



**Capital Projects & Purchasing Department  
113 Mable T. Willis Blvd.  
Walterboro, SC 29488  
843.539.1968**

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**RFQ: SW-29  
INDEFINITE DELIVERY CONTRACT FOR  
SOLID WASTE ENGINEERING SERVICES**

**Due: Thursday, October 31, 2019 at 11:00am**

**MAIL RESPONSE TO:**

Capital Projects & Purchasing Department  
Attn: Kaye B Syfrett  
113 Mable T. Willis Blvd.  
Walterboro, SC 29488

**DELIVER RESPONSE TO:**

Capital Projects & Purchasing Department  
Attn: Kaye B Syfrett  
113 Mable T. Willis Blvd.  
Walterboro, SC 29488

TABLE OF CONTENTS

A. OVERVIEW ----- 3  
B. METHOD OF PROCUREMENT -----3  
C. GENERAL SCOPE OF SERVICES -----3  
D. SUBMITTAL FORMAT -----4  
E. SELECTION PROCESS-----5  
F. SELECTION CRITERIA-----6  
G. FINAL SELECTION AND NOTIFICATION -----6  
H. INSTRUCTIONS TO FIRM -----6  
I. REQUIRED FORMS:----- 10

## A. OVERVIEW

Colleton County, South Carolina (the "**County**") is seeking qualified, licensed, full service engineering firms for the annual monitoring and related engineering work with regulatory agencies on its transfer station and C&D landfill, in addition to two municipal landfills (closed "pre-Subtitle D) within a few miles of Walterboro, SC. Colleton County's Solid Waste facility is located at 3288 Green Pond Highway, Walterboro, SC.

Value added engineering capability is important. The selected firm will be expected to address the need to contain costs, comply with all state and federal laws in a timely fashion, prepare periodic reports to agencies, and assist in long term planning and design issues. Examples of some of the services to be provided include Hydro Geological services involving ground water sampling and analysis, ten wells to monitor, two surface water locations, and annual & semiannual well monitoring as needed and as required by DHEC. Additional services include plans for updating the Solid Waste Management Plan, Ground Water Detection Monitoring, and Storm Water Pollution Prevention. Surveys forecasting the end of life expectancy calculation of the construction and demolition Landfill will also be required along with assistance in the design and/or building of additional convenience centers as needed. The firm should be capable of providing all services outlined above.

All documentation associated with this solicitation is located on the Colleton County website at: <http://www.colletoncounty.org/bids-and-proposal-requests>. Questions regarding this proposal must be submitted via email to Carla Harvey, County Engineer at [charvey@colletoncounty.org](mailto:charvey@colletoncounty.org) no later than **11:00am on Thursday, October 24, 2019**. Answers to all questions will be posted on the County website as addendums to this proposal.

## B. METHOD OF PROCUREMENT

This is a qualifications-based selection. Award will be given to the most responsible, responsive and most highly qualified engineering firm. Procedures for this procurement are identified in Section I, INSTRUCTIONS TO FIRM. This qualifications-based selection is based on the Brooks Act (40 U.S.C. 11). Cost is NOT a factor in the ranking of firms to provide services herein. **DO NOT include any reference to consultant costs in the RFQ response.** Any RFQ response with any discussion of cost will be disqualified. Firms are advised that this evaluation and selection process is a competition and not simply a prequalification. Note that all contracts will be based on a negotiated fee based on the project scope. A general scope of work is outlined below.

Colleton County will be issuing an Indefinite Delivery Contract (IDC) to one (1) engineering firm. The contract term will be for twenty-four (24) months from the date the contract is signed with the option for renewal for three (3) additional twelve (12) month periods.

## C. GENERAL SCOPE OF SERVICES

Requested services include, but are not limited to the following:

- Solid Waste Management Plan
- Ground Water Detection Monitoring
- Storm Water Pollution Prevention Plan
- Landfill Permitting

- Transfer Station Permitting
- Landfill Closeout
- Landfill New Construction
- Project Organization and Management
- Field Surveys

## D. SUBMITTAL FORMAT

Responding firms shall submit three (3) bound copies, with one (1) being the original. Responses must be submitted in a sealed envelope/package containing the solicitation name and number.

The RFQ response must be submitted by the date and time listed in this RFQ. The response shall contain no more than twenty-five (25) double spaced pages, typed on one side only, excluding appendices. Minimum font size shall be 12-point. Responses should address each of the following proposal content requirements in the same order as listed below. The Firm may wish to include additional information. If a firm does not submit responses to these items, their submittal may be considered non-responsive and returned without further review/evaluation. Firms are advised that Colleton County reserves the right to conduct an independent investigation of any information, including prior experiences, identified in the responses. Firms are responsible for effecting delivery by the deadline date and time; late submissions will be rejected without opening. Colleton County accepts no responsibility for misdirected or lost proposals. Responses shall be explained and identified within the twenty-five (25) pages. Appendices may only be used to support or supplement the detailed answers, but cannot be used as a substitute for the required narrative response.

The following is included in the 25-page RFQ response:

1. **Letter of Interest:** The Letter of Interest should be no longer than one (1) page and shall contain the following items:
  - a. An expression of the Prime Firm's interest in being selected for the project.
  - b. A statement confirming the commitment of key personnel identified in the submittal to the extent necessary to meet Colleton County's quality and schedule expectations.
  - c. Provide the name of the Prime Firm Principal, Officer of the Firm or Project Manager responsible for this contract and has authority to sign the contract for the Firm.
  - d. A summary of key points regarding the Prime Firm's qualifications.
  - e. Signing the letter of interest constitutes authorization of the Firm to submit qualifications for the purpose of negotiating and entering a contract with Colleton County.
  - f. Certification of authorized submitter that information contained within is correct by including:  
 "I certify that the information included within this document, is to the best of my knowledge, correct as of the date indicated".
  
2. **Project Organization Chart:** Limited to one (1) side of one sheet of paper. This chart must include the names of the key individuals selected for this project, their roles on the project, the names of the Firm or Company by which they are employed, and the lines of communication, to include functional structure, levels of management and reporting relationships for Key Individuals, and major functions to be performed in managing and designing the project. It shall also indicate the people who will be points of contact with Colleton County's Project Manager.

3. **Qualifications for key individuals:** List all licenses and certifications for each individual.
4. **Names and qualifications for other key individuals** that are considered critical to the success of this project in addition to those identified above. Qualifications should include information on experience related to similar projects and previous project work.
5. **A direct response to each of the selection criteria** identified below.
6. **Workload:** The Firm must provide a **chart indicating the present workload of all key personnel** to include all active projects (concurrent projects with other entities such as cities, other state agencies, counties, COGs MPOs, private sector) and their percentage availability for this project. Additionally, all proposals must clearly list the percentage of work for the prime Firm and sub-firm(s) that will be performing work as part of the project.

#### APPENDICES

1. Standard Form 330 (SF 330) as required by the Federal Acquisitions Regulations. All parts of the SF 330 must be completed in its entirety for the prime Firm and sub-firm(s) and any sub-contractors. Also, indicate if the prime Firm has previously worked with the proposed sub-firm and give a brief example of the previous relationship(s). The Form 330 will not count against the maximum page limit and can be included in the appendices.
2. Provide a list of References who have personal knowledge of the prime firm and the sub-firm's previous performance. Provide three (3) client references each for both the prime Firm and the sub-firm(s). The references must include verified addresses, email addresses and telephone numbers, contact persons, and a brief description of services that have been provided similar to those described by Colleton County for this project. References shall be shown on separate sheets (limited to one (1) single-sided sheet; one sheet for the prime Firm and one sheet for each sub-proposed).

#### REQUIRED FORMS

Include all required forms at the end of the submitted proposals as specified in the last section of this RFQ.

## E. SELECTION PROCESS

The Colleton County selection committee will evaluate each proposal based on the stated selection criteria and determine a short list of firms. The selection committee may invite those short-listed firms to make a presentation. The short list of firms will then be ranked by the selection committee at the conclusion of the presentation interviews. The final ranking of firms and recommendation of award will be presented to County Council for final approval.

Colleton County reserves the right to reject any or all qualifications, and to waive defects, technicalities and/or irregularities in any submittal. The County reserves the right to finalize a contract based on all factors involved in the written qualifications submitted without further discussion or interviews.

## F. SELECTION CRITERIA

The relative point value and selection criteria follow:

25%	Past performance
25%	Ability, qualification, and experience of key personnel
20%	Related experience on similar projects
10%	Demonstrated ability to meet time and budget requirements on previous projects
10%	Recent, current, and projected workload
10%	Proximity to and knowledge of the locality of the project

\* Note: In each criterion above where special experience is evaluated, each project listed should include the client name, specific role of the team member for the firm, and a point of contact for the client with telephone number and email address.

## G. FINAL SELECTION AND NOTIFICATION

It is the intent of Colleton County to select one (1) engineering firm to perform under the IDC Agreement. The successful firm shall be required to execute formal contract with Colleton County within ten (10) business days after notice of award by the County.

Once the selected Firm has entered into an IDC contract, Colleton County will begin the negotiation process with the firm on the project type. After a fair and reasonable cost and time frame have been successfully negotiated, the selected firm will be awarded a contract for services.

## H. INSTRUCTIONS TO FIRM

**ADDITIONAL INFORMATION:** Colleton County reserves the right to request or obtain additional information about any and all responses to the RFQ.

**AMENDMENT:** Any amendment will be posted on Colleton County website in the form of an addendum. The RFQ may be amended at any time prior to the RFQ response submittal date. All actual or prospective firms should monitor Colleton County's website for issuance of addendums. Firms shall acknowledge receipt of any addendum to this RFQ by signing and returning the attached Addendum Acknowledgement form. If this RFQ is amended, then all terms and conditions which are not modified remain unchanged. It is the Firm's responsibility to check the website regularly for updates and modifications.

**AUDITS:** Prior to contract award, an audit may be conducted by Colleton County of the selected firm. This audit will be for the purpose of ensuring the selected firm is financially capable of performing the contract, the cost information and prices quoted are reasonable and the selected firm had adequate accounting practices to ensure accurate tracking of contract costs.

**AUTHORIZATION TO BEGIN WORK:** No work shall commence until after contract execution and issuance of a Notice to Proceed (NTP). Violations of NTP may result in non-payment of work performed, termination of an impending contract, or loss of federal funds, if applicable. The Firms billing shall not date prior to contract and/or modification of execution date.

**AWARD:** The selected firm will be posted on Colleton County's website.

**CERTIFICATION FORMS:** Submission forms located in this document must be completed, signed, notarized and submitted with the RFQ response. Failure to submit these forms may result in the RFQ response being deemed nonresponsive.

**CLARIFICATIONS:** Colleton County, at its sole discretion, shall have the right to seek clarifications from any Firm to fully understand information contained in their responses to the RFQ.

**COMMUNICATION:** Effective the date of the advertisement of this contract, no further contact is allowed with any Colleton County personnel concerning this RFQ except for questions of an administrative or contractual nature that shall be submitted in writing to the attention of one of the Contract Officers. This restriction is in effect until the selection has been announced. The employees of the proposing firm may not contact any Colleton County staff including members of the Selection Committee, other than one of the Contract Officers to obtain information on the RFQ. Such contact may result in disqualification.

**CONFLICT OF INTEREST:** By submitting a proposal, proposer agrees that, if an organizational conflict of interest is discovered after the proposal is submitted, the proposer must make an immediate and full disclosure to Colleton County that includes a description of the action that the proposer has taken or proposes to take to avoid or mitigate such conflict. Colleton County considers it a conflict of interest for a firm to represent more than one party in relation to any given project regardless of which phases of the service are involved. If after award of the contract an organizational conflict of interest is determined to exist, Colleton County may, at its discretion, cancel the contract. If the proposer was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to Colleton County, then Colleton County may terminate the contract for default. The Firm must complete and submit a DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST CERTIFICATION certifying it does not have any financial or other interest in the outcome of the project, that it has no agreement, enforceable promise, or guarantee with any individual or company to provide any work on the project, that it does not have any association or professional or business relationships with anyone who has a financial interest in the outcome of the project, nor does anyone with a financial interest in the outcome of the project, exercise any control over the firm's pay, employment, bonuses, or other area subject to external influence.

**DEBARMENT CERTIFICATION:** Federal regulations require certification by prospective firms as to current history regarding debarment, eligibility, indictments, convictions, or civil judgments. The Firm is required to submit the Debarment certification with its RFQ response. Any individual, business, organization, corporation, consortium, partnership, joint venture, or any other entity including sub-firms currently debarred or suspended is ineligible to participate as a candidate for this process. Any entity ineligible to conduct business in the State of South Carolina for any reason is ineligible to respond to the RFQ. A CERTIFICATION OF PRIMARY PARTICIPANT REGARDING DEBARMENT, SUSPENSION, and OTHER RESPONSIBILITY MATTERS is included in the Appendix to this RFQ.

**DEBRIEFING:** If a non-selected Firm would like to schedule a debriefing, the Firm will have three (3) working days from the date of notification of non-selection. Only written requests (emails are acceptable) for a debriefing will be scheduled. If a Firm chooses to schedule a debriefing prior to contract signature, they can no longer be considered for award of this contract. However, the option exists to schedule a post-award debrief which will not jeopardize their opportunity for contract award should negotiations with the selected firm(s) prove unsuccessful.

**DRUG FREE WORK PLACE CERTIFICATION:** By submitting an RFQ response, the Firm certifies that, if awarded a contract, the Firm will comply with all applicable provisions of the Drug-free Workplace Act, Title 44, Chapter 107 of the South Carolina Code of Laws, as amended.

**ETHICS CERTIFICATION:** By submitting this RFQ, the Firm certifies that the Firm has and will comply with South Carolina's Ethics, Government Accountability, and Campaign Reform Act of 1991, as amended. The following statutes require special attention: (a) Offering, giving, soliciting, or receiving anything of value to

influence action of public employee - §8-13-790, 8-13-705, 8-13-720; (b) Recovery of kickbacks - §8-13-790, (c) Offering, soliciting, or receiving money for advice or assistance of public official - §8-13-720, (d) Use or disclosure of confidential information - §8-13-725, Persons hired to assist in the preparation of specifications or evaluation of bids - §8-13-1150, (f) Solicitation of state employees - §8-13-755, §8-13-760 and §8-13-725. The state may rescind any contract and recover all amounts expended as a result of any action taken in violation of this provision.

**INSURANCE and BONDS:** The Firm and sub-firm(s) are responsible to obtain all required statutory and contractual insurance and bonds, including but not limited to Professional liability insurance and Error and Omissions insurance, and shall be submitted to Colleton County prior to execution of contract for services. The Firm shall maintain all forms of insurance required by law in the State of South Carolina. The Firm shall also maintain insurance coverage for comprehensive, general liability, automobile liability, and workers' compensation (by statutory authority). Colleton County will be named as an "additional insured" party. This policy shall remain in effect for the duration of any Contract for Services. Minimum insurance coverage limits can be seen below.

- Professional Liability Insurance - Minimum \$1,000,000.00 Proof of in force insurance must be provided in the response to the RFQ
- Errors and Omissions Insurance - Minimum \$3,000,000.00 Proof of in force insurance must be provided with each Contract for services.
- Other insurances:
- Workers' Compensation - \$100,000 - each accident
  - Statutory Coverage and Employer's - \$100,000 each employee
  - Liability - \$500,000 - policy limit
  - Comprehensive General Liability –
    - \$2,000,000 – bodily injury each occurrence
    - \$2,000,000 – bodily injury aggregate
    - \$2,000,000 – property damage each occurrence
    - \$2,000,000 – property damage aggregate
  - Products – Completed Operations - \$1,000,000 – aggregate
  - Business Auto Liability – Same as Comprehensive General Liability
  - Excess or Umbrella Liability - \$2,000,000

**JOINT VENTURES:** If the Firm is a partnership, limited partnership, joint venture or other association (hereinafter joint venture), provide a copy of the organizational document or agreement committing to form the organization. Provide documentation from its surety company acknowledging the formation of a joint venture for the purpose of completing the project and that the joint venture is capable of obtaining a performance bond and payment bond in the estimated amount of the contract. Provide a statement executed by all general partners, joint venture members, or other association members, as applicable, evidencing agreement to be fully liable for the performance under the contract. Provide documentation evidencing the person signing the contract has authority to sign the contract on behalf of the joint venture. This information may be included in the appendices and will not be counted against the maximum page limitation.

**KEY INDIVIDUALS:** Key individuals are those personnel deemed critical to the success of the project. They often vary from project to project. It is incumbent on the prime Firm to make a determination as to who they deem "key". In general terms, it can include, but not limited to: the project manager and those individuals listed as leads for each functionally specific discipline on the project organization chart.

**KEY INDIVIDUAL CHANGES:** If during the selection process, the CO is notified by the Firm that key individuals are not available, action must be taken as follows: (1) if notified before scoring is complete, but after deadline for submittal, the Firm can submit the resume of the person who would be replacing the key



individual. The selection committee will score using the new key individual; (2) if notified after the scoring is complete, but prior to final approval, and the change involves the top scoring Firm, the Firm can submit the resume of the person who will replace the key individual. The selection committee must then determine if the new person would affect the selection results. If not, the CO will notate the change and the justification for keeping the selection results. If it does, the selection committee will re-score the top consultant and change the selection; or (3) if a Firm notifies the CO of a key individual change any time after the final approval, Colleton County must determine if the new key individual is acceptable. If not, the Firm will be rejected and the next highest qualified Firm selected. To qualify for Colleton County's authorization to replace a key individual, the Firm must submit a written request explaining the reason for the change and must document that the proposed removal and replacement will provide services and/or management of the Project equal to or better than that submitted with the proposal. Colleton County will use the criteria specified in the advertisement and the qualification submitted by the firm to evaluate all requests. Colleton County reserves the right to reject the Firm from further consideration if the new member is not approved. Firms that are found to consistently propose personnel who are not available are subject to temporary or permanent loss of their prequalification in that category, and may lose the right to submit proposals to SCDOT. SCDOT acknowledges that there are times where key individuals have to be changed due to change in employment or unanticipated work load shifts or schedule changes. All changes in key individuals must be approved by Colleton County in writing.

**LAWS AND REGULATIONS:** It is the responsibility of the Firm to know and understand state and federal contracting and project regulations, rules, policies and procedures. Firms shall conform to all state and federal requirements.

**MULTIPLE PROPOSALS:** Firms are prohibited from submitting on multiple proposals as the prime Firm in response to this advertisement.

**OWNERSHIP:** All materials and written qualifications submitted pursuant to this RFQ shall become the property of Colleton County and will not be returned. All responders must visibly mark as "CONFIDENTIAL" each part of their submission that they consider to contain proprietary information the release of which would constitute an unreasonable invasion of privacy. All unmarked pages will be subject to release in accordance with law. Proposer should be prepared, upon request, to provide justification of why such materials should not be disclosed under the South Carolina Freedom of Information Act, S.C. Code Section 30-4-10, et seq.

**REQUIRED PERCENTAGE OF WORK FOR PRIME FIRMS:** Firms must perform work valued at not less than 30% of the total work, excluding specialized services, with its own staff. Specialized services are those services or items not usually furnished by a Firm performing a particular type of services requested.

**RESPONSIBLE:** Award of the contract will be to the Firm who have the capability in all respects to perform fully the contract requirements and the integrity and reliability which will assure good faith performance which may be substantiated by past performance.

**RESPONSIVENESS:** Any RFQ response which fails to conform to the material requirements of the RFQ may be rejected as nonresponsive. Reasons for determining a proposal to be non-responsive may result from, but are not limited to, the following: failure to provide all information requested in RFQ, conflict of interests, conditional proposals, and failure to provide complete and honest information. Firms will not be given an opportunity to correct any material nonconformity. Any deficiency resulting from a minor informality may be clarified or waived at the sole discretion of Colleton County.

**RFQ PREPARATION COSTS:** Colleton County assumes no liability and will not reimburse costs incurred by firms (whether selected or not) in developing responses to this RFQ or participating in interviews.

**RIGHT TO MODIFY and AMEND RFQ:** Colleton County reserves the right to modify or amend any provision of this RFQ, including the determination of its intent to award a contract pursuant to this RFQ. Interested Firms are cautioned to rely solely on the contents of this RFQ and subsequent written amendments in

preparing any list of qualifications. Colleton County shall not be bound by any oral instructions, comments, or recommendations of any kind.

RIGHT TO REJECT: Colleton County reserves the right, in its sole discretion, to reject any and all RFQ responses if it determines that such rejection is in the best interest of Colleton County.

RIGHT TO CANCEL: Colleton County reserves the right to cancel the advertisement, negotiations, or contract at any time in the best interest of Colleton County.

TERMS OF CONTRACT: Standard contract terms for all Colleton County projects utilizing State and/or Federal funding are non-negotiable.

VALIDITY OF INFORMATION: The Firm shall be held responsible for the validity of all information supplied in its RFQ, including that provided by potential subcontractors. Should subsequent investigation disclose that the facts and conditions were not as stated, the RFQ may be rejected or contract terminated for default if after award, in addition to any other remedy available under the contract or by law.

## I. REQUIRED FORMS:

The following completed forms are required to be returned with each RFQ:

- Firm's Submittal Form
- Certificate of Non-Collusion
- Certification of Primary Participant Regarding Debarment, Suspension, And Other Responsibility Matters
- Certification of Firm
- Disclosure of Potential Conflict of Interest Certification
- Drug-Free Workplace Certification
- Equal Employment Opportunity Certification
- Addendum Acknowledgement

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**RFQ: SW-29**

**FIRM'S SUBMITTAL FORM**

In compliance with the above RFQ: SW-29, the undersigned hereby proposes to provide professional engineering and design services for Colleton County projects in accordance with the instructions, terms, conditions and requirements incorporated in the Request for Qualifications.

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

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

\_\_\_\_\_  
Federal Tax Identification Number:

\_\_\_\_\_  
Principal's Name and Title (type or print):

\_\_\_\_\_  
Principal's Signature:

\_\_\_\_\_  
State of Incorporation:

Is your business delinquent in paying any taxes owed to Colleton County?  Yes  No

Please note that the Procurement Department is required to verify that all taxes have been paid to the County by vendors with which they intend to do business. If you owe delinquent taxes your submittal may be disqualified from consideration. If you wish to inquire as to your tax status, you may contact the Colleton County Delinquent Tax Office at (843) 549-5433.

**PAYMENT OPTIONS:**

Do your Firm accept credit cards as a form of payment?  No  Yes



**RFQ: SW-29**

**CERTIFICATE OF NON-COLLUSION**

By submission of proposal, each person signing on behalf of any consultant certifies, and in the case of a joint proposal, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- 1) The proposal is submitted without collusion, consultation, communication, or agreement for the purpose of restricting competition, with any other bidder or with any competitor;
- 2) No attempt has been made or will be made by the proposer to induce any other person, partnership or corporation to submit or not to submit a proposal for the purpose of restricting competition.

\_\_\_\_\_  
Firm

\_\_\_\_\_  
Authorized Official/Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

SWORN AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public



RFQ: SW-29

**CERTIFICATION OF PRIMARY & SUB-CONSULTANT PARTICIPANT REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS**

The Firm of, \_\_\_\_\_ certifies to the best of its knowledge and belief, that it and its principals:

- 1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- 2) Have not within a three (3) year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction; 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;
- 3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
- 4) Have not within a three (3) year period preceding this application/proposal had one or more public transactions (Federal, State or Local) terminated for cause or default.

If the prime Firm is unable to certify to any of the statements in this certification, the Firm shall attach an explanation to this certification.

The Firm of, \_\_\_\_\_ certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of 31 U.S.C. Sections 3801 et seq, are applicable thereto.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Official/Title

SAM's No. \_\_\_\_\_

Cage Code \_\_\_\_\_

DUN's No. \_\_\_\_\_



**CERTIFICATION OF FIRM**

I hereby certify that I am the duly authorized representative of FIRM and that neither I nor the above FIRM I here represent has:

- a) employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above FIRM) to solicit or secure this contract;
- b) agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the contract, or
- c) paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above FIRM) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the contract except as here expressly stated (if any);
- d) 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.

By execution of this Agreement, FIRM certifies FIRM and all sub-firms, contractors, employees and agents will comply with South Carolina’s Ethics, Government Accountability, and Campaign Reform Act of 1991, as amended. The following statutes require special attention: (a) Offering, giving, soliciting, or receiving anything of value to influence action of public employee - §8-13-790, 8-13- 705, 8-13-720; (b) Recovery of kickbacks - §8-13-790, (c) Offering, soliciting, or receiving money for advice or assistance of public official - §8-13-720, (d) Use or disclosure of confidential information - §8-13-725, (e) Persons hired to assist in the preparation of specifications or evaluation of bids - §8-13-1150, (f) Solicitation of state employees - §8-13-755, §8-13-760 and §8-13-725. The state may rescind any contract and recover all amounts expended as a result of any action taken in violation of this provision.

I acknowledge that this certificate is to be furnished to the Department, the Federal Highway Administration, and the U. S. Department of Transportation, and is subject to applicable State and Federal laws, both criminal and civil.

\_\_\_\_\_  
Firm

\_\_\_\_\_  
Authorized Official/Title

\_\_\_\_\_  
Signature



RFQ: SW-29

**DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST CERTIFICATION**

Firm hereby indicates that it has, to the best of its knowledge and belief has:

\_\_\_\_\_ Determined that no potential organizational conflict of interest exists.

\_\_\_\_\_ Determined a potential organizational conflict of interest as follows:

Attach additional sheets as necessary.

1. Describe nature of the potential conflict(s):

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

2. Describe measures proposed to mitigate the potential conflict(s):

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

\_\_\_\_\_  
Firm

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature/Title

\_\_\_\_\_  
Print Name

If a potential conflict has been identified, please provide name and phone number for a contact person authorized to discuss this disclosure certification with Department of Transportation contract personnel.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Phone #

\_\_\_\_\_  
Company



### **DRUG-FREE WORKPLACE CERTIFICATION**

This certification is required by the Drug-free Workplace Act, Section 44-107-10 et seq South Carolina Code of Laws (1976, as amended). The regulations require certification by Contractors/Vendors prior to award, that they will maintain a drug-free workplace as defined below. The certification set out below is a material representation of fact upon which reliance will be placed when determining the award of a contract. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of contract, or suspension or debarment from the right to submit bids or proposals for Colleton County projects.

For purposes of this Certification, “Drug-free Workplace” is defined as set forth in Section 44-107019 (1), South Carolina Code of Laws (1976, as amended). The aforesaid Section defines workplace to include any site where work is performed to carry out the Contractor’s/ Vendor’s duties under the contract. Contractor’s/Vendor’s employees shall be prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of the Drug-free Workplace Act.

By signing this document, the Firm hereby certifies that it will provide a drug-free workplace by:

- (1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Contractor’s/Vendor’s workplace and specifying the actions that will be taken against employees for violation of the prohibition;
- (2) Establishing a drug-free awareness program to inform employees about:
  - (a) The dangers of drug abuse in the workplace;
  - (b) The Contractor’s/Vendor’s policy of maintaining a drug-free workplace;
  - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (d) The penalties that may be imposed upon employees for drug violations;
- (3) Making it a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by paragraph (1) above;
- (4) Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the contract, the employee will:
  - (a) Abide by the terms of the statement: and
  - (b) Notify the employer of any criminal drug statue conviction for a violation occurring in the workplace no later than five (5) days after the conviction



- (5) Notifying the using agency within ten (10) days after receiving notice under subparagraph (4) (b) from an employee or otherwise receiving actual notice of the conviction;
- (6) Taking one of the following actions, within thirty (30) days of receiving notice under subparagraph (4) (b) with respect to any employee who is convicted:
  - (a) Taking appropriate personnel action against the employee, up to and including termination; and
  - (b) Requiring the employee to participate satisfactorily 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;
- (7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5), and (6) above.

**Firm:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Authorized Representative Name/Title:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Witness Name (Print):** \_\_\_\_\_

**Signature of Witness:** \_\_\_\_\_

***Note: This certification form is required for all contracts for a stated or estimated value of \$50,000 or more.***



**RFQ: SW-29**

**EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION**

Colleton County requires compliance with State and Federal regulations governing Equal Employment Opportunity, External Equal Opportunities (EO), External On-the-Job Training (OJT), Title VI, and the Americans with Disabilities Act (ADA) programs.

*Sub-recipients of federal-aid contracts must include notifications in all solicitations for bids of work or material and agreements subject to Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities. Sub-recipients, contractors and subcontractors may not discriminate in their employment practices or in the selection and retention of any subcontractor.*

By signing this document, the Firm hereby certifies their commitment to assure nondiscrimination in its programs and activities to the effect that no person shall on the grounds of race, color, national origin, sex, age, disability or income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any federally or non-federally funded program or activity administered by the sub-recipient and/or its contractors.

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

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

Authorized Representative Name/Title (Print): \_\_\_\_\_

Signature of Authorized Representative: \_\_\_\_\_

Witness Name (Print): \_\_\_\_\_

Signature of Witness: \_\_\_\_\_



**RFQ: SW-29**

**ADDENDA ACKNOWLEDGEMENT FORM**

The firm has examined and carefully studied the proposal and the following Addenda, receipt of all of which is hereby acknowledged:

Addendum No. \_\_\_\_\_

Addendum No. \_\_\_\_\_

Addendum No. \_\_\_\_\_

Addendum No. \_\_\_\_\_

\_\_\_\_\_  
Authorized Representative Name/Title (Print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Representative's Signature