

TAB 12

POINT PAPER

Property, Casualty & Liability Insurance

Issue: The City must select an insurance plan for the upcoming FY2010 budget.

Background: In July of 2009, the City issued an RFP for Property, Casualty, Liability, and Ancillary Insurance (Exhibit A). The City received three responses to the RFP: Boyd Insurance and Investment Services Inc., Employers Mutual Inc., and our current carrier Florida Municipal Insurance Trust (A copy of all responses are on file at the City Clerk's Office). All proposals included Property, Casualty and Liability Insurance, while only two included the Ancillary Insurance.

After a thorough review of each company's proposal, each committee member independently rated each company based upon ten different attributes. Attributes considered were overall premium cost, each company's municipal experience, duplication of existing coverage with the lowest number of aggregate limits, financial stability and assigned rating of carrier, ability to service the City of Palmetto, industry reputation and client recommendations, whether limits are shared or dedicated, whether the company has direct reinsurance or excess insurance, and local preference. A summary of the rating matrix is included for your review (Exhibit C).

Of the three options, Florida Municipal Insurance Trust was selected as the provider of choice for the City based upon the rating matrix.

Alternatives:

1. Do nothing.
2. Approve the Mayor to execute the contract with Florida Municipal Insurance Trust.

Recommendation: Staff recommends alternative #2

Budget Impact: Version 4 budgeted dollars for insurance in FY 2010 were sufficient to cover the cost of Property, Casualty, Liability, and Ancillary Insurance as stated in the proposal. However, the General Liability and Worker's Compensation premiums quoted in the proposal were based on salary figures that have since decreased. The revised premium based on the decreased payroll has been received and is reflected in the tentative budget. The revised budget for PC&L, Workers Compensation and ancillary insurances is not to exceed \$301,818.

of Palmetto
&L Insurance
ing of Proposals

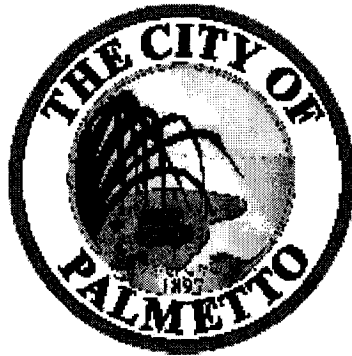
Please rate on a scale of 1 - 5 with 5 being the best.

Rating Topic	BOYD	EMI	FMIT	Average
Overall premiums including all applied discounts and credits	3.0	3.0	5.0	3.7
Municipal experience and public sector client base	2.3	3.7	5.0	3.7
Duplication of current coverage with the lowest number of aggregate limits.	2.3	2.7	3.7	2.9
Enhancements to current coverage	1.0	1.0	2.3	1.4
Financial stability and assigned rating of carrier	1.3	1.3	4.3	2.3
Ability to service City of Palmetto	2.7	2.7	5.0	3.4
Industry reputation and client recommendations	4.0	4.7	5.0	4.6
Dedicated limits will earn a higher rating.	2.0	2.3	5.0	3.1
Direct reinsurance treaty favored over excess insurance contracts.	1.0	1.0	5.0	2.3
Local Preference.	3.0	-	3.0	2.0
Total	2.3	2.2	4.3	2.9

The committee recommends

FMIT

CITY OF PALMETTO
REQUEST FOR PROPOSAL
PROPERTY, CASUALTY & LIABILITY
INSURANCE PROGRAM



July 20, 2009

Proposals Must Be Submitted No Later Than
August 19, 2009 – 2:00PM

**CITY OF PALMETTO
REQUEST FOR PROPOSALS
PROPERTY, CASUALTY AND LIABILITY INSURANCE PROGRAM**

LEGAL ADVERTISEMENT

The City of Palmetto seeks proposals to provide a fully comprehensive property, casualty and liability insurance program. Proposals shall be submitted to the City of Palmetto, Purchasing Office, 516 8th Avenue West, Palmetto, Florida 34221, prior to **2:00 p.m. on August 19, 2009**. At approximately 2:05pm on August 19, 2009, the proposals will be opened publicly at the Palmetto City Hall Commission Chambers.

The exterior packaging of the proposal response shall be clearly marked "**RFP PROPERTY, CASUALTY AND LIABILITY INSURANCE**", and shall include two signed (2) originals and one (1) copy of the proposal on compact disc. Proposals must comply with all of the specifications and instructions in the Request for Proposals, a copy of which may be obtained by contacting the City's Purchasing Agent, Nixa Haisley at:

City Hall
516 8th Avenue W
Palmetto, FL 34221
(941) 723-4570
Fax (941) 723-4576
nhaisley@palmettofl.org

The City reserves the right to reject any or all proposals, to waive technicalities, to re-advertise, and to otherwise conduct this Request for Proposals in the manner it deems to be in the best interests of the City.

Prospective applicants, as well as any agents, representatives or persons acting at the request of such prospective applicants, shall be prohibited from discussing any matters related in any way to this Request for Proposals with any City officer, agent, or employee, other than the Purchasing Agent, or as may otherwise be directed in the Request for Proposals.

07/20/09

**CITY OF PALMETTO
REQUEST FOR PROPOSALS
PROPERTY, CASUALTY AND LIABILITY INSURANCE PROGRAM**

The City of Palmetto seeks proposals to provide insurance protection for property, automobile, liability, and workers compensation, along with additional specialty coverage. Proposals shall be submitted to the City of Palmetto, Purchasing Office, 516 8th Avenue West, Palmetto, Florida 34220, prior to **2:00 p.m. on August 19, 2009**. At approximately 2:05pm on August 19, 2009, the proposals will be opened publicly in the Palmetto City Hall.

The exterior packaging of the proposal response shall be clearly marked "**RFP PROPERTY, CASUALTY AND LIABILITY INSURANCE**", and shall include two signed (2) originals and one (1) copy of the proposal on compact disc. Proposals must comply with all of the proposal specifications and instructions included herein. The City is not responsible for proposals which do not meet the requirements of this request or which are not submitted by the time specified. Proposals submitted via fax will not be accepted.

The City is not responsible for any expenses incurred by the applicant in preparing or submitting a proposal in response to this RFP, or any expenses associated with interviews, presentations or contract negotiations related to the proposal.

1. SCOPE AND PURPOSE

The City of Palmetto, Florida is seeking proposals from qualified insurance companies to provide insurance coverage for the city's property, automobiles, liability and workers compensation as well as additional specialty coverage for special events, Police Department Accidental Death and Dismemberment (AD&D), position bonding, executive travel and pollution liability. The City anticipates awarding a single contract to cover all of the requested services, but it may award separate contracts to separate applicants if such is deemed to be in the best interests of the City. Proposals should present the property, automobile, general liability and workers compensation coverage as one package with the cost of premiums stated separately. The additional specialty policies, should be quoted as separate policies with coverage as stated in Attachment F.

The objectives of the City are to obtain the best insurance plan while minimizing the cost to the City. In evaluating the responses, consideration will be given to the proximity of the proposers to the City of Palmetto. No weight has been assigned to these factors.

2. LOCAL PREFERENCE

Persons, or firms, known to supply the services or goods to be procured, located within the City of Palmetto shall be given first priority to be contacted to obtain such a quote under City Ordinance 09-990. Persons, or firms, known to supply the services or goods to be procured located within Manatee County shall be given second priority to be contacted to obtain a quote under City Ordinance 09-990.

3. PROPOSAL SPECIFICATIONS

The City of Palmetto wishes to engage the services of property, casualty and liability insurance representatives who are technically knowledgeable, able to meet and competently provide the city's comprehensive property, casualty and liability insurance.

The City reserves the right to make such investigations as it may deem necessary to establish the competency and financial capability of any Bidder to perform.

Applicants should furnish proposals for all of the required services as described Attachments A through F, at the current coverage limits as illustrated in the attachments.

The following attachments may be of assistance in evaluating the needs of the City.

- A. General Liability coverage and schedules
- B. General Property coverage and schedules
- C. Automobile coverage and schedules
- D. Workers Compensation coverage and schedules
- E. Inland Marine coverage and schedules
- F. Additional special policies
- G. Loss History

- A. Proposals shall clearly indicate the legal name of the applicant, as well as current contact information, and shall be signed by the owner or an agent or officer having legal authority to bind the applicant. The applicant must be authorized to conduct business in the State of Florida. The applicant shall complete and submit the Proposer's Certification form included in this RFP.
- B. The proposals shall include an introduction, which clearly demonstrates a comprehensive understanding on the part of the applicant of the City's objectives, as well as information regarding the organization, management structure, and capabilities of the applicant that will be utilized to satisfy the City's objectives.
- C. The proposer shall demonstrate the proposer's financial stability by featuring the following ratios in the proposal:
 - a. Premium to Surplus Ratio
 - b. Reserve to Surplus Ratio
 - c. Liabilities to Surplus Ratio
- D. The applicant shall provide evidence of errors and omissions insurance.
- E. In order to allow sufficient opportunity for review of the proposal, the prices quoted shall be guaranteed for an effective date of 10/1/09.
- F. By submitting a proposal in response to this RFP, the applicant warrants that the premiums quoted will be guaranteed for the contract year from 10/1/09 through 9/30/10.
- G. The applicant must have at least two full-time individuals so that at least one would be available for phone or other consultation during regular business hours.
- H. The proposal must include three references of past or current clients for the purpose of verifying the capability of the applicant in providing the proposed services. References should include names and phone numbers of individuals to contact. One of the references should be a public entity.

- I. Applicants should be prepared to make an oral presentation to the Insurance Selection Committee. The Committee will review the proposed plans and make a recommendation to the City Commission for approval.
- J. Proposals must indicate the location of the office providing administrative service, turnaround time, reports provided and other information that the bidder considers pertinent.
- K. The applicant must be able to provide service and coverage beginning on October 1, 2009. The resulting contract with the successful applicant will be for a period of one (1) year beginning October 1, 2009, but the City anticipates that the contract will include provisions for multiple one year extensions.
- L. In recognition of varying company policies and/or combinations of coverage, please note any additional information or special features in a separate section of your proposal. A clear indication of the reasons for the deviation from the request should be given.
- M. All coverage limits will be statutory unless otherwise noted within current policy.
- N. Bidders will have the sole responsibility of completing all insurance company applications based on the information provided in this proposal. The City will sign completed applications for the successful Bidder if needed.
- O. It is agreed by the undersigned bidder that the signing and delivery of the bid represents the bidder's acceptance of the terms and conditions of the specifications and if awarded a contract by the City, the RFP package documents and proposal as accepted will represent the agreement between the parties.
- P. One hundred twenty (120) days written notice by the insurer is requested prior to any restriction of limits or modification by the insurer resulting in restriction of existing policy terms, premium alterations or provisions.
- Q. One hundred twenty (120) days written notice by the insurer is requested for termination or non-renewal of coverage except for non-payment of premium.
- R. Please indicate the address, telephone number and name of individuals to whom claims should be reported and the procedures to be followed in notifying the insurer.
- S. The City requests that the successful Bidder submit quarterly loss reports for each line of coverage insured. Reports should be accompanied by a detailed description of individual paid losses and established reserves for each claim and should be received quarterly by the City of Palmetto within thirty (30) days following the end of the reporting period. The total claims (both number of claims and incurred and reserved costs) should be included. In the event of termination of coverage, loss reports shall continue to be furnished until all open claims have been concluded. It may be requested that claim reports be structured by departments or locations. Firms must include samples of claims reports with proposals.
- T. A duty to defend arrangement is mandatory. Attorney fees are paid by the insurer and are not applied to the policy limits. The City of Palmetto reserves the right to review the list of attorneys that will be available to them and shall have the right to reject one or more attorneys or firms.

If attorney fees are applied to the policy limits, or if the City of Palmetto is responsible for the payment of attorney fees, your proposal will be rejected.

- U. Agents' Disclosure: Any AGENTS responding who may be dealing directly with the carrier must disclose any and all commissions, fees, service charges or compensation of any type that may be added by the AGENT to the direct quote from the carrier prior to submittal. Additionally, a detailed list of all services to be provided by the submitting AGENT is required in your proposal submission.

4. CLARIFICATION AND INTERPRETATION

Any comments, questions, or requests for clarification, interpretation or additional information concerning the RFP should be submitted in writing, by fax, or by e-mail to Nixa Haisley, Purchasing Agent, at the address below. *The deadline for submitting questions will be Wednesday, August 12, 2009.* The applicant is not entitled to rely upon, and the City will not be bound by, any oral interpretations given by City staff or representatives.

Written addenda or determinations issued by the Purchasing Agent are the only method by which this RFP may be clarified, interpreted or modified. If any such written decisions are issued, the City will make reasonable efforts to notify all applicants. However, each applicant shall be responsible for contacting the Purchasing Office, prior to submitting their proposal, to determine if any such written decisions have been issued and to amend their proposal as necessary.

Nixa Haisley, Purchasing Agent
City of Palmetto
516 8th Avenue West
Palmetto, Fl. 34221
Fax: 941-723-4576
E-mail: nhaisley@palmettofl.org

5. RIGHT TO REQUEST MODIFICATION:

To ensure that proposals best meet the City's needs, the City retains the right to request revisions after the submission of proposals and prior to the award of the contract. Negotiations may be conducted with applicants whose proposals are reasonably likely to be selected for the award. At no time will the contents of any proposal be disclosed to competing bidders during negotiation.

6. PUBLIC RECORDS

The applicant understands that upon receipt of the proposal by the City, the proposal documents become a "public record", as defined in Chapter 119, Florida Statutes, and those documents are subject to public disclosure in accordance with that Chapter.

7. ANTI-COLLUSION

By offering a proposal in response to this RFP, the applicant is certifying that the applicant has not colluded in any way with any other applicant or parties to the proposal, or made any communication that would be reasonably understood to be detrimental to the public purpose of the RFP process, and will not do so during the RFP process. Such prohibited communications include but are not limited to discussion of prices and data with competitors or other applicants, attempting to induce other

firms not to submit proposals, and the employment of a person or agency to solicit or secure this contract upon a commission, percentage, brokerage, or contingent fee arrangement.

8. PUBLIC ENTITY CRIMES

By offering a proposal in response to this RFP, the applicant is certifying that it is not prohibited from submitting such a proposal or entering into a subsequent contract with the City, pursuant to the restrictions of Section 287.133, Florida Statutes, relating to public entity crimes. The applicant shall complete and submit the Public Entity Crimes form included in this RFP.

9. DISCRETION OF THE CITY

The City reserves the right to accept any proposal, to reject any or all proposals, to waive any technical errors or omissions, and to request resubmission or clarification from any or all applicants. The City reserves the right to select any applicant submitting a proposal that meets the requirements of this RFP, and shall have sole discretion to determine which proposal is in the best interests of the City. Following selection, the successful applicant shall negotiate an agreement with the City to carry out the terms of its proposal.

10. LOBBYING PROHIBITED

Upon the issuance of this RFP, all prospective applicants, and any agent, representative or person acting at the request of such prospective applicant, shall be prohibited from discussing any matters related in any way to this RFP with any officer, agent, or employee of the City, other than the Purchasing Agent or as may otherwise be directed in this RFP. The applicant shall complete and submit the No Lobbying Affidavit form included in this RFP.

11. MINORITY BUSINESS ENTERPRISES

The City hereby notifies prospective applicants that it will ensure that minority business enterprises will be afforded full opportunity to participate in response to this RFP, and that during the RFP and subsequent contract negotiation process, no party will be discriminated against based on race, color, creed, sex, age, national origin, or disability. Anyone requiring accommodations to access any public meetings required as part of the RFP or contract process should contact the Purchasing Agent at the address and phone number provided herein, at least 24 hours in advance of the meeting.

12. COMPLIANCE WITH THE LAW

The successful applicant shall comply with all federal, state and local laws, codes, regulations, ordinances and rules.

13. PROTESTS

Any actual or prospective proposer who believes they have been aggrieved in connection with the solicitation or award of a contract may protest to the city clerk. A protest with respect to this request for proposal shall be submitted in writing prior to the opening of responses or the closing date of proposals, unless the aggrieved person (protestor) did not know and could not have been reasonably expected to have knowledge of the facts giving rise to such protest prior to opening or the closing date for proposals. The protest shall be submitted within six (6) calendar days after such aggrieved person knows or could have reasonably been expected to know of the facts giving rise thereto.

14. DRUG FREE WORKPLACE CERTIFICATION

No person submitting a bid shall be awarded or receive a city contract for public improvement, procurement of goods or services (including professional services) or a city lease, franchise, concession or management agreement, unless such person has submitted a written certification to the city that it will provide a drug free workplace. The applicant shall complete and submit the Drug Free Work Place Certification form included in this RFP.

15. EVALUATION OF PROPOSALS

The Proposal Evaluation will be conducted by the City's Insurance Selection Committee to review and evaluate all proposals submitted in response to this RFP. The Committee shall conduct a preliminary evaluation of all proposals on the basis of the information provided and other evaluation criteria as set forth in this RFP. All proposals submitted will be reviewed by the Committee and will be ranked by the criteria provided in this RFP, including the following:

- Overall premiums including all applied discounts and credits
- Municipal experience and public sector client base
- Duplication of current coverage with the lowest number of aggregate limits.
- Enhancements to current coverage
- Financial stability and assigned rating of carrier
- Ability to service City of Palmetto
- Industry reputation and client recommendations
- Dedicated limits will earn a higher rating.
- Direct reinsurance treaty favored over excess insurance contracts.
- Local Preference.

All rating factors will be weighed, taking into consideration the specific needs of the City of Palmetto.

The Committee will be responsible for presenting the proposal evaluations to the City Commission to make the final selection of the Successful Proposer. The Committee will review each proposal for compliance with the minimum qualifications and mandatory requirements of the RFP. Failure to comply with any mandatory requirements may disqualify a proposal.

The City reserves the following rights to:

- A. Conduct pre-award discussion and/or pre-award/contract negotiations with any or all responsive and responsible Proposers, who submit proposals determined to be reasonably acceptable of being selected for award; conduct personal interviews or require presentations of any or all Proposers prior to selection; and make investigations of the qualifications of Proposers as it deems appropriate.
- B. Request that Proposer(s) modify its proposal to more fully meet the needs of the City or to furnish additional information as the City may reasonably require.
- C. Accord fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. Such revisions may be permitted after submission of proposals and prior to award.

- D. Negotiate any modifications to a proposal that it deems acceptable, waive minor irregularities in the procedures, and reject any and all proposals.
- E. Process the selection of the successful Proposer without further discussion.
- F. Waive any irregularity in any proposal, or reject any and all proposals, should it be deemed in its best interest to do so. The City shall be the sole judge of Proposers' qualifications and reserves the right to verify all information submitted by the Proposers. The proposal selected will be that proposal which is judged to be the most beneficial to the City.

END OF PAGE

ALL ATTACHMENTS – SEE ENCLOSED CD

If you received this RFP from our web site and need a copy of the Attachments CD, please contact our Purchasing Agent, Nixa Haisley to make the necessary arrangements to obtain the CD. You may call 941/723-4570, fax 941/723-4576 or email nhaisley@palmettofl.org with your request.

ATTACHMENT A

General Liability Coverage and Schedules

ATTACHMENT B

General Property Coverage and Schedules

ATTACHMENT C

Automobile coverage and Schedules

ATTACHMENT D

Workers Compensation Coverage and Schedules

ATTACHMENT E

Inland Marine Coverage and Schedules

ATTACHMENT F

Additional Special Policies

- Special Events
- Police Department AD&D
- Position Bond
- Executive Travel AD&D
- Pollution Liability

ATTACHMENT G

Loss History

PROPOSERS CERTIFICATION

STATE OF _____

COUNTY OF _____

I, _____, of _____ (name of company),
proposing to furnish the following described materials, equipment, and/or services to the City of Palmetto (the
"CITY") _____

HEREBY CERTIFIES THAT:

1. Bidder/Proposer has thoroughly inspected the specifications or request for proposal and understands the terms and conditions thereof and they are incorporated by reference in the bid or proposal for said goods or services, and have verified measurements, if applicable.
2. The bid or proposal is firm and binding and shall be valid for not less than sixty (60) days from the date of bid opening. A longer time may be set out in the bid, the proposal, or as negotiated between the Bidder/Proposer and the CITY.
3. The bid or proposal is made by a person authorized to bind the Bidder/Proposer.
4. The bid or proposal is made without unlawful collusion between another Bidder/Proposer or potential Bidder/Proposer, or with any officer or employee of the CITY.
5. The bid or proposal is in full compliance with the Copeland Anti-kickback statute.
6. The bidder does not discriminate on the basis of race, color, national origin, sex, religion, age, or handicapped status in employment or in the provision of services.

Print Name: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2009,
by _____, as _____ (title) of _____
(name of company), on behalf of _____ (type of entity).

who is personally known to me,
 who produced _____ as identification, who did take an oath, and who
acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

(Notary Seal)

Signature

Print Name

NOTARY PUBLIC-STATE OF _____

My Commission Expires: _____

Commission No. _____

NO LOBBYING AFFIDAVIT

STATE OF _____

COUNTY OF _____

This, _____, of _____, 2009 _____

being first duly sworn, deposes and says that he or she is the authorized representative of _____ (Name of the authorized contractor, firm or individual), maker of the attached request for proposal released by the City of Palmetto, and that the proposer and any of its agents agrees to abide by the City of Palmetto's no lobbying restrictions in regards to this solicitation, including, but not limited to, all prospective proposer and their agents, representatives or other persons acting at the request of the proposer. Further, the proposer, or any of its agents are prohibited from discussing any matters related in any way to the attached request for proposal with any officer, agent, or employee of the city, other than the purchasing agent or as may otherwise be directed in the attached request for proposal.

Affiant

The foregoing instrument was acknowledged before me this _____ day of _____, 2009, by _____ (name of person, officer, or agent, title of officer or agent), of _____ (name of corporation or partnership, a _____ (state of incorporation or partnership, if applicable).

- who is personally known to me,
- who produced _____ as identification, who did take an oath, and who acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

(Notary Seal)

Signature

Print Name

NOTARY PUBLIC-STATE OF _____

My Commission Expires: _____

Commission No. _____

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

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

1. This sworn statement is submitted to the City of Palmetto (the "CITY") by:

_____ (Print individual's name and title)

For: _____ (Print name of entity submitting sworn statement)

Whose business address is: _____

And (if applicable) its Federal Employer Identification Number (FEIN) is: _____

(If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement _____.)

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), FLORIDA STATUTES, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), FLORIDA STATUTES, means a finding of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.

4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), FLORIDA STATUTES, means:

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

5. I understand that a "person" as defined in Paragraph 287.133(1)(e), FLORIDA STATUTES, means any natural person or entity organized under the laws of any state of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

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

_____ Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

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

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

Date: _____

Signature

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2009, by _____, as _____ of _____, on behalf of _____.

who is personally known to me, or who produced _____ as identification, who did take an oath, and who acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

(Notary Seal)

Signature

Print Name

NOTARY PUBLIC-STATE OF _____

My Commission Expires: _____

Commission No. _____

DRUG FREE WORK PLACE CERTIFICATION

SWORN STATEMENT PURSUANT TO ORDINANCE NO. 505, AMENDING CHAPTER 2, SECTION 2-57, PALMETTO CODE OF ORDINANCES, ON DRUG FREE WORK PLACES.

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

This sworn statement is submitted to the City of Palmetto (the "CITY"), by:

(Print individuals name and title)

For: _____

(Print name of entity submitting sworn statement)

Whose business is: _____

and (if applicable) its Federal Employer Identification Number (FEIN) is _____. (If the entity has no FEIN, include the social security number of the individual signing this sworn statement:

_____.

I understand that no person or entity shall be awarded or receive a CITY contract for public improvements, procurement of goods or services (including professional services) or a CITY lease, franchise, concession or management agreement, or shall receive a grant of CITY monies unless such person or entity has submitted a written certification to the CITY that it will provide a drug free work place by:

1. Providing a written statement to each employee notifying such employee that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance as defined by §893.02(4), Florida Statutes, as the same may be amended from time to time, in the person's or entity's work place is prohibited specifying the actions that will be taken against employees for violation of such prohibition. Such written statement shall inform employees about:
 - I. The dangers of drug abuse in the work place;
 - II. the person's or entity's policy of maintaining a drug free environment at all its work places, including, but not limited to, all locations where employees perform any task relating to any portion of such contract, business transaction or grant;
 - III. any available drug counseling, rehabilitation, and employee assistance programs; and
 - IV. the penalties that may be imposed upon employees for drug abuse violations.
2. Requiring the employee to sign a copy of such written statement to acknowledge his or her receipt of same and advise as to the specifics of such policy. Such person or entity shall retain the statements signed by its employees. Such person or entity shall also post, in a prominent place at all of its work places, a written statement of its policy containing the foregoing elements I through IV.
3. Notifying the employee in the statement required by subsection 1 that this is a condition of employment the employee will:
 - I. Abide by the terms of the statement; and
 - II. Notify the employer of any criminal drug statute conviction for a violation occurring in the work place no later than five (5) days after such a conviction.
4. Notifying the CITY within ten (10) days after receiving notice under subsection 3 from an employee or otherwise receiving actual notice of such conviction.

5. Imposing appropriate personnel action against such employee up to and including termination; or requiring such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
6. Making a good faith effort to continue to maintain a drug free work place through implementation of sections 1 through 5 stated above.

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE CITY OF PALMETTO IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT ANY CONTRACT OR BUSINESS TRANSACTION SHALL PROVIDE FOR SUSPENSION OF PAYMENTS, OR TERMINATION, OR BOTH, IF THE CONTRACTING OFFICER OF THE PALMETTO CITY CLERK DETERMINES THAT:

1. Such person or entity has made false certification;
2. such person or entity violates such certification by failing to carry out the requirements of sections 1, 2, 3, 4, 5 or 6 or Ordinance No. 505, amending Chapter 2, Section 2-57, Palmetto Code of Ordinances, or
3. such a number of employees of such person or entity have been convicted of violations occurring in the work place as to indicate that such person or entity has failed to make a good faith effort to provide a drug free work place as required by Ordinance No. 505.

(Signature)

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by _____, as _____ of _____, on behalf of _____.

who is personally known to me, or who produced _____ as identification, who did take an oath, and who acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

(Notary Seal)

Signature

Print Name

NOTARY PUBLIC-STATE OF FLORIDA

My Commission Expires: _____

Commission No. _____