tied Proposers have a drug-free workplace program.

In order to have a drug-free workplace program, a business shall:

- A. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- B. Inform employees about the dangers of drug abuse in the workplace, the business' policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- C. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in the first paragraph.
- D. In the statement specified in the first paragraph, notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893, Florida Statutes, or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- E. Impose a sanction on, or require the satisfactory participation in, a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
- F. Make a good faith effort to continue to maintain a drug-free workplace through implementation of the foregoing provisions.

By the signature(s) below, I/we, the undersigned, as authorized signatory to commit the firm, certify that the information as provided in **Attachment “E”, Drug-Free Workplace Certification**, is truthful and correct at the time of submission.

\_\_\_\_\_  
AUTHORIZED SIGNATORY

\_\_\_\_\_  
Typed Name of AUTHORIZED SIGNATORY

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Typed Name of Witness

**PLEASE COMPLETE AND SUBMIT WITH YOUR RFP RESPONSE – (if applicable)**



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**Attachment “F”**

**Price Proposal and Acceptance of Proposal Terms and Conditions**

The Contractor shall review and propose services within the Group Areas outlined within of this RFP. Contractors shall propose one or more Group Areas 1 – 4 or only the Group Area(s) they deem capable of providing dependable services. The Contractor shall propose an entire Group Area or multiple Group Areas, but not singular locations contained within the grouped sections.

GROUP AREA #1				
	LOCATIONS	Cuts	Price per Cut	Total
1	Fire Stations			
	a) 1740 Dixon Blvd – Fire Station #1 – Includes Fertilization, Weed Control	36		
	b) 300 Brunson Blvd – Fire Station #2 – Includes Fertilization, Weed Control	36		
	c) 3505 Highway 524 – Fire Station #3 – Includes Fertilization, Weed Control	36		
	d) 114 First Street – Old Fire Station #1	36		
	e) 2003 Michigan Avenue – Old Fire Station #3 / Include field out back behind gate	36		
2	Police Department – 1226 W. King Street / Include Pond to the west / Controlled Access – Includes Fertilization, Weed Control	36		
3	Cocoa Boulevard / U.S. 1 Medians and Rights of Way, Weed Control	36		
4	Clearlake Rd Rights of Way – Dixon Blvd to Industry Road, Weed Control	26		
5	Harry T. Moore Center & Museum – 307 Blake Ave, Weed Control	36		
6	Cemeteries			
	a) Pinecrest Cemetery – 815 Clearlake Road	36		
	b) Evergreen Cemetery – 816 Clearlake Road	36		
	c) Hilltop Cemetery – 301 N. Cocoa Boulevard	36		
	d) Cocoa Cemetery – 101 N. Cocoa Boulevard	36		
7	B.A. Morse Park / Emma Jewel Storm Water Pond – 901 Barbara Jenkins St.	36		
<b>Twice a month Oct. 1st to April 30th / 4 times a month from May 1st to Sept. 30</b>				

GROUP AREA # 2				
	LOCATIONS	Cuts	Price per Cut	Total
8	Water Field Operations – 351 Shearer Blvd / Include Fleet Maintenance @ 301 Shearer Blvd, Weed Control	26		
9	King Street / S.R. 520 Medians and Rights of Way, Weed Control (36 cuts)	36		
10	Rosetine St. Rights of Way from Range Road to Church on S. side and EFSC on the N. side	26		
11	Range Rd Rights of Way from City Limits on South side North to transition into Michigan Ave	26		
12	Michigan Ave Rights of Way from Clearlake Rd west to Range Road. Includes larger section curve to Range	26		
13	Lee Wenner Park – 300 Riveredge Blvd	26		
14	Highway 524 Rights of Way from Industry Road to Cox Road	26		
15	Gray Rd. Rights of Way from City Limits to Hooper Rd	26		
16	Hooper Rd. Rights of Way from Gray Rd to Range Rd	26		
17	Cocoa Conservation Area – 1714 Cocoa Bay Blvd.	26		
18	London Blvd Rights of Way + Open Field by lift station	26		
19	North Road Rights of Way	26		
<b>Twice a mont Oct 1st to July 31 / Threes times a month August and September except for King Street</b>				



**City of Cocoa | Finance Department | Purchasing & Contracts  
Division**

65 Stone Street, Cocoa, FL 32922  
Phone: 321-433-8486, or extension 8844 | Fax: 321-433-8690

**Solicitation Number:  
RFP-21-26-COC**

**Due Date:  
August 13, 2021 @  
3:00 PM**

**REQUEST FOR PROPOSALS (RFP)**

**TITLE: City of Cocoa – Contract Mowing Services**

**GROUP AREA # 3**

	LOCATIONS	Cuts	Price per Cut	Total
20	Peachtree Street Rights of Way – Forrest Ave to Pineda St	26		
21	Museum – 2201 Michigan Avenue	26		
22	Bernard Easement – 533 Bernard St	26		
23	N. Fiske ROW from Dixon to Anderson Park	26		
24	S. Fiske ROW from Rosa L Jones Dr to King St (SR 520)	26		
25	Cocoa Lakes Dr. Rights of Way from Michigan Ave. to Private Development	26		
26	Jackson St. Rights of Way from S. Varr Ave to City Limits near 505 Abbey Lane	26		
27	Jackson St. easement that runs from Jackson St. south to Rosa L. Jones Drive	26		
28	Forrest Ave. Rights of Way from Willard St. north to N. Cocoa Blvd. (U.S. 1)	26		
29	Bracco Pond Parking – 950 Plaza Parkway	26		
<b>Twice a month Oct 1st to July 31 / Threes times a month August and September</b>				

**GROUP AREA # 4**

	LOCATIONS	Cuts	Price per Cut	Total
30	Stone Street Rights of Way – S. Fiske Blvd to Railroad Tracks	26		
31	Pineda St. Rights of Way from Peachtree St. to Dixon Blvd	26		
32	Townsend Rd Rights of Way from S.R. 520 north to last property. Include Pond on East side near 1st curve	26		
33	Dixon Blvd. Rights of Way from N. Indian River Dr. to Clearlake Road	26		
34	Residential Lots			
	a) 1043 Peachtree St.	26		
	b) 801 Eden ST	26		
	c) 1101 Avon St	26		
	d) 1970 Furman Ct	26		
	e) 1050 Bellefonte Ave	26		
	f) 712 Stone St	26		
	g) 619 Stone St	26		
	h) 437 Satsuma St	26		
	i) 629 S Georgia Ave	26		
	j) 1059 Olive St	26		
	k) 514 S Wilson Ave	26		
	l) 1408 Donna Ave	26		
	m) 1204 Cambridge St	26		
	n) 1110 Grove Ave	26		
	o) 2019 N Cocoa Blvd	26		
<b>Twice a month Oct 1st to July 31 / Threes times a month August and September</b>				



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**TITLE: City of Cocoa – Contract Mowing Services**

Group Areas		Sub Totals
1	Group Area 1	
2	Group Area 2	
3	Group Area 3	
4	Group Area 4	
<b>Grand Total</b>		

**NOTE #1:** The estimated quantities are an approximate only and are not guaranteed. The City does not assume any responsibility that the actual quantities purchased shall remain in strict accordance with the estimated quantities, nor shall the Contractor cause misunderstanding or deception because of such estimate of quantities or of the character, locations of the work, or other conditions pertaining thereto. Any related positions not referenced above may be attached to the back of this page. A brief position description must also be included.

1. OPTIONAL PRICING

NA	

**NOTE #2:** The Proposer must include a task and fee (by position) schedule breakdown based on the proposed hourly rates. This document is to be inserted at the end of Attachment “F”, Price Schedule and Acceptance of Terms and Conditions and identified as OPTIONAL PRICING SCHEDULE.



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**TITLE: City of Cocoa – Contract Mowing Services**

I/we, the undersigned, as authorized signatory to commit the firm, do hereby accept in total all the terms and conditions stipulated and referenced in this RFP document and do hereby agree that if a contract is offered or negotiated it will abide by the terms and conditions presented in the RFP document or as negotiated pursuant thereto. The undersigned, having familiarized him/herself with the terms of the RFP documents, local conditions, and the cost of the work at the place(s) where the work is to be done, hereby proposes and agrees to perform within the time stipulated, all work required in accordance with the scope of services and other documents including Addenda, if any, on file at the City of Cocoa Purchasing & Contracts Division for the price set forth herein in **Attachment “F” Price Proposal and Acceptance of Proposal Terms and Conditions**. The signature(s) below are an acknowledgment of my/our full understanding and acceptance of all the terms and conditions set forth in this RFP document or as otherwise agreed to between the parties in writing.

Proposer/Contractor Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signatory Printed Name FEIN: \_\_\_\_\_ DUNS: \_\_\_\_\_

\_\_\_\_\_  
Title Date CAGE Code: \_\_\_\_\_  
As issued through [www.sam.gov](http://www.sam.gov)

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was executed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_, who personally swore or affirmed that he/she is authorized to execute this document and thereby bind the Corporation, and who is personally known to me OR has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC, State of \_\_\_\_\_

(stamp)

**PLEASE COMPLETE AND SUBMIT WITH YOUR RFP RESPONSE**

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**TITLE: City of Cocoa – Contract Mowing Services**

**Attachment “G”**

**Addendum Receipt Acknowledgement Certification**

The undersigned acknowledges receipt of the following addenda to the solicitation document(s) (Give number and date of each):

Addendum No. _____	Dated: _____

By the signature(s) below, I/we, the undersigned, as authorized signatory to commit the firm, certify that the information as provided in **Attachment “G”, Addendum Receipt Acknowledgement Certification**, is truthful and correct at the time of submission.

Proposer/Contractor Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signatory                      Printed Name                      FEIN: \_\_\_\_\_                      DUNS: \_\_\_\_\_

\_\_\_\_\_  
Title    Date    CAGE Code: \_\_\_\_\_  
As issued through [www.sam.gov](http://www.sam.gov)

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**TITLE: City of Cocoa – Contract Mowing Services**

**Attachment “J”**

**Contractor Certification Regarding Scrutinized Companies  
(Contracts of \$1,000,000.00 or more)**

Section 287.135, Florida Statutes, prohibits local governments from contracting with companies, for goods or services of One Million and 00/100 Dollars (\$1,000,000.00) or more that are on the Scrutinized Companies with Activities in Sudan List, on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List or is engaged in business operations in Cuba or Syria. Both lists are created pursuant to section 215.473, Florida Statutes. In addition, the CONTRACTOR shall not be listed on the Scrutinized Companies that Boycott Israel List, created pursuant to Section 215.4725, Florida Statutes, or is engaged in a boycott of Israel.

As the person authorized to sign on behalf of the CONTRACTOR, I hereby certify that the company identified below in the section entitled “Bidder/Contractor Name” is not listed on the Scrutinized Companies with Activities in Sudan List, is not listed on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List or is engaged in business operations in Cuba or Syria. In addition, the CONTRACTOR is not listed on the Scrutinized Companies that Boycott Israel List, created pursuant to Section 215.4725, Florida Statutes, or is engaged in a boycott of Israel. I understand that pursuant to Section 287.135, Florida Statutes, the submission of a false certification may subject the CONTRACTOR to termination of the Agreement, civil penalties, attorney’s fees, and/or costs.

By the signature(s) below, I/we, the undersigned, as authorized signatory to commit the firm, certify that the information as provided in **Attachment “J”, Contractor Certification Regarding Scrutinized Companies**, is truthful and correct at the time of submission.

Proposer/Contractor Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signatory Printed Name FEIN: \_\_\_\_\_ DUNS: \_\_\_\_\_

\_\_\_\_\_  
Title Date CAGE Code: \_\_\_\_\_  
As issued through [www.sam.gov](http://www.sam.gov)

**PLEASE COMPLETE AND SUBMIT WITH YOUR RFP RESPONSE (when applicable)**

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**REQUEST FOR PROPOSALS (RFP)**

**TITLE: City of Cocoa – Contract Mowing Services**

**Attachment “K”  
References**

Proposer shall submit as a part of the Proposal package, a minimum of five (5) of the most significant projects which were performed within the last three (3) years. Additional references may be provided as set forth below.

<b>Project #1:</b>	
Project/Event Name:	
Type of Project/Service:	
Address:	
Contracting Agency/Client:	Locality Population:
Contact Name and Phone #:	
Contact Email Address and Fax #:	
Contract Amount:	Date Work Performed:
<b>Project #2:</b>	
Project Name:	
Type of Project/Service:	
Address:	
Contracting Agency/Client:	Locality Population:
Contact Name and Phone #:	
Contact Email Address and Fax #:	
Contract Amount:	Date Work Performed:
<b>Project #3:</b>	
Project Name:	
Type of Project/Service:	
Address:	
Contracting Agency/Client:	Locality Population:
Contact Name and Phone #:	
Contact Email Address and Fax #:	
Contract Amount:	Date Work Performed:
<b>Project #4:</b>	
Project Name:	
Type of Project/Service:	
Address:	
Contracting Agency/Client:	Locality Population:
Contact Name and Phone #:	
Contact Email Address and Fax #:	
Contract Amount:	Date Work Performed:
<b>Project #5:</b>	
Project Name:	
Type of Project/Service:	
Address:	
Contracting Agency/Client:	Locality Population:
Contact Name and Phone #:	
Contact Email Address and Fax #:	
Contract Amount:	Date Work Performed:

**PLEASE COMPLETE AND SUBMIT WITH YOUR RFP RESPONSE**

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**REQUEST FOR PROPOSALS (RFP)**

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**TITLE: City of Cocoa – Contract Mowing Services**

**Attachment “L”  
Federal Non-Collusion/Lobbying Certification**

This statement is submitted with Proposal, ITN, or Contract Number RFP 21-26-COC, titled City of Cocoa - Contract Mowing Services by \_\_\_\_\_ whose business address is \_\_\_\_\_

[Name of entity submitting sworn statement] \_\_\_\_\_ and its Federal Employer Identification Number (FEIN) is \_\_\_\_\_.

My name is \_\_\_\_\_ and my relationship to the above is \_\_\_\_\_.  
[Please print name of individual signing]

**A. NON-COLLUSION PROVISION CERTIFICATION.**

The undersigned hereby certifies, to the best of his or her knowledge and belief, that on behalf of the person, firm, association, or corporation submitting the bid certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action, in restraint of free competitive bidding in connection with the submitted bid. Failure to submit the executed statement as part of the bidding documents will make the bid nonresponsive and not eligible for award consideration.

**B. LOBBYING CERTIFICATION.**

The undersigned hereby certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence either directly or indirectly an officer or employee of any state or federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal Contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-L “Disclosure Form to Report Lobbying”, in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, US Code. Any persons who fail to file the required certification shall be subject to a civil penalty of not less than \$10,000.00 and not more than \$100,000.00 for each failure.”

By the signature(s) below, I/we, the undersigned, as authorized signatory to commit the firm, certify that the information as provided in **Attachment “L”, Federal Non-Collusion/Lobbying Certification**, is truthful and correct at the time of submission.

\_\_\_\_\_  
AUTHORIZED SIGNATORY

\_\_\_\_\_  
Typed Name of AUTHORIZED SIGNATORY

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Typed Name of Witness

**PLEASE COMPLETE AND SUBMIT WITH YOUR RFP RESPONSE**

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**REQUEST FOR PROPOSALS (RFP)**

**TITLE: City of Cocoa – Contract Mowing Services**

**Attachment “M”**

**Certification Regarding Debarment, Suspension, and Other Responsibility Matters  
Primary Covered Transactions**

This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000.

The Proposer certifies that, neither the firm nor any person associated therewith in the capacity of owner, partner, director, officer, principal, investigator, project director, manager, auditor, and/or position involving the administration of federal funds:

- A. Is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions, as defined in 49 CFR s29.110(a), by any federal department or agency;
- B. Has within a three-year period preceding this certification been convicted of or had a civil judgment rendered against it for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or public contract; violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- C. Is presently indicted for or otherwise criminally or civilly charged by a federal, state, or local governmental entity with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- D. Has within a three-year period preceding this certification had one or more federal, state, or local government public transactions terminated for cause or default.

The Proposer certifies that it shall not knowingly enter into any transaction with any subcontractor, material supplier, or vendor who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this project by any federal agency unless authorized by the City of Cocoa. The Proposer must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into. This certification is a material representation of fact relied upon by the City of Cocoa. If it is later determined that the contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the City of Cocoa, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The Proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The Proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

By the signature(s) below, I/we, the undersigned, as authorized signatory to commit the firm, certify that the information as provided in **Attachment “M”, Certification Regarding Debarment, Suspension, and Other Responsibility Matters**, is truthful and correct at the time of submission.

Proposer/Contractor Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signatory Printed Name FEIN: \_\_\_\_\_ DUNS: \_\_\_\_\_

\_\_\_\_\_  
Title Date CAGE Code: \_\_\_\_\_  
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**PLEASE COMPLETE AND SUBMIT WITH YOUR RFP RESPONSE**

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**TITLE: City of Cocoa – Contract Mowing Services**

**Attachment “N”**

**Grant Conditions and Federal Provisions Acknowledgement of Terms, Conditions and Grant Clauses**

**Flow down of Terms and Conditions from the Federal Regulations and/or Grant Agreement**

Subcontracts: If the Bidder subcontracts any portion of the work under this Agreement, a copy of the signed subcontract must be available to the City of Cocoa for review and approval. The bidder agrees to include in the subcontract that:

- A. The subcontractor is bound by the terms of this Agreement;
- B. The subcontractor is bound by all applicable state and federal laws and regulations; and
- C. The subcontractor shall hold the City of Cocoa, grant recipient and granting agency harmless against all claims of whatever nature arising out of the subcontractor’s performance of work under this Agreement, to the extent allowed and required by law.

**Grant Conditions and Federal Provisions**

On behalf of the Bidder, I acknowledge, and agree to perform all of the specifications and grant requirements identified in this solicitation document(s).

By the signature(s) below, I/we, the undersigned, as authorized signatory to commit the firm, certify that the information as provided in **Attachment “N”, Grant Conditions and Federal Provisions Acknowledgement of Terms, Conditions and Grant Clauses**, acknowledge, and agree to perform all of the specifications and grant requirements identified in this solicitation document(s) and subsequent awarded Agreement as a result of this solicitation process should I be the successful Proposer.

Proposer/Contractor Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signatory Printed Name FEIN: \_\_\_\_\_ DUNS: \_\_\_\_\_

\_\_\_\_\_  
Title Date CAGE Code: \_\_\_\_\_  
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**TITLE: City of Cocoa – Contract Mowing Services**

**Attachment “P”  
E-Verify Contractor Affidavit**

I hereby certify that \_\_\_\_\_ [insert contractor company name] does not employ, contract with, or subcontract with an unauthorized alien, and is otherwise in full compliance with, section 448.095, Florida Statutes.

All employees hired on or after January 1, 2021 have had their work authorization status verified through the E-Verify system.

A true and correct copy of \_\_\_\_\_ [insert contractor company name] proof of registration in the E-Verify system is attached to this Affidavit.

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_\_ (date) by \_\_\_\_\_ (name of officer or agent, title of officer or agent) of \_\_\_\_\_ (name of corporation acknowledging), a \_\_\_\_\_ (state or place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification.

\_\_\_\_\_  
[Notary Seal] Notary Public  
\_\_\_\_\_  
Name typed, printed, or stamped  
My Commission Expires: \_\_\_\_\_

**PLEASE COMPLETE AND SUBMIT WITH YOUR RFP RESPONSE**  
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**Attachment “Q”**

**Solicitation Response Identification Label**

NOTICE TO ALL RESPONDENTS: For your convenience, the label below has been provided to properly identify your solicitation submittal. Place your submittal in a sealed envelope or package, type or print the company name and address in the area provided below and affix the label on the outer surface of the envelope or package.

The City requests that all visitors call the Purchasing & Contracts Division from the courtesy phone located on either the 1<sup>st</sup> or 2<sup>nd</sup> Floor reception area. If you are hand-delivering a solicitation, a time/date stamp will be available in the Purchasing & Contracts Division. The solicitation submittal envelope or package and label will be date stamped and the appropriate Procurement Administrator will be notified. A record of all deliveries and delivery times will be documented in the Solicitation Submittal Receipt Log and such record will be retained by the Purchasing & Contracts Division.

**PLEASE FILL OUT THE LABEL BELOW AND ATTACH SAME TO YOUR SOLICITATION  
RESPONSE ENVELOPE OR PACKAGE.**

Cut out the label and tape it to the outer sealed solicitation envelope or package.



**\*\*DO NOT OPEN\*\*SEALED SOLICITATION\*\*DO NOT OPEN\*\*SEALED SOLICITATION\*\***

ATTENTION: Heath Hancher, PmP, CPPM – Purchasing / Contracts Manager

SOLICITATION NUMBER: RFP-21-26-COC

TITLE: City of Cocoa – Contract Mowing Services

SOLICITATION DUE DATE: August 13, 2021      TIME: 3:00 P.M. Local Time

FROM: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DELIVER TO:      City of Cocoa  
Purchasing & Contracts Division  
65 Stone Street, 3<sup>rd</sup> Floor  
Cocoa, Florida 32922

**\*\*DO NOT OPEN\*\*SEALED SOLICITATION\*\*DO NOT OPEN\*\*SEALED SOLICITATION\*\***



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**EXHIBITS  
MOWING AREAS**

SEE ATTACHED EXHIBITS 1 - 40