

**CITY OF MARATHON, FLORIDA
RESOLUTION 2010-52**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A CONTRACT BETWEEN THE CITY OF MARATHON AND KORKAT, INC., FOR AMERICANS WITH DISABILITY ACT COMPLIANT PLAYGROUND EQUIPMENT TO BE INSTALLED AT SOMBRERO BEACH PARK IN AN AMOUNT NOT TO EXCEED \$75,000; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY, AND EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Resolution 2008-91, the City of Marathon (the "City") may enter into contracts for material, supplies, equipment, public improvements or services without competitive bidding by utilizing existing contract terms and prices entered into by other local, state, or federal governmental authorities, provided that the governmental authority has followed a competitive bidding procedure leading to the award of the contract in question; and

WHEREAS, the School District of Palm Beach County, Florida issued Bid # 10C-54B for playground equipment. Following the competitive bidding procedure, the bids were reviewed and Korkat Inc. was deemed both responsive and responsible and thus was awarded the contract; and

WHEREAS, the City Council desires to enter into a contract with Korkat, Inc., (the "Contractor") for the purchase and installation of playground equipment at Sombrero Beach in an amount not to exceed \$75,000 (the "Contract") in accordance with the terms and conditions of Bid # 10C-54B issued by the School District of Palm Beach County, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

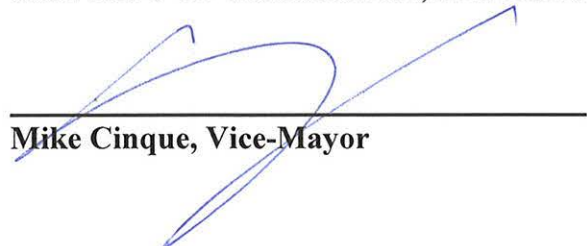
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The Contract between the City and Contractor for the purchase and installation of playground equipment in an amount not to exceed \$75,000 attached hereto as "Exhibit A," together with such non-material changes as may be acceptable to the City Manager and approved as form and legality by the City attorney is hereby approved. The City Council hereby appropriates the necessary funds to purchase and install the playground equipment and the City Manager is authorized to execute the Contract on behalf of the City and expend appropriated funds.

Section 3. This resolution shall take effect immediately upon its adoption

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 25th DAY OF MAY, 2010.

THE CITY OF MARATHON, FLORIDA



Mike Cinque, Vice-Mayor

AYES: Keating, Worthington, Ramsay, Cinque
NOES: None
ABSENT: Snead
ABSTAIN: None

ATTEST:



Hillary Harrison, Acting City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



City Attorney



CITY OF MARATHON, FLORIDA

10045-55 Overseas Highway, Marathon, Florida 33050

Phone: (305) 743-0033 Fax: (305) 743-3667

Memorandum

To: Susie Thomas, Community Services Director
From: Joe Jimenez, Assistant City Attorney
Cc: Roger Hernstadt, City Manager
Date: May 13, 2010
Re: **Piggybacking Palm Beach County Schools Playground Equipment ITB**

You have asked whether the City of Marathon (the "City") may "piggyback" the School District of Palm Beach County, Florida's BID #10C-54B for Playground Equipment. The following memorandum sets forth the relevant law, and the analysis of your inquiry.

Applicable City Resolution

Resolution 2008-91 sets forth the City's purchasing policies and procedures. Section 2.0.3 of that Resolution states:

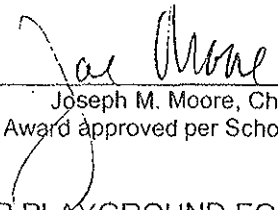
The City Manager or City Council, depending upon the dollar amount of the purchase, is authorized to enter into contracts for materials, supplies, equipment, public improvements or services without competitive bidding by utilizing existing contract terms and prices entered into by other local, state or federal governmental authorities, provided that the governmental authority has followed a competitive bidding procedure leading to the award of the contract in question which is substantially similar to the competitive bidding procedure outlined in the City's Purchasing Policy. Examples include State Contracts, GSA Contracts, Monroe County Blanket Purchase Agreements (BPA's) and piggybacking of competitively awarded bids. When this situation exists, evidence of the prices and terms of the existing contract being used should be included with the Purchase Order or Check Request, which authorizes payment for the purchase.

Analysis

On March 17, 2010, the School District of Palm Beach County, Florida, (the "District") issued Bid # 10C-54B for playground equipment ("ITB"). Upon review of the bids submitted, the District evaluated and awarded the contract to every responsible and responsive bidder in order to meet the overall needs of the District. Among those bidders to receive an award was Lanier Plans, Inc dba Korkat.

You have informed me, that the City is interested in using the services of Korkat in a substantially similar manner to Korkat's bid to the District's ITB. The City will purchase playground equipment from Korkat under the price structure in Korkat's District bid.

Based on these facts, the City may "piggyback" the District's ITB. The District qualifies as a governmental authority which followed a competitive bidding procedure as outlined in the City's Purchasing Policy. Consequently, the City may avail itself of the District's ITB and award therefrom.


 Date: 5/4/10
 Joseph M. Moore, Chief Operating Officer
 Award approved per School Board Policy 6.14

INVITATION TO BID NO.: 10C-54B – TERM CONTRACT FOR PLAYGROUND EQUIPMENT,
SURFACING, SHADE STRUCTURES & FITNESS TRAILS - REVISED

DATE: April 21, 2010
 DATE SOLICITED: March 17, 2010

DATE OPENED: April 7, 2010
 DATE POSTED: April 22, 2010

CONTRACT PERIOD: May 3, 2010 through May 2, 2015
 REQUESTING DEPARTMENT: Various Schools & Departments

FINANCIAL IMPACT

The estimated annual financial impact to the District budget is \$5,000,000. The source of funds is the various schools and departments budgets.

Items to be purchased include playground equipment, outdoor fitness equipment, shade structures, fitness trails, installation, site preparation, dig-out and excavation, sand, concrete for the pads and sidewalks, surfacing for ADA accessibility and the installation of the surfacing. The equipment is bid at a firm percentage discount off list price plus freight and installation. Surfacing, surfacing installation and all site prep is bid at a firm rate per square foot. The bid establishes a pool of pre-qualified vendors to furnish and install shade structures and fitness trails as requested. The project coordinator for the school site manages each project. All equipment and surfacing are approved by Risk Management.

AWARD RECOMMENDATION / TABULATION

<u>VENDOR</u>	<u>MINORITY STATUS</u>	<u>ITEM 1</u>	<u>ITEM 2</u>	<u>ITEM 3</u>	<u>ITEM 4</u>
(Ace Surfaces)		---	---	---	---
American Recreational Solutions, Inc.	---	9%	5%	Various	N/A
Apollo Sunguard Systems	8	5%	No Bid	No Bid	No Bid
Bliss Products & Services, Inc.	---	12.5%	35%	Various	N/A
Christensen Systems	---	No Bid	No Bid	No Bid	No Bid
Columbia Cascade Company	---	12%	No Bid	No Bid	No Bid
D.W. Recreation Services, Inc.	---	No Bid	25%	No Bid	No Bid
Gametime	---	15% - \$15,00 & up 10% \$14,999 & less	25%	Various	N/A
Lanier Plans, Inc. dba Korkat, Inc.	---	10% Playland	28%	Various	N/A

		<u>5% H2O</u>			
Leadex Corporation	---	<u>4% Playcraft</u> <u>2% Sportsplay</u> <u>(1% Landscape)</u>	<u>34%</u>	<u>Various</u>	N/A
Miracle Recreation Equipment Company	---	<u>20%</u>	<u>40%</u>	<u>Various</u>	<u>\$2.00 per sq ft</u>
No Fault Sport Group, LLC	---	No Bid	No Bid	<u>Various</u>	N/A
Play It Safe	6	<u>10% Union Land</u> <u>8% Exccent Play</u> <u>8% Sports Play</u>	<u>29%</u>	<u>Various</u>	N/A
Playmore West, Inc.	---	<u>10% \$10,000 & up</u> <u>2% less than \$10,000</u>	<u>35%</u>	<u>Various</u>	N/A
PlayPower LT Farmington, Inc.	---	<u>10%</u>	No Bid	<u>Various</u>	N/A
RCP Shelters, Inc.	---	No Bid	No Bid	No Bid	No Bid
Regal Contractors, Inc.	---	No Bid	<u>28%</u>	<u>Various</u>	N/A
Rep Services, Inc.	---	<u>3%</u>	<u>36%</u>	<u>Various</u>	N/A
Shade Systems, Inc.	---	No Bid	No Bid	No Bid	No Bid
SkyShades of South Florida	6	No Bid	No Bid	No Bid	No Bid
Southeast Surfacing & Recreation LLC	---	No Bid	<u>Various</u>	<u>Various</u>	N/A
Spectra Contract Flooring	---	(10%)	(5%)	<u>\$10.99 per sq ft - turf & \$9.99 per sq ft - PIP</u>	N/A
Sports Systems International, Inc.	---	<u>5%</u>	<u>75%</u>	<u>Various</u>	N/A
Sun Shade, Inc.	---	No Bid	No Bid	No Bid	No Bid
Superior Park Systems, Inc.	---	<u>5% Superior Park Systems & Recreation Creations</u>	<u>75%</u>	<u>Various</u>	N/A
Taylor Supply LLC	---	<u>7% Childforms</u>	No Bid	No Bid	No Bid

		<u>& Blue Valley Industries</u>			
TofTurf by Roberson Industries, Inc.	---	No Bid	No Bid	<u>Various</u>	N/A
West Construction, Inc.	---	<u>5%</u>	<u>25%</u>	<u>Various</u>	N/A

<u>VENDOR</u>	<u>ITEM 5</u>	<u>ITEM 6</u>	<u>ITEM 7</u>	<u>ITEM 8</u>	<u>ITEM 9</u>
(Ace Surfaces)	---	---	---	---	---
American Recreational Solutions, Inc.	No	No Bid	No Bid	<u>\$1.50 per sq ft</u>	No Bid
Apollo Sunguard Systems	No	No Bid	No Bid	No Bid	No Bid
Bliss Products & Services, Inc.	<u>Yes</u>	<u>7%</u>	<u>35%</u>	<u>\$1.75 per sq ft</u>	<u>\$55.00 per cubic yard</u>
Christensen Systems	No	No Bid	No Bid	No Bid	No Bid
Columbia Cascade Company	No	<u>12%</u>	No Bid	No Bid	No Bid
D.W. Recreation Services, Inc.	No	No Bid	<u>25%</u>	<u>\$1.50 per sq ft</u>	<u>\$30.00 per cubic yard</u>
Gametime	<u>Yes</u>	<u>15% - \$15.00 & up</u> <u>10% - \$14.999 & less</u>	<u>25%</u>	<u>\$1.25 per sq ft</u>	<u>\$28.00 per cubic yard</u>
Lanier Plans, Inc. dba Korkat, Inc.	No	<u>10%</u>	<u>10%</u>	<u>\$1.73 per sq ft</u>	No Bid
Leadex Corporation	<u>Yes</u>	<u>2% Playcraft</u> <u>1% Sportsplay</u> <u>(1% Landscape Structures)</u>	<u>40%</u>	<u>\$1.38 per sq ft</u>	<u>\$45.00 per cubic yard</u>
Miracle Recreation Equipment Company	<u>Yes</u>	<u>10%</u>	<u>40%</u>	<u>\$1.50 per sq ft</u>	<u>\$75.00 per cubic yard</u>
No Fault Sport Group, LLC	No	No Bid	No Bid	No Bid	No Bid
Play It Safe	<u>Yes</u>	<u>10%</u>	<u>27%</u>	<u>\$1.60 per sq ft</u>	<u>\$62.00 per cubic yard</u>
Playmore West, Inc.	<u>Yes</u>	<u>10%</u> <u>\$10,000 &</u>	<u>35%</u>	<u>\$2.50 per sq ft</u>	<u>\$65.00 per cubic yard</u>

		<u>up 2% less than \$10,000</u>			
PlayPower LT Farmington, Inc.	No	<u>10%</u>	No Bid	No Bid	No Bid
RCP Shelters, Inc.	No Bid	No Bid	No Bid	No Bid	No Bid
Regal Contractors, Inc.	<u>Yes</u>	No Bid	<u>28%</u>	<u>\$2.00 per sq ft</u>	<u>\$40.00 per cubic yard</u>
Rep Services, Inc.	<u>Yes</u>	<u>3%</u>	<u>36%</u>	<u>\$2.50 per sq ft</u>	<u>\$50.00 per cubic yard</u>
Shade Systems, Inc.	No Bid	No Bid	No Bid	No Bid	No Bid
SkyShades of South Florida	No Bid	No Bid	No Bid	No Bid	No Bid
Southeast Surfacing & Recreation LLC	No	No Bid	<u>35%</u>	<u>\$2.25 per sq ft</u>	No Bid
Spectra Contract Flooring	No	No Bid	No Bid	No Bid	No Bid
Sports Systems International, Inc.	No	<u>5%</u>	<u>75%</u>	<u>\$.95 per sq ft</u>	<u>\$28.00 per cubic yard</u>
Sun Shade, Inc.	No Bid	No Bid	No Bid	No Bid	No Bid
Superior Park Systems, Inc.	<u>Yes</u>	<u>5% Superior Park Systems & Recreation Creations</u>	<u>75%</u>	<u>\$1.05 per sq ft</u>	<u>30.00 per cubic yard</u>
Taylor Supply LLC	No Bid	<u>7%</u>	No Bid	No Bid	No Bid
TofTurf by Roberson Industries, Inc.	No	No Bid	No Bid	No Bid	No Bid
West Construction, Inc.	No	<u>5%</u>	<u>25%</u>	<u>\$1.75 per sq ft</u>	<u>\$33.00 per cubic yard</u>

<u>VENDOR</u>	<u>ITEM 10</u>	<u>ITEM 11</u>	<u>ITEM 12</u>	<u>ITEM 13</u>	<u>ITEM 14</u>
(Ace Surfaces)	---	---	---	---	---

American Recreational Solutions, Inc.	<u>\$21.00 per linear ft</u>	<u>\$12.50 per linear ft</u>	<u>\$6.50 per sq ft</u>	No Bid	<u>\$90.00 per cubic yard</u>
Apollo Sunguard Systems	No Bid	No Bid	No Bid	No Bid	No Bid
Bliss Products & Services, Inc.	<u>\$20.00 per linear ft</u>	<u>\$19.50 per linear ft</u>	<u>\$6.00 per sq ft</u>	No Bid	<u>\$23.00 per cubic yard</u>
Christensen Systems	No Bid	No Bid	No Bid	No Bid	No Bid
Columbia Cascade Company	No Bid	No Bid	No Bid	No Bid	No Bid
D.W. Recreation Services, Inc.	<u>\$15.00 per linear ft</u>	<u>\$9.00 per linear ft</u>	<u>\$4.00 per sq ft</u>	<u>\$75.00 per linear ft</u>	<u>\$15.00 per cubic yard</u>
Gametime	<u>\$1.00 per linear ft</u>	<u>\$12.00 per linear ft</u>	<u>\$6.00 per sq ft</u>	<u>\$85.00 per linear ft</u>	<u>\$75.00 per cubic yard</u>
Lanier Plans, Inc. dba Korkat, Inc.	<u>\$4.60 per linear ft</u>	<u>\$15.60 per linear ft</u>	<u>\$4.36 per sq ft</u>	No Bid	<u>\$16.10 per cubic yard</u>
Leadex Corporation	<u>\$16.80 per linear ft</u>	<u>\$15.00 per linear ft</u>	<u>\$4.50 per sq ft</u>	<u>\$65.00 per linear ft</u>	<u>\$30.00 per cubic yard</u>
Miracle Recreation Equipment Company	<u>\$13.00 per linear ft</u>	<u>\$13.00 per linear ft</u>	<u>\$7.00 per sq ft</u>	No Bid	<u>\$40.00 per cubic yard</u>
No Fault Sport Group, LLC	No Bid	No Bid	No Bid	No Bid	No Bid
Play It Safe	<u>\$24/6" wide & \$10/4" wide per linear ft</u>	<u>\$16.00 per linear ft</u>	<u>\$6.00 per sq ft</u>	No Bid	<u>\$39.00 per cubic yard</u>
Playmore West, Inc.	<u>\$20.00 per linear ft</u>	<u>\$12.00 per linear ft</u>	<u>\$6.00 per sq ft</u>	<u>\$100 per linear ft</u>	<u>\$65.00 per cubic yard</u>
PlayPower LT Farmington, Inc.	No Bid	No Bid	No Bid	No Bid	No Bid
RCP Shelters, Inc.	No Bid	No Bid	No Bid	No Bid	No Bid
Regal Contractors, Inc.	<u>\$9.00 per linear ft</u>	<u>\$15.00 per linear ft</u>	<u>\$5.00 per sq ft</u>	<u>\$80.00 per linear ft</u>	<u>\$16.00 per cubic yard</u>
Rep Services, Inc.	<u>\$11.25 per linear ft</u>	<u>\$18.75 per linear ft</u>	<u>\$6.25 per sq ft</u>	<u>\$100.00 per linear ft</u>	<u>\$20.00 per cubic yard</u>
Shade Systems, Inc.	No Bid	No Bid	No Bid	No Bid	No Bid
SkyShades of South Florida	No Bid	No Bid	No Bid	No Bid	No Bid
Southeast Surfacing & Recreation LLC	<u>\$22/6" wide & \$15/4" wide</u>	<u>\$40.00 per linear ft</u>	<u>\$5.50 per sq ft</u>	<u>\$40.00 per linear ft</u>	<u>\$45.00 per cubic yard</u>

	<u>per linear ft</u>				
Spectra Contract Flooring	No Bid	No Bid	No Bid	No Bid	No Bid
Sports Systems International, Inc.	<u>\$25/6" wide & \$13/4" wide per linear ft</u>	<u>\$23.00 per linear ft</u>	<u>\$4.05 per sq ft</u>	<u>\$33.00 per linear ft</u>	<u>\$20.00 per cubic yard</u>
Sun Shade, Inc.	No Bid	No Bid	No Bid	No Bid	No Bid
Superior Park Systems, Inc.	<u>\$29/6" wide & \$13.75/4" wide per linear ft</u>	<u>\$27.00 per linear ft</u>	<u>\$5.50 per sq ft</u>	<u>\$32.00 per linear ft</u>	<u>\$22.00 per cubic yard</u>
Taylor Supply LLC	No Bid	No Bid	No Bid	No Bid	No Bid
TofTurf by Roberson Industries, Inc.	No Bid	No Bid	No Bid	No Bid	No Bid
West Construction, Inc.	<u>\$20.00 per linear ft</u>	<u>\$13.00 per linear ft</u>	<u>\$4.50 per sq ft</u>	<u>\$78.00 per linear ft</u>	<u>\$17.00 per cubic yard</u>

<u>VENDOR</u>	<u>ITEM 15</u>	<u>ITEM 16</u>	<u>ITEM 17</u>	<u>ITEM 18</u>	<u>ITEM 19</u>	<u>Item 20</u>	<u>Item 21</u>
(Ace Surfaces)	---	---	---	---	---	---	---
American Recreational Solutions, Inc.	No Charge	<u>\$900.00</u>	No	<u>Yes</u>	<u>Yes</u>	No Bid	No Bid
Apollo Sunguard Systems	No Bid	<u>\$1,800.00</u>	No	<u>Yes</u>	No	No	No
Bliss Products & Services, Inc.	<u>\$250.00</u>	<u>\$1,000.00</u>	No	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
Christensen Systems	No Bid	No Bid	No	No	<u>Yes</u>	No	No
Columbia Cascade Company	No Bid	No Bid	No	No	No	<u>Yes</u>	No
D.W. Recreation Services, Inc.	<u>\$150.00</u>	No Bid	No	No	<u>Yes</u>	No	<u>Yes</u>
Gametime	<u>\$600.00</u>	<u>\$675.00</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
Lanier Plans, Inc. dba Korkat, Inc.	<u>\$300.00</u>	<u>\$750.00</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

Leadex Corporation	<u>\$450.00</u>	<u>\$900.00</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
Miracle Recreation Equipment Company	No Bid	<u>\$950.00</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
No Fault Sport Group, LLC	No Bid	No Bid	<u>Yes</u>	No	No	<u>Yes</u>	<u>Yes</u>
Play It Safe	No Bid	<u>\$650.00</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
Playmore West, Inc.	<u>\$1,000.00</u>	<u>\$750.00</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
PlayPower LT Farmington, Inc.	No Bid	<u>\$550.00</u>	No	<u>Yes</u>	No	No	No
RCP Shelters, Inc.	No Bid	No Bid	No Bid	<u>Yes</u>	No Bid	No Bid	No Bid
Regal Contractors, Inc.	<u>\$450.00</u>	<u>\$1,000.00</u>	<u>Yes</u>	No	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
Rep Services, Inc.	<u>\$500.00</u>	<u>\$800.00</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	No Bid
Shade Systems, Inc.	No Bid	No Bid	No Bid	<u>Yes</u>	<u>Yes</u>	No Bid	No Bid
SkyShades of South Florida	No Bid	No Bid	No Bid	<u>Yes</u>	No Bid	No Bid	No Bid
Southeast Surfacing & Recreation LLC	<u>\$200.00</u>	<u>\$750.00</u>	<u>Yes</u>	No	<u>Yes</u>	No	<u>Yes</u>
Spectra Contract Flooring	No Bid	No Bid	<u>Yes</u>	No Bid	No Bid	No Bid	No Bid
Sports Systems International, Inc.	<u>\$350.00</u>	<u>\$2,500.00</u>	No	<u>Yes</u>	No	<u>Yes</u>	No
Sun Shade, Inc.	No Bid	No Bid	No Bid	<u>Yes</u>	<u>Yes</u>	No Bid	No Bid

Superior Park Systems, Inc.	<u>\$375.00</u>	<u>\$2,895.00</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
Taylor Supply LLC	No Bid	No Bid	No Bid	No Bid	No Bid	<u>Yes</u>	No Bid
TofTurf by Roberson Industries, Inc.	No Bid	No Bid	<u>Yes</u>	No	No Bid	No	<u>Yes</u>
West Construction, Inc.	<u>\$300.00</u>	<u>\$800.00</u>	No	<u>Yes</u>	No	<u>Yes</u>	No

LEGEND:

 = Award

() = Reject

MINORITY - (2-African American, 3-Hispanic American, 4-Native American, 5-Asian American, 6-American Woman, 7-Physically Impaired, 8-Other)

EXCEPTIONS:

Ace Surfaces - Reject entire bid. Bidder failed to submit required documents within the time requirements.

Leadex Corporation - Items 1 & 6 Reject bid for Landscape Structures. Bidder is not authorized to sell and install this manufacturer's products.

Spectra Contract Flooring - Reject Items 1 & 2 - Bidder does not sell or install playground equipment.

RECOMMENDATION: It is recommended that the award be made to all responsive and responsible bidders in order to meet the needs of the School District.

Note: Original Bid document is available upon request.

BID PROTEST

Failure to file a protest within the time prescribed in §120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes and applicable Board rules, regulations and policies. Offers from the vendors listed herein are the only offers received timely as of the above opening date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late.

If a bidder wishes to protest a bid, they must do so in strict accordance with the procedures outlined in FS 120.57(3). Any person who files an action protesting a decision or intended decision pertaining to this bid pursuant to FS 120.57(3)(b), shall post with the Purchasing Department, at the time of filing the formal written protest, a bond secured by an acceptable surety company in Florida payable to the School District of Palm Beach County in an amount equal to 1 percent (1%) of the total estimated contract value, but not less than \$500 nor more than \$5,000. Bond shall be conditioned upon the payment of all costs that may be adjudged against the protester in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. In lieu of a bond, a cashier's check, certified bank check, bank certified company check or money order will be acceptable form of security. If, after completion of the administrative hearing process and any appellate court proceedings, the District prevails, it shall recover all costs and charges included in the final order of judgment, including charges by the Division of Administrative Hearings. Upon payment of such costs and charges by the protester, the protest security shall be returned. If the protest prevails, he or she shall recover from the District all costs and charges, which shall be included in the final order of judgment.

DISQUALIFYING CRIMES

The bidder certifies by submission of this bid, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by the State of Florida or Federal Government. Further, bidder certifies that it has divulged, in its bid response, information regarding any of these actions or proposed actions with other governmental agencies.

SS: [Signature]