The School Board of Miami-Dade County, Florida
SCHOOL BOARD ADMINISTRATION BUILDING
Bureau of Procurement and Materials Management
1450 N.E. 2 nd Avenue, Room 352
Miami, Fl. 33132

Direct All Inquiries To
Procurement Management Services
R. Johnson
PHONE: (305) 995-2361
TDD PHONE: (305) 995-2400

BID/RFP ADDENDUM

BID/RFP No.: 124-FF03

Date: 08/15/2006
Addendum No. 1

BID/RFP TITLE: VENDING MACHINE FEE PROGRAM-SEGMENT 2 FOR SENIOR HIGH SCHOOLS, STUDENT ACCESS

This addendum modifies the conditions of the above referenced BID/RFP as follows:

1) Change Opening Date to AUGUST 22, 2006.
2) Modify Special Conditions #4 to include de-escalation language.
3) Modify Special Conditions #20b.to include de-escalation language.
4) Modify Format B Excel Spreadsheet (Items on Bid) deleting items 1-6, and modifying Item 7 to reflect accurate student enrollment and to specify number of non-carbonated vending machines allowed, by type.
5) Modify Attachment VM2 to reflect the deletion of schools from the Format B Excel Spreadsheet.

The attached pages containing clarifications, additional information and requirements constitutes an integral part of the referenced bid.

1. If your bid/proposal has not been mailed, substitute the pages marked REVISED and mail your entire bid/proposal package. **REMEMBER TO SIGN THE BIDDER QUALIFICATION FORM.**

OR

2. If your bid/proposal has been mailed, sign and return this addendum form with the revised pages by the time and date indicated on the Bidder Qualification Form. BY SIGNING THIS ADDENDUM, THE VENDOR AGREES TO THE TERMS AND CONDITIONS CONTAINED IN THE BIDDER QUALIFICATION FORM AND ALL RELATED BID DOCUMENTS.

I acknowledge receipt of Addendum Number

PLEASE NOTE: If your firm has mailed a copy of this bid/proposal to another vendor, it is your responsibility to forward them a copy of this addendum.

(PLEASE TYPE OR PRINT BELOW)

LEGAL NAME OF BIDDER: _____

MAILING ADDRESS: _____

CITY, STATE ZIP CODE: _____

TELEPHONE NUMBER: _____ E-MAIL I.D. _____ FAX # _____

BY: SIGNATURE (Manual): _____
OF AUTHORIZED REPRESENTATIVE

NAME (Typed)- _____ TITLE: _____
OF AUTHORIZED REPRESENTATIVE

FM-4354 Rev. (07-98)

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Miami-Dade County Public Schools
giving our students the world

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
SCHOOL BOARD ADMINISTRATION BUILDING
1450 Northeast Second Avenue
Miami, FL 33132

Direct all inquiries to Procurement Management Services:

BUYER NAME: R. JOHNSON
E-MAIL ADDRESS: rhjohnson@dadeschools.net
PHONE: (305) 995 - 2361
FAX NUMBER (305) 523 - 3362
TDD PHONE (305) 995-2400

BIDDER QUALIFICATION FORM

BID NO. 124-FF03

BID TITLE VENDING MACHINE FEE PROGRAM-Segment 2 FOR SENIOR HIGH SCHOOLS, STUDENT ACCESS-Revised

Bids will be accepted until 2:00 PM on August 22, 2006 in room 351, School Board Administration building, 1450 NE 2nd Avenue, Miami, FL., 33132, at which time they will be publicly opened. Bids may not be withdrawn for 180 days after opening. (Refer to Instructions to Bidders, para. IV.B.)

THE SUBMISSION OF THE BID BY THE VENDOR, ACCEPTANCE AND AWARD OF THE BID BY THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, AND SUBSEQUENT PURCHASE ORDERS ISSUED AGAINST SAID AWARD SHALL CONSTITUTE A BINDING, ENFORCEABLE CONTRACT. UNLESS OTHERWISE STIPULATED IN THE BID DOCUMENTS, NO OTHER CONTRACT DOCUMENTS SHALL BE ISSUED.

I. A. BIDDER CERTIFICATION AND IDENTIFICATION

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a bid for the same materials, supplies, or equipment, and is in all respects fair and without collusion or fraud. I agree to abide by all conditions of this bid; and I certify that I am authorized to sign this bid for the bidder.

B. Vendor certifies that it satisfies all necessary legal requirements as an entity to do business with the School Board of Miami-Dade County, Florida.

II. INDEMNIFICATION

The Bidder shall hold harmless, indemnify and defend the indemnities (as hereinafter defined) against any claim, action, loss, damage, injury, liability, cost or expense of whatsoever kind or nature including, but not by way of limitation, attorney's fees and court costs arising out of bodily injury to persons, including death, or damage to tangible property arising out of or incidental to the performance of this Contract (including goods and services provided thereto) by or on behalf of the Bidder, whether or not due to or caused in part by the negligence or other culpability of the indemnity, excluding only the sole negligence or culpability of the indemnity. The following shall be deemed to be indemnities: The School Board of Miami-Dade County, Florida and its members, officers and employees.

III. PERFORMANCE SECURITY, is required on this bid. YES ☐ NO ☑

Refer to **INSTRUCTIONS TO BIDDERS,** para. VII., and VI.

IF PERFORMANCE SECURITY IS REQUIRED, PLEASE INDICATE THE TYPE TO BE FURNISHED:

Performance Bond ☐ Check (Cashier's, Certified, or equal) ☐

An original, manual signature is required on the Bidder Qualification Form.
(Bidder is requested to use blue ink)
(Do not use pencil)

Legal Name of Vendor _____

Mailing Address _____

City _____ ***State*** _____ ***Zip Code*** _____

Telephone No. _____ ***E-mail address*** _____

By: Signature (Original)
Of Authorized Representative _____ ***Date*** _____

Name (Typed or Printed)
Of Authorized Representative _____ ***Date*** _____

INSTRUCTIONS TO BIDDERS

NOTICE OF ESTABLISHMENT OF A CONE OF SILENCE

The School Board of Miami-Dade County Public schools enacts a *Cone of Silence* from issuance of a solicitation to written recommendation of award. All provisions of School Board Rule 6Gx13-8C-1.212 apply.

I. PREPARATION OF BIDS

A. BIDDER QUALIFICATION FORM qualifies the bidder and the bid and must be completed and submitted as page 1 of the bid.

1. PERFORMANCE SECURITY. The form of performance security the bidder will submit, when required to do so, must be furnished. Performance security shall not be submitted with the bid.

2. BIDDER CERTIFICATION AND IDENTIFICATION. Bid must contain an original manual signature from an authorized representative. An unsigned bid will be considered non-responsive.

B. INSTRUCTIONS TO BIDDERS. Defines conditions of the bid.

1. ORDER OF PRECEDENCE. Any inconsistency in this bid shall be resolved by giving precedence in the following order:

A. Specifications
B. Special Conditions
C. Instructions To Bidders

2. FOR M/WBE designated bids. The SPECIAL CONDITIONS-Minority/Women owned and controlled Business Participation Statement and the M/WBE Certification Application MUST be completed and SUBMITTED with the bid if the bidder is not certified by Miami-Dade County Public Schools. Failure to submit the completed application with the bid will be considered non-responsive.

C. BID PROPOSAL FORM. Defines requirement of items to be purchased, and must be completed and submitted as page 2 and subsequent pages, if any, of the bid. The bidder should indicate his/her name in the appropriate space on each page.

1. ITEM SPECIFICATION. Specifying a certain brand, make or manufacturer is to denote the quality, type, and standard of the article desired. Articles offered must be new merchandise only, of equal or superior grade. On blank lines provided, the bidder is requested to insert the brand name, manufacturer's number and other information necessary to sufficiently identify article offered. Failure to do so may prevent consideration of the item. Also, refer to paragraph *X. Packaging.*

2. PRICES. Prices are requested in units of quantity specified in the bid specifications. In case of a discrepancy in computing the total amount of bid, UNIT PRICE quoted will govern. All prices bid shall include delivery F.O.B. destination, freight prepaid (bidder pays and bears freight charges. Bidder owns goods in transit and files any claims) and shall include all cartage, drayage, packing, etc., delivered to and unloaded at the receiving station at the site designated in BID PROPOSAL FORMS and there received by the designated agent of the Board.

3. TAXES. The Board does not pay Federal Excise and State taxes on direct purchases of tangible personal property. The applicable tax exemption number is shown on the purchase order. This exemption does not apply to purchases of tangible personal property made by contractors who use the tangible personal property in the performance of contracts for the improvement of Board-owned real property as defined in Chapter 192 of the Florida Statutes.

II. SUBMITTING OF BIDS

A. BID FORMS AND ENVELOPES. Bids must be submitted on forms furnished by the Board and in sealed envelopes.

Envelopes must be clearly marked with bid number, bid title and bid opening.

B. ERASURES OR CORRECTIONS. When filling out the bid proposal form, bidders are required to complete bid proposal in ink.

1. Use of pencil is prohibited.
2. Do not erase or use correction fluid to correct an error.
3. All changes must be crossed out and initialed in ink.

Those bids for individual items that do not comply with Items 1, 2 and 3 above will be considered non-responsive for that item(s).

C. PLACE, DATE AND HOUR. Bids shall be submitted by U.S. Mail, Courier/Express Service, or deposited in the BID BOX located in Room 351, 8:00 A.M. to 4:30 P.M., Monday through Friday, SCHOOL BOARD ADMINISTRATION BUILDING, 1450 N.E. Second Avenue, Miami, Florida 33132. Bids received after the date and hour specified in the BIDDER QUALIFICATION FORM will not be considered.

D. PUBLIC ENTITY CRIMES. Section 287.133(2)(a) Florida Statute. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

E. SUBMITTING A "NO BID." If not submitting a bid at this time, return the form entitled "NOTICE TO PROSPECTIVE BIDDERS." Failure to respond, either by submitting a bid or the "NOTICE TO PROSPECTIVE BIDDERS" form for three consecutive times, may result in the company being removed from the School Board's bid list.

F. AVAILABILITY OF BID INFORMATION. Immediately following the public opening, bids will be read, upon request, and then compiled in a tabular form, a copy of which will be available for examination in Procurement Management Services.

III. CANCELLATION OF BIDS OR REQUEST FOR PROPOSALS

An invitation for bids may be canceled, in whole or in part, as may be specified in the solicitation, when it is in the best interest of the Board. The reasons shall be made a part of the master bid file.

A. Prior to opening, a solicitation may be canceled in whole or in part, prior to the date and hour specified in the Bidder Qualification Form for receipt of bids, when the Assistant Superintendent, Procurement Management Services, determines in writing, that such action is in the best interest of the Board for reasons including, but not limited to:

1. The Board no longer requires the supplies, services, or construction;
2. The Board no longer can reasonably expect to fund the procurement;
3. A review of a valid protest filed by a bidder as may be determined by the administrative staff; or
4. Proposed amendments to the solicitation would be of such magnitude that a new solicitation is desirable.

B. When a solicitation is canceled prior to opening, notice of cancellation shall be sent to all businesses solicited, via facsimile or mail, and bids or proposals returned to the vendor unopened.

The notice of cancellation shall:

1. Identify the solicitation;
2. Briefly explain the reason for cancellation; and
3. Where appropriate, explain that an opportunity will be given to compete on any future re-solicitation for procurements of similar supplies, services, or construction.

IV. CHANGE OR WITHDRAWAL OF BIDS

A. PRIOR TO BID OPENING. Should the bidder desire to change or withdraw his/her bid, he/she shall do so in writing. This communication is to be received by the District Director, of Procurement Management, Room 352, School Board Administration Building, prior to date and hour of bid opening. The bidders name, the bid number, the bid title and the date the bid is due must appear on the envelope.

B. AFTER BID OPENING. After bids are opened, they may not be changed, nor withdrawn, for 90 days after the determined opening date, unless otherwise specified on the "BIDDER QUALIFICATION FORM."

C. FAILURE TO ACCEPT BID AWARD. Bidders who, prior to the Bid Award by The School Board of Miami-Dade County, Florida, indicate that they are unable to accept the bid award shall either:

1. Pay to the Board, as liquidated damages, an amount equal to 5% of the unit price bid, times the quantity, or $10, whichever amount is larger, or

2. Lose eligibility to transact new business with the Board for a period of 14 months from the date the Board acts on the withdrawn bid.

V. PROTESTS TO CONTRACT SOLICITATION OR AWARD

A. The Board shall provide notice of a decision or intended decision concerning a solicitation, contract award, or exceptional purchase by electronic posting which can be accessed at the district's website www.dadeschools.net.

B. Any person who is adversely affected by the agency decision or intended decision shall file with the agency a notice of protest in writing within 72 hours after the posting of the notice of decision or intended decision. With respect to a protest of the terms, conditions, and specifications contained in a solicitation, including any provisions governing the methods of ranking bids, proposals, or replies, awarding contracts, reserving rights of further negotiation, or modifying or amending any contract, the notice of protest shall be filed in writing within 72 hours after the posting of the solicitation. The formal written protest shall be filed within 10 days after the date the notice of protest is filed. Failure to file a notice of protest or a formal written protest shall constitute a waiver of these proceedings. The formal written protest shall state with particularity the facts and law upon which the protest is based. Saturdays, Sundays, and state holidays shall be excluded in the computation of the 72-hour time periods established herein.

C. All notice of protests will be reviewed by Procurement Management Services, who will offer the protesting bidder the opportunity to meet and discuss the merits of the protest. If the protest is not resolved, the bidder may seek an administrative hearing pursuant to §120.57 Fla. Stat., by filing a formal written protest within 10 days after filing the notice of protest. Petitions for hearing pursuant to §120.57 Fla. Stat., must be filed in accordance with School Board Rule 6Gx13- 8C-1.064.

VI. AWARDS

A. RESERVATION FOR REJECTION OR AWARD. The Board reserves the right to reject any or all bids, to waive irregularities or technicalities, and to request rebids. The Board reserves the right to award on an individual item basis, any combination of items, total low bid or, if an alternate bid is accepted, on such terms as are specified for the alternate bid, whichever manner is in the best interest of the Board.

B. NOTIFICATION OF INTENDED ACTION will be posted on the District's website 7-10 days prior to a regularly scheduled Board meeting.

C. OFFICIAL AWARD DATE. Awards become official upon the Board's formal approval of the award.

D. PURCHASE ORDERS. Purchase orders mailed to successful bidders are the official notification to deliver materials described therein; and the time allowed for delivery begins with the date of the purchase order. In the event that the successful bidder fails to deliver the materials in accordance with the terms and conditions of the bid and purchase order, the bidder shall be considered to be in default of the contract and subject to the default provisions stated in Instructions to Bidders, Section VI. E.

E. DEFAULT. A vendor who fails to perform according to the terms of the contract (bid) shall be considered in default. In the event of default, which may include, but is not limited to poor performance and/or non-performance, a vendor shall either (1) pay liquidated damages of 10 percent of the unit price of the item(s) awarded times the quantity when no purchase order has been issued, 10 percent of the purchase order when a purchase order has been issued or $100, whichever is greater or (2) lose eligibility to transact new business with the Board for a period of 14 months from date of termination of award by the Board. Bidders that are determined ineligible may request a hearing pursuant to Chapter 120 of the Florida Statutes, and School Board Rule 6Gx13- 8C-1.064.

F. The intent of the bid documents is to include only the written requirements for materials, equipment, systems, standards and workmanship necessary for the proper execution and completion of the work by the Bidder. The bid documents shall not be construed to create an entitlement to any other scope of work except as specified herein.

VII. PERFORMANCE SECURITY (FOR SUCCESSFUL BIDDERS ONLY)

A. PURPOSE. A performance bond or check may be required to guarantee performance.

B. BONDING COMPANY. Performance Bonds shall be written through a reputable and responsible surety bond agency licensed to do business in the State of Florida and with a surety company or corporation meeting both of the following specifications:

1. Awards Greater than $500,000

A minimum rating in the latest revision of Best's Insurance Reports of:

Contract Amount	Minimum Rating by A.M. Best
$ 500,000.01 to $ 2,500,000	None
$ 2,500,000.01 to $ 5,000,000	B + or NA-3 No Minimum Class
$ 5,000,000.01 to $10,000,000	A- Class IV
$10,000,000.01 or more	A- Class V

Current certificate of authority as acceptable surety on Federal Bonds in accordance with the latest edition of the United States Treasury Department Circular 570 entitled "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" shall be accepted for an amount not exceeding the underwriting limitation thereon.

2. Awards of $500,000 or Less

Bonds shall be written with a surety company or corporation meeting the qualifications as set forth in Paragraph VII.B. above or the qualifications set forth in section 287.0935, Florida Statutes.

C. AMOUNT. When required as defined herein, the firm or individual(s) to whom an award has been made shall execute and deliver to The School Board of Miami- Dade County, Florida, a Performance Bond, Cashier's/Certified Check, or equal.

1. Awards less than $200,000 shall be exempt from performance security.

2. Performance security shall not be required, unless otherwise defined in the bid specifications. If performance security is required, it shall equal 100% of the award amount.

D. RELEASE OF PERFORMANCE SECURITY. Return to the Awardee of his/her cash security, or notification to the Awardee and the bonding company to cancel the performance bond, will be made when all goods/services have been accepted and invoices have been approved for payment.

VIII. SAMPLES

When bid samples are required, the buyer will notify bidder to submit samples of the items bid in accordance with the following procedures:

A. All samples must be identified with the bidder's name, bid number, item number, and product name and number. Where non-compliance with this requirement is noted, said item may be considered as being unidentifiable and may not be eligible for consideration in the award recommendation.

B. All samples are to be delivered within 7 calendar days after receipt of notification from buyer, unless otherwise stated in the Special Conditions of the bid. If the bidder does not submit samples by the date and time indicated by the buyer, the bid submitted for that item may not be considered for award.

C. Bidder must obtain, from Materials Testing and Evaluation, a signed receipt acknowledging delivery of samples. Bidder shall include a self-addressed, stamped envelope for return of sample receipt when submitting samples by mail or delivery service. The bidder will receive the original copy of the receipt and the duplicate copy will remain with the Miami-Dade County Public Schools receiving department as the file copy. Bidder shall be solely responsible for delivery of samples and for retaining sample delivery receipts, which must be presented in any dispute regarding receipt of bid samples.

D. Samples should be delivered to the following address:

MIAMI-DADE COUNTY PUBLIC SCHOOLS
MATERIALS TESTING AND EVALUATION
7040 West Flagler Street
Miami, Florida 33144
Telephone Number: 786-275-0780

Miami-Dade County Public Schools will not be responsible for samples sent to a location other than the location mentioned in the bid.

E. PAYMENT FOR SAMPLES. The Board will buy no samples and will assume no cost incidental thereto.

F. RETURN OF SAMPLES. Samples not destroyed in testing may be claimed by unsuccessful bidders 14 days after bid award date and by successful bidders 14 days after final payment; but the Board will assume no responsibility for samples not claimed within the time specified, and it will pay for no samples damaged in testing.

G. EVALUATION AND TEST RESULTS. If a sample submitted for testing does not comply, the buyer will advise the bidder to contact Materials Testing and Evaluation for further details.

IX. SUBSTITUTIONS

Should the bidder find it necessary to use a material, equipment, product or system other than specified, the bidder shall secure from the Board, through Procurement Management Services, written approval for the use of the alternate materials, equipment, product or system. The Board is not obligated to approve requests for substitutions and has the discretion to require the bidder to provide the materials as specified in the bid documents. In no case shall the bidder be entitled to additional time and/or money arising out of the Board's failure to approve requests for substitutions.

X. PACKAGING

A. TYPE. If packaging is different from that specified, the bidder must note the manner and amounts in which packaging is to be made; otherwise the successful bidder shall furnish packaging as specified. All packaging, wrapping and bundling shall be adequate to insure that materials will be received in undamaged condition. The Board assumes no responsibility for damages of any kind incurred in transit.

B. CONTAINER IDENTIFICATION. The following identification shall be printed, stenciled or legibly written in a conspicuous location on each shipping container:

1. BID NUMBER AND/OR PURCHASE ORDER NUMBER
2. VENDOR'S NAME AND/OR TRADEMARK
3. NAME(S) OF ITEM(S) CONTAINED
4. ITEM NUMBER(S) WITH QUANTITY(IES)

XI. PURCHASES BY OTHER PUBLIC AGENCIES

With the consent and agreement of the successful bidder(s), purchases may be made under this bid by Miami Dade County, Florida, and other governmental agencies or political subdivisions within the State of Florida. Such purchases shall be governed by the same terms and conditions stated herein. This agreement in no way restricts or interferes with the right of any State of Florida Agency or political subdivision to rebid any or all of these items.

XII. RECYCLING REQUIREMENTS

Miami-Dade County Public Schools supports recycling and recommends the use of recycled products where possible. Vendors are requested to submit a letter, along with their bid, indicating whether each item bid and/or its packaging contains pre-consumer or post-consumer waste, and if the product and/or packaging may be recycled.

XIII. ENVIRONMENTAL PRODUCTS

Miami-Dade County Public Schools encourages the use of environmentally safe products.

XIV. DELIVERY AND BILLING

A. DELIVERY. Saturdays, Sundays, and holidays excepted, deliveries shall be made as follows: Schools and Departments - 8:00 A.M. to 3:00 P.M. Merchandise shall be unloaded at the receiving station of the designated delivery point and received there by a designated agent of the Board. A delivery ticket, or one copy of the invoice, prepared as indicated below, shall accompany each delivery.

B. RECEIVING INSPECTION AND TESTING. Delivered items which do not fulfill all requirements will be rejected. Rejected items shall be removed and replaced promptly by the vendor, at no cost to the purchaser.

C. INVOICES. Each invoice shall be issued by the successful bidder and shall be submitted in DUPLICATE to the Accounts Payable Section, P.O. Box 01-2570, Miami, Florida 33101. To be considered for payment, each invoice must show the following information, which appears on the Purchase Order:

1. Purchase Order Number
2. Item Descriptions
3. Quantities and Units
4. Price Extensions
5. Total price of all items on invoice

D. PAYMENT. Unless otherwise specified by Miami-Dade County Public Schools, payment will be made only after delivery, authorized inspection, and acceptance. Payment will be made only to the successful bidder, unless otherwise requested, in writing, by the successful bidder and accepted by Miami-Dade County Public Schools Administration. When bidders are directed to send invoices to a school, the school will make directed payment to the bidder.

XV. NO GRATUITY POLICY

It is the policy of Procurement Management Services not to accept gifts, gratuities, or favors of any kind, or of any value whatsoever, from vendors, members of their staffs, or families.

XVI. COMPLIANCE WITH STATE/FEDERAL REGULATIONS

A. All contracts involving federal funds will contain certain provisions required by applicable sections of Title 34, Section 80.36(I) and Section 85.510 Code of Federal Regulations and are included by reference herein. The vendor certifies by signing the bid that the vendor and his/her principals are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in federally funded transactions and may, in certain instances, be required to provide a separate written certification to this effect.

During the term of any contract with the Board, in the event of debarment, suspension, proposed debarment, declared ineligible or voluntarily excluded from participation in federally funded transactions, the vendor shall immediately notify the Assistant Superintendent, Procurement Management Services, in writing. Vendors will also be required to provide access to records, which are directly pertinent to the contract and retain all required records for three years after the Board makes final payment.

B. For all contracts involving Federal funds in excess of $10,000, the Board reserves the right to terminate the contract for cause, as well as for convenience, by issuing a certified notice to the vendor.

XVII. COMPLIANCE WITH LAWS

Bidders shall comply with all federal, state of Florida and local laws applicable to it and the performance of its obligations under this bid.

XVIII. BACKGROUND SCREENING REQUIREMENTS

In accordance with the requirements of sections 1012.32, 1012.465, and 435.04, Florida Statutes (2004) as well as with the requirements of HB 1877, The Jessica Lunsford Act (2005), effective September 1, 2005, Bidder agrees to certify under oath and penalty of perjury by completing the attached Sworn Statement Pursuant to Sections 1012.32, 1012.465, and 435.04, Florida Statutes (2004) and HB 1877, The Jessica Lunsford Act (2005), which is incorporated fully herein by reference, that Bidder and all of its employees who provide or may provide services under this Agreement have completed all background screening requirements as outlined in the above-referenced statutes.

Additionally, Bidder agrees that each of its employees, representatives, agents, subcontractors or suppliers <u>who are permitted access on school grounds when students are present, who have direct contact with students</u> or who have access to or control of school funds <u>must meet level 2 screening requirements as described in sections 1012.32 and 435.04, Florida Statutes</u>, and further upon obtaining level 2 clearance, must obtain a required Board issued photo identification badge which shall be worn by the individual at all times while on Board property when students are present.

Bidder agrees to bear any and all costs associated with acquiring the required background screening – including any costs associated with fingerprinting and obtaining the required photo identification badge. Bidder agrees to require all its affected employees to sign a statement, as a condition of employment with Bidder in relation to performance under this Agreement (bid), agreeing that the employee will abide by the heretofore described background screening requirements, and also agreeing that the employee will notify the Bidder/Employer of any arrest(s) or conviction(s) of any offense enumerated in s. 435.04, Florida Statutes within 48 hours of its occurrence.

Bidder agrees to provide the Board with a list of all of its employees who have completed background screening as required by the above-referenced statutes and who meet the statutory requirements contained therein. Bidder agrees that it has an ongoing duty to maintain and update these lists as new employees are hired and in the event that any previously screened employee fails to meet the statutory standards. Bidder further agrees to notify the Board immediately upon becoming aware that one of its employees who was previously certified as completing the background check and meeting the statutory standards is subsequently arrested or convicted of any disqualifying offense. ***Failure by Bidder to notify the Board of such arrest or conviction within 48 hours of being put on notice and within 5 business days of the occurrence of a qualifying arrest or conviction, shall constitute grounds for immediate termination of this Agreement(bid) by the Board.***

Failure by Bidder to perform any of the duties described in this section shall constitute a material breach of the Agreement (bid) and default entitling the Board to utilize the provisions of section VI. E of this bid as well as entitling the Board to terminate the Agreement(bid) immediately with no further responsibility for the Board to make payment or perform any other duties under this Agreement (bid).

XIX. COMPLIANCE WITH SCHOOL CODE

Bidder agrees to comply with all sections of the Florida K-20 Education Code, Title XLVIII, Florida Statutes as it presently exists, and further as it may be amended from time to time. Further Bidder agrees that failure to comply with the Florida K-20 Education Code shall constitute a material breach of this Agreement (bid) and may result in the termination of this Agreement (bid) by the Board.

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

SUPERINTENDENT OF SCHOOLS

FORM2-1/00

INDEMNIFICATION AND INSURANCE

In consideration of this Contract, if awarded, the Vendor agrees without reservation to the indemnification and insurance clauses contained herein. These clauses are attached to and form a part of Bid **#124-FF03**

INDEMNIFICATION

The Vendor shall hold harmless, indemnify and defend the indemnitees (as hereinafter defined) against any claim, action, loss, damage, injury, liability, cost or expense of whatsoever kind or nature including, but not by way of limitation, attorneys' fees and court costs arising out of bodily injury to persons including death, or damage to tangible property arising out of or incidental to the performance of this Contract (including goods and services provided thereto) by or on behalf of the Vendor, whether or not due to or caused in part by the negligence or other culpability of the indemnitee, excluding only the sole negligence or culpability of the indemnitee. The following shall be deemed to be indemnitees: The School Board of Miami-Dade County, Florida and its members, officers and employees.

INSURANCE

Prior to being awarded, the Vendor has five business days after notification to submit proof of insurance as required herein. **If, however, the Vendor is not the manufacturer of the food product, then the Vendor is required to obtain evidence of insurance from the manufacturer of the food product and then transmit such to the Office of Risk and Benefits Management.** Failure to submit a fully completed, original certificate of insurance signed by an authorized representative of the insurer providing such coverage may cause the Vendor to be non-responsive and not eligible for award of the Contract. The insurance coverage and limit shall meet, at a minimum, the following requirements:

1. Commercial General Liability Insurance, endorsed to include Products Completed Operations Liability Insurance, in an amount not less than $300,000 combined single limit per occurrence for bodily injury and property damage.

2. Automobile Liability Insurance covering all owned, non-owned and hired vehicles used in connection with the operations of the Vendor, in an amount not less than $300,000 combined single limit per occurrence for bodily injury and property damage.

3. Workers' Compensation Insurance for all employees of the Vendor as required by Florida Statutes.

"The School Board of Miami-Dade County, Florida and its members, officers and employees" shall be an additional insured on all liability coverages.

The insurance coverage required shall include those classifications, as listed in standard liability insurance manuals, which most nearly reflect the operations of the Vendor.

All insurance policies shall be issued by companies with either of the following qualifications:

(a) The company must be (1) authorized by subsisting certificates of authority by the Department of Insurance of the State of Florida or (2) an eligible surplus lines insurer under Florida Statutes. In addition, the insurer must have a Best's Rating of "B+" or better and a Financial Size Category of "IV" or better according to the latest edition of Best's Key Rating Guide, published by A.M. Best Company.

or

(b) with respect only to the Workers' Compensation insurance, the company must be (1) authorized as a group self-insurer pursuant to Florida Statutes or (2) authorized as a commercial self-insurance fund pursuant to Florida Statutes.

Neither approval nor failure to disapprove the insurance furnished by the Vendor to the School Board shall relieve the Vendor of the Vendor's full responsibility to provide insurance as required by this Contract.

The Vendor shall be responsible for assuring that the insurance remains in force for the duration of the contract period; including any and all option years that may be granted to the Vendor. The certificate of insurance shall contain the provision that the School Board be given no less than thirty (30) days written notice of cancellation. If the insurance is scheduled to expire during the contractual period, the Vendor shall be responsible for submitting new or renewed certificates of insurance to the School Board within a minimum of fifteen (15) calendar days in advance of such expiration.

Unless otherwise notified, the certificate of insurance shall be delivered to:

Miami-Dade County Public Schools
Office of Risk and Benefits Management
1500 Biscayne Boulevard, Suite 127
Miami, Florida 33132

The name and address of Miami-Dade County Public Schools, as shown directly above, must be the Certificate Holder on the certificate of insurance.

The Vendor may be in default of this Contract for failure to maintain the insurance as required by this Contract. Any questions regarding these requirements should be directed to Ms. La-Chane Clark at 305-995-7133.

FROM: _____
_____
_____

AFFIX
POSTAGE
HERE

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
BUREAU OF PROCUREMENT AND MATERIALS MANAGEMENT
ROOM NO. 352 BID BOX
1450 N.E. 2ND AVENUE
MIAMI, FLORIDA 33132

BID NO.: 124-FF03
BID TITLE: VENDING MACHINE FEE PROGRAM-Segment 2
BID OPENING DATE: AUGUST 22, 2006

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
Bureau of Procurement and Materials Management

NOTICE OF PROSPECTIVE BIDDERS

NO BID

If not submitting a bid at this time, for informational purpose only, detach this sheet from the bid documents, complete the information requested, fold as indicated, staple, affix postage and return address, and mail. NO ENVELOPE IS NECESSARY.

NO BID SUBMITTED FOR REASON(S) CHECKED AND/OR INDICATED:

Our company does not handle this type of product/service.
We cannot meet the specifications nor provide an alternate equal product.
Our company is simply not interested in bidding at this time.
OTHER, (Please specify)_____

_____

_____

We do not want to be retained on your mailing list for future bids for this type or product and/or service.

Signature _____

Title _____

Company_____

NOTE: **Failure to respond, either by submitting a bid or this completed form, may result in your company being removed from the School Board's bid list. To qualify as a respondent to the bid, vendor must submit a** *NO BID.*

Vendor Information Sheet

1A. _____

Federal Employer Identification Number

Or _____

Owner's Social Security Number

1B. _____

Name of Firm, Individual(s), Partners or Corporation

_____

Street Address

_____

City State Zip Code

2. Telephone/Fax/Contact Person

_____

Telephone number

_____

Fax number

_____

Contact Person

_____

E-mail address

3. Ownership Disclosure

If the contract or business transaction is with a corporation, partnership, sole proprietorship,or joint venture, the full legal name and business address shall be provided for the chief **officer,** director, or owner who holds, directly or indirectly the majority of the stock or ownership. If the contract or business transaction is with a trust, the full legal name and address shall be provided for each trustee and each beneficiary. **Post Office addresses are not acceptable**.

Name	Title	Address	Gender	Race-ethnicity	Stock Ownership

NOTE: The information provided by the vendor on this form should be consistent with that provided on the "Vendor's Application". All vendors must have a current vendor's application on file with M-DCPS, and have provided information and/or be familiar with M-DCPS' policy regarding the following: (a) Employment Disclosure, (b) Drug Free Workplace, (c) Family Leave Policy, (d) Code of Business Ethics, (e) Conflict of Interest, (f) Perception, (g) Gratuities, and (h) Business Meals. Failure to provide M-DCPS a current vendor application may cause the vendor not to be awarded any new business with M-DCPS.
Vendor applications can be downloaded at: http://procurement.dadeschools.net

Miami-Dade County Public Schools

SWORN STATEMENT - NEW CONTRACTS

ATTACHMENT JL: Bid Number 124-FF03
VENDING MACHINE PROGRAM-SEGMENT 2 FOR
SENIOR HIGH SCHOOLS-STUDENT ACCESS

SWORN STATEMENT PURSUANT TO SECTION 1012.465,
FLORIDA STATUTES AS AMENDED BY
HB 1877, THE JESSICA LUNSFORD ACT

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 School Board of Miami-Dade County, Fl

(Hereinafter "Board" or "School Board") by_____
(Print individual's name and title)

for _____
(Print Name of entity submitting sworn statement)

whose business address is _____

and its Federal Employer Identification Number (FEIN) is _____. If the entity has no FEIN, include the Social Security Number (SSN) of the individual signing this sworn statement and so indicate.

2. I, _____, am duly authorized to make this
(Print individual's name and title)

sworn statement on behalf of _____.
(Print Name of entity submitting sworn statement)

3. I understand that during the 2005 Legislative Session, House Bill 1877, The Jessica Lunsford Act (hereinafter "The Act" or "Act") was passed and approved by Governor Bush on May 2, 2005, with an effective date of September 1, 2005.

4. I understand that the Act amends the background screening requirements of section 1012.465, Florida Statutes (2004) for all non-instructional school district employees or "**contractual personnel**" by requiring all non-instructional school district employees or contractual personnel who are permitted access on school grounds when students are present to undergo and pass "level 2 background screening," and further I understand the Act defines **"contractual personnel"** to include any vendor, individual, or entity under contract with the Board.

5. I understand that pursuant to section 1012.465, Florida Statutes as amended by the Act, non-instructional school district employees or contractual personnel who are permitted access on school grounds when students are present, who have direct contact with students or who have access to or control of school funds must meet level 2 screening requirements as described in sections 1012.32 and 435.04, Florida Statutes.

6. I understand that as a _____(*eg*. a private bus Type of entity service contractor) all contractual personnel, as defined in section 1012.465, Florida Statutes, must meet level 2 screening requirements as outlined in sections 1012.32 and 435.04, Florida Statutes in order to do business with The School Board of Miami-Dade County, Florida.

7. I understand that "level 2 screening requirements," as defined in sections 1012.32 and 435.04, Florida Statutes means that fingerprints of all contractual personnel must be obtained and submitted to the Florida Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for federal processing.

8. I understand that the School Board will implement local procedures to comply with level 2 screening requirements, as defined in sections 1012.32 and 435.04. I understand that my company must comply with these local procedures as they are developed.

9. I understand that any costs and fees associated with the required background screening will be borne by my company.

10. I understand that any personnel of the contractor found through fingerprint processing and subsequent level 2 background screening to have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to any offense outlined in Section 435.04, Florida Statutes (or any similar statute of another jurisdiction), shall not be permitted to come onto school grounds or any leased premises where school-sponsored activities are taking place when students are present, shall not be permitted direct contact with students, and shall not be permitted to have access to school district funds.

11. I understand that the failure of any of the company's or my affected personnel to meet level 2 screening standards as required by section 1012.465, Florida Statutes, may disqualify my company from doing business with The School Board of Miami-Dade County, Florida.
12. I hereby certify that the foregoing statement is true and correct in relation to the company for which I am submitting this sworn statement. I further certify that this statement is being given knowingly and voluntarily by me on behalf of my company.

The company submitting this sworn statement agrees to be bound by the provisions of SECTIONS 1012.32, 1012.465, AND 435.04 OF THE FLORIDA STATUTES AS AMENDED BY HB 1877, THE JESSICA LUNSFORD ACT 2005.

I CERTIFY THAT THE SUBMISSION OF THIS FORM TO THE SCHOOL BOARD OF MIAMIDADE COUNTY, FLORIDA ON BEHALF OF THE COMPANY IDENTIFIED IN PARAGRAPH ONE (1) ABOVE BINDS THE COMPANY TO FULLY COMPLY WITH THE BACKGROUND SCREENING REQUIREMENTS OF SECTIONS 1012.32, 1012.465, AND 435.04, FLORIDA STATUTES.

_____
(Signature)

Sworn to and subscribed before me this _____ day or _____, 20___.

Personally known _____ _____

OR Produced Identification _____

Notary Public -State of _____

_____
(Type of Identification)

My commission expires _____

_____
(Printed typed or stamped commissioned name of notary public)

MIAMI-DADE COUNTY PUBLIC SCHOOLS

BID PROPOSAL FORM *(FORMAT A)*

BID	BUYER	PAGE
124-FF03	R. JOHNSON	SC 1

BID TITLE
VENDING MACHINE FEE PROGRAM-SEGMENT 2 FOR SENIOR HIGH SCHOOLS, STUDENT ACCESS

SPECIAL CONDITIONS

1. **PURPOSE:** The purpose of this bid is to establish a contract to provide vending machine services to all Miami-Dade County Public Schools (M-DCPS) senior high schools as listed herein in **Attachment VM2: List of High Schools for Bid 124-FF03**. The term of the bid shall be from date of award, through December 29, 2006 and may, by mutual agreement between the School Board of Miami-Dade County, Florida (M-DCPS) and the awardee(s), be extended for six (6) additional half-year periods and, if needed, 90 days beyond the expiration date of the current contract period. The Board, through Procurement Management Services, may, if considering extending contract, request a letter of intent to extend from the awardee(s) prior to the end of the current contract period. The awardee(s) will be notified of the extension period. The successful vendor(s) agrees to this condition by signing its bid.

2. **AWARD:** Contract(s) will be awarded to the bidder(s) offering the greatest contribution of revenue for beverage machines and the bidder(s) offering the greatest contribution of revenue for vending machines, by school. Each school shall be awarded a primary and an alternate vendor. The primary vendor shall initially assume all responsibilities of this bid. If, however, during the term of the bid their contract is terminated for any reason, the alternate vendor shall assume all responsibilities if mutually agreed upon by the alternate vendor and the School Board. If the above occurs within the withdrawal period defined in the Instructions to Bidders, the alternate vendor must accept award.

   If the withdrawal period has elapsed and the alternate vendor does not agree to assume the contract at that time, the vendor must immediately submit that decision in writing to the School Board of Miami-Dade County, Florida. Failure to submit the decision in writing, within 5 working days of the request, shall be considered as non-acceptance by the alternate vendor.

   Attachment VM2: List of High Schools for Bid 124-FF03 lists the High Schools covered under this bid. M-DCPS reserves the right to include other school sites during the original award and/or extension period, as needed in order to serve the best interest of the school district.

3. **CONTRIBUTION OF REVENUE:** The contribution of revenue must be paid in advance monthly payments commencing on the first working day of the new month after the bid is awarded by the Miami-Dade County Public School Board. The time period after the award and the first working day of the new month will be the time period for the vendor(s) to install vending machines and ensure operational. The fee will be per month starting on the first working day of the new month after award. I.e.: If bid is awarded at September 13, 2006 board meeting then vendor(s) will be responsible for payment on the first working day of each month of October 2006, November 2006 and December 2006 and thereafter per month if the bid is extended beyond the original bid award. If the machines are operational during any part of the month when bid is awarded (i.e. September 2006), then the awarded vendor will submit the contribution of revenue for that entire month at the same time as the next advance monthly payment I.e. September 2006 and October 2006 revenue would be paid on first working day of October 2006.

   All vending machine revenue payments should be mailed or delivered directly to the address listed:

   Treasury Management
   Attn: Treasurer
   1450 N.E. 2 Avenue, Suite 615
   Miami, FL 33132

SPECIAL CONDITIONS (CONTINUED)

The payments shall be made with detail of sales by school name, and shall include a statement showing the amount paid, the time period covered and the balance due for the remainder of the contract period and the number and type of each vending machine.

4. **CONTRIBUTION OF REVENUE ESCALATION/DE-ESCALATION:** Should by mutual agreement of the vendor and the school site principal or designee agree to increase or decrease the number of vending machines at a particular site, then the monthly amount of revenue will increase or decrease accordingly. The vending machine(s) must be installed or removed no later than the first working day of the new month. Any machine installed or removed after the first working day of the month shall, for contribution of revenue purposes, be considered as being on-site the entire month. No "pro-rating" of days shall occur.

   At the start of each school year, the School District will analyze the statistical information for each school location listed within this bid to determine if conditions warrant an escalation in the current contribution of revenue for an individual school site. Accordingly, an **escalation/de-escalation** in contribution of revenue will apply under the following conditions:

   A. There is an **increase/decrease** in student population at an individual school site OR

   B. There is an increase/decrease in the number of vending machines at an individual school site The amount of an **increase/decrease** in contribution of revenue shall be calculated based upon the student population and /or number of vending machines at time of submittal of bid.

      1) If there is an **increase/decrease** in student population, the amount of the increase in contribution of revenue shall be identical to the percentage of increase in student population.

         I.E. Robert Morgan Educational Center 2004-05 enrollment is 3546. If the 2005-06 enrollment increases to 3900, then the awarded vendor's contribution of revenue shall increase by 10%.

      2) If there is an **increase/decrease** in the number of vending machines authorized at an individual location, the site administrator shall have the authority to select which type of vending machine (beverage, snack/food, ice cream) to add to their location. The vendor of choice contribution of revenue shall increase by a proportional rate.

         I.E. Robert Morgan Educational Center currently has six (6) snack machines. The awarded vendor submitted a bid of $600.00. In order to add additional snack machines, the awarded vendor's contribution of revenue shall increase by $100.00 per additional machine.

5. **INSURANCE REQUIREMENTS:** Successful vendor(s) are required to have insurance coverage, as specified in the indemnity and insurance form(s), attached hereto and made a part of this bid. The successful vendor(s) must submit completed certificate of insurance form(s), prior to being recommended for award. Failure to submit this form(s), as noted, will result in the vendor(s) not being recommended for the bid award.

SPECIAL CONDITIONS (CONTINUED)

6. **LICENSES, PERMITS AND FEES:** The successful vendor(s) shall obtain and pay for all licenses, permits and fees required for this service and shall comply with all laws, ordinances, and regulations. The successful vendor(s) shall pay all federal, state and local taxes chargeable to the operation. The Board will not collect or pay any sales tax for the awarded vendor(s). Damages, penalties and/or fines imposed on the Board or the awarded vendor(s) for failure to obtain required licenses, permits or fines shall be borne by the vendor.

7. **EXCLUSIVE RIGHTS:** Award of this contract does not imply or guarantee exclusive vending rights at any location either described in this bid or at any other locations operated by M-DCPS. The vendors awarded this bid shall be the vending machine vendor(s) for the school site awarded to that vendor(s), with the exception of other vending machine contracts currently being used by the Department of Food and Nutrition, District Athletics and faculty lounges.

8. **USAGE OF MACHINE ITEMS:** It will be the responsibility of the vendor(s) to maintain and rotate all stock utilized in each type of vending machine. The vendors will also monitor items and brands preference and remove/replace any item and/or brand, which appear to be unacceptable at each location. Only nationally recognized name brand products are to be used. The Department of Food and Nutrition shall approve all items being placed into machines and reserve the right to remove or replace any and all items that do not meet nutritional qualifications established by the Department of Food and Nutrition for service to students. Nutritional Data must be provided to the Department of Food and Nutrition for each product submitted for approval. Approval must be finalized prior the insertion of new products into machines. All products dispensed from vending machines must be of first quality and in manufacturer's packaging. Products must be dated for freshness, with all outdated product removed from the machines prior to expiration of the "freshness" or "sell by" dates. The Department of Food and Nutrition shall conduct periodic audits and collect random samples of products to ensure that products contained in machines contains appropriate date stamps. Three instances of failure by a vendor to stock fresh items shall constitute default of contract by that vendor.

   See attachments enclosed: **Agenda Item E-37, May 2006 M-DCPS School Board Meeting and Agenda Item A-3, November 2005 M-DCPS School Board Meeting regarding the student wellness initiative.** M-DCPS Procurement Management Services and the Department of Food and Nutrition reserves the right to accept and/or reject items to be placed in any vending machine serviced under this bid.

9. **NUTRITIONAL STANDARDS:** Childhood obesity and other nutrition related diseases related to consumption of high sugar, high fat, and high sodium content are of increased interest to the members of the Miami-Dade County School Board, parents and child nutrition professionals. In the event that the Miami-Dade County School Board mandates the removal of such high fat/sugar/sodium foods from student-accessed vending machines, Miami-Dade County Public Schools reserves the right to remove from any vending machine, those food items which do not provide optimum nutritional benefit to students.

10. **REFUND POLICY:** It shall be the responsibility of each successful vendor prior to the installation of the machines to establish a procedure to refund students, employees or other vending customers who do not receive satisfactory products or their money back from the vending machines. This refund policy shall be made with each school site administrator and the procedure shall be posted at each machine location.

SPECIAL CONDITIONS (CONTINUED)

11. **DAMAGE TO CONTRACTOR OWNED EQUIPMENT, PRODUCT OR LOSS OF CASH:** The District does not guarantee the prevention of any loss to the Contractor due to vandalism or forcible entry and will not be responsible for the loss of cash, products, and cost of repairs or replacement of products. However, upon notification of such acts, the District will assist the vendor in preventing future acts of vandalism or forcible entry. All plans of corrective actions shall be at no cost to the District.

12. **EQUIPMENT:** All vending machines shall be stocked and in operation 24 hours a day. All vending machines shall have the capacity of refunding change and have adequate change inventory for required returns. All equipment shall be required to accept dollar bills. All vending machines must be in new or like new condition, and have an appropriate tamper proof money counting system.

13. **REMOVAL OF EQUIPMENT AT EXPIRATION/TERMINATION OF CONTRACT:** Successful vendors, at the time of expiration and/or termination of their contract, at their own expense and without damage to the building and property, and within three (3) days upon request, shall remove all vending machine equipment installed by their company and shall furnish and restore in good order and condition those areas utilized for these operations.

14. **FACILITIES:** To facilitate housekeeping, all vending machines shall be located so that space around the machines can be easily cleaned and maintained. All machines shall be kept clean and sanitary with a regular schedule for cleaning the inside and outside of each machine, as needed. Additional requests for cleaning shall be directed to the contact person provided by the vendor via the contact list provided to each school site and the Department of Food and Nutrition. The successful vendor shall be responsible for removal of supply cartons, crates, wrappings, etc.

15. **ADHERENCE TO ESTABLISHED PROCEDURES:** The successful vendors shall adhere to any and all established policies and procedures, which are directly related to the operation of food vending machines.

16. **PROMOTIONAL MATERIALS:** Vendors may provide schools sites with promotional materials related to items/products being sold in vending machines. All promotional materials must be pre-approved by the Department of Food and Nutrition and each school site administrator prior to placement in school sites.

17. **SERVICE AND MAINTENANCE:** There shall be no charges to M-DCPS for the installation, service and maintenance of any and all equipment furnished by the successful vendor(s) during the term of this bid. The successful vendor(s) are to furnish awarded school site representatives, the name and telephone number of a contact person for problems concerning equipment repair and/or product quality.

    All servicing of vending machines shall take place during normal school operating hours unless otherwise authorized by the M-DCPS site administrator, with each service call being logged in the main office of each school site location. It shall not be the responsibility of The Department of Food and Nutrition, nor any school site food service employee, to provide service to any vending machines. Vending machine service shall be provided to insure adequate stock of merchandise. A minimum of 75% fill rate is expected on a daily basis.

SPECIAL CONDITIONS (CONTINUED)

During the performance of service during school hours, it is important that the vendor, and all personnel employed by that vendor, adhere to the following procedures during the service visit at all school sites:

a. All service staff employed by the awarded vendor(s) must have a picture identification card with employee photograph and company name, which must be worn at all times while on MDCPS property.
b. Other forms of picture identification such as driver's license are not acceptable. All service staff must be appropriately dressed, with clothing that does not contain any offensive or tasteless language or pictures.
c. Technical service response time should be within twenty-four (24) hours of notification, unless otherwise approved by the school site representative.

18. **TAXES:** Sales, rental, machine and any and all other applicable taxes are the responsibility of the vendor(s) and shall be paid by the successful bidder(s).

19. **BIDDERS RESPONSIBILITY:** Each bidder shall carefully examine the Instructions to Bidders, Specifications, Special Conditions, the attached Vending Machine/Service Agreement – contribution of revenue Based and the list of schools to be served. Each bidder shall make all site examinations necessary to ascertain all conditions and requirements affecting the full performance of their bid. If a bidder receives an award as a result of this bid, failure to have made site visits will in no way relieve the contractor from its obligation to comply in every detail with all provisions and requirements of the contract.

20. **QUANTITY OF VENDING MACHINES:**
    a. The number of vending machines to be installed at each school site is detailed on BID PROPOSAL FORM (FORMAT B).

    b. The location and number of vending machines shall be determined at each location, between the school site administrator/designee and the winning vendor. **The school site administrator shall authorize an increase/decrease in the number of vendor machines at an individual location after award if it is deemed necessary, and the contribution of revenue provided to M-DCPS will be increased/decreased according to the conditions stated in Special Conditions #4 above.**

    c. Any additional electrical wiring/outlets needed for machine operation shall be coordinated with the school site administrator.

    d. Vending machines that are located out of doors or in open hallways must be inside of security cages furnished by the vending machine contractor. Miami-Dade County Public Schools and the Department of Food and Nutrition shall not be held liable for costs incurred due to damage caused by acts of vandalism.

    e. All vending machines signage and front or side panels of must be a non-branded type, with final approval of signage by the designated administrator at the Department of Food and Nutrition.

SPECIAL CONDITIONS (CONTINUED)

21. **OCCUPATIONAL LICENSE**: Any person, firm, corporation or joint venture, with a business location in Miami-Dade County, Florida, which is submitting a bid, shall meet the County's Occupational License Tax requirements in accordance with Chapter 8A, Article IX of the Code of Miami-Dade County, Florida. Bidders with a location outside Miami-Dade County shall meet their local Occupational Tax requirements. A copy of the license is requested to be submitted with the Bid Proposal. If the Bidder has already complied with this requirement, a new copy is not required while the license is valid and in effect. It is the Bidder's responsibility to resubmit a copy of a new license after expiration or termination of the current license. Non-compliance with this condition may cause the bid not to be considered for award.

22. **SUBCONTRACTING/ASSIGNMENT OF CONTRACT:** There shall be no subcontracting or assignment of this contract or any part thereof. Machines supplied by the manufacturer of the products being vended to the contracted vending machine companies are not included.

23. **VENDOR INFORMATION SHEET:** All bidders are requested to complete the attached Vendor Information Sheet. In order to conduct new business under this bid, M-DCPS requires that the vendor(s) have a current vendor application on file. The information on both documents must be consistent. Failure to comply with this condition may cause the bidder(s) not to be awarded any new business. Vendor applications can be downloaded at http://procurement.dadeschools.net/bidsol.htm.

24. **BID ADDENDUMS:** All bidders should monitor continuously, M-DCPS, Procurement Management Services website for any addendums that may be posted, and prior to the opening of this solicitation. The Procurement Management Services website which list all bids, addendums, and awards information is, http://procurement.dadeschools.net/bidsol.htm

25. **PUBLIC RECORDS LAW:** It is the practice of The School Board of Miami-Dade County, Florida, to evaluate all Bids and Requests For Proposals in a public forum open to the Sunshine, pursuant to Florida Statute §286.011 and to make available for public inspection and copying any information received in response to an RFP, in accordance with Florida Statute §119, as such any information sent to M-DCPS is being sent into the public domain. No action on the part of the proposer would create an obligation of confidentiality on the part of the School Board, including but not limited to, making a reference in the proposal to the trade secret statutes, Florida Statutes §§ 812.081, 815.045. It is recommended that potential suppliers exclude from their response any information that, in their judgment, may be considered a trade secret.

26. **CONFLICT OF INTEREST:** Former Miami-Dade County Public Schools employees, classified as Managerial Exempt Personnel, Pay Grade 22 and above, Dade County School Administrators Association, Pay Grade 47 and above, and other equivalent positions, are prohibited from personally representing another person or entity or acting as an agent or attorney for compensation in connection with any matter in which The School Board of Miami-Dade County, Florida, is interested, for two years after the School Board employees' service terminates. This provision is pursuant to School Board Rule 6Gx13 - 4A-1.212 and Florida Statute § 112.313(9). The School Board of Miami-Dade County, Florida shall be prohibited from entering into any business relationship or continue an existing business relationship with any person or entity determined to have engaged in violation of the restriction contained in this provision.

SPECIAL CONDITIONS: CONTINUED

27. **CONE OF SILENCE:** A CONE OF SILENCE IS APPLICABLE TO THIS COMPETITIVE SOLICITATION. ANY INQUIRY, CLARIFICATION OR INFORMATION REGARDING THIS QUOTE MUST BE REQUESTED IN WRITING BY FAX OR E-MAIL TO:

    MR. ROBERT JOHNSON, BUYER
    PROCUREMENT MANAGEMENT SERVICES
    E-MAIL: RHJOHNSON@DADESCHOOLS.NET
    OR USE THE FAX NUMBER: (305) 523-3362

    A COPY OF THIS WRITTEN REQUEST MUST BE SENT SIMULTANEOUSLY TO:

    ILEANA MARTINEZ, SCHOOL BOARD CLERK
    MIAMI-DADE COUNTY PUBLIC SCHOOLS
    1450 N.E. 2ND AVENUE, ROOM 268B
    MIAMI, FLORIDA 33132
    FAX #305-995-1448
    E-MAIL: MARTINEZ@DADESCHOOLS.NET

    Also, the cone of silence information can be accessed at the M-DCPS Website:
    http://procurement.dadeschools.net/bidsol/asp/ENACT.asp

28. **BID ADDENDUMS:** All bidders should monitor continuously, M-DCPS, Procurement Management Services website for any addendums or other bid related information that may be posted, and prior to the opening of this solicitation. The Procurement and Materials Management website list all bids, addendums, and award information:
    http://procurement.dadeschools.net/bidsol/asp/ENACT.asp

29. **BID SUBMISSIONS: In order to facilitate the evaluation, vendor(s) is/are requested to submit in electronic format** the Excel file, Format B (Bid Proposal Form) on a CD-ROM, 3½" Floppy Disk, or Jump Drive with Bid Package. In addition, one printed copy of the Format B (Bid Proposal Form) is to be submitted as the bid, for evaluation.

    In the event of a discrepancy on the electronic format, the bidder(s) shall so indicate on the blank text boxes on the electronic format. Should the bidder(s) not be able to enter the discrepancy on the electronic format, the bidder shall so indicate the discrepancy on the printed copy. **The final printed copy of the Format B submitted with the bid documents will be used as the document for the evaluation process.**

    The complete bid file, including the Format B (Items on Bid) Excel Spreadsheet may be downloaded at the M-DCPS website listed below:
    http://procurement.dadeschools.net/bidsol/asp/ENACT.asp

    Bids will be accepted until the time and date indicated on the Bidders Qualification Form, in Room351, of SBAB, 1450 NE 2nd Ave, Miami, FL 33132.

SPECIAL CONDITIONS: CONTINUED

Bids and or files will **not** be accepted by E-Mail. Bidders are requested to submit, with their bid package, all information requested in the attached specifications:

Requested information for this bid includes:

a. Signed Bidders Qualification Form.
b. Bid Proposal Form.
c. Vendor Information Sheet.
d. Occupational License
e. **ATTACHMENT JL:** Sworn Statement-New Contracts, Pursuant to Section 1012.465, Florida Statutes as Amended by HB 1877, The Jessica Lunsford Act
f. The Bid Proposal Form (Format B) Excel file on CD-ROM, 3½" Floppy Disk, or Jump Drive **in addition to the hard copy of the Bid Proposal Form (Format B).**

30. **ERASURES OR CORRECTIONS:** When filling out the Bid Proposal Form, bidders are required to use a typewriter or computer and complete bid proposal signed in ink.

1. Use of pencil is prohibited.
2. Do not erase or use correction fluid to correct an error.
3. All changes must be crossed out and initialed in ink.
4. Bid proposal form original hard copy must be signed in ink.

Those bids for individual items that do not comply with items 1, 2, 3 and 4 above will be considered non-responsive for that item(s).

ATTACHMENT VM2: M-DCPS BID 124-FF03
VENDING MACHINE FEE PROGRAM-SEGMENT 2
FOR SENIOR HIGH SCHOOLS, STUDENT ACCESS
LIST OF HIGH SCHOOLS

	Location Code	HIGH SCHOOL INFORMATION	TELEPHONE / FAX	Region
DELETED				
1	7101	CORAL REEF SHS	Ph: 305 232-2044	
Add. 1		10101 SW 152 STREET	Fx: 305 252-3454	
8/15/2006		MIAMI, FL 33157		6
DELETED				
2	7141	DR MICHAEL M. KROP SHS	Ph: 305 652-6808	
Add. 1		1410 NE 215 TH STREET	Fx: 305 651-8043	
8/15/2006		MIAMI-DADE, FL 33179		2
DELETED				
3	7111	HIALEAH SHS	Ph: 305 822-1500	
Add. 1		251 EAST 47 STREET	Fx: 305 828-5513	
8/15/2006		HIALEAH, FL 33013		1
DELETED				
4	7271	MIAMI CORAL PARK SHS	Ph: 305 226-6565	
Add. 1		8865 SW 16TH STREET	Fx: 305 553-4658	
8/15/2006		MIAMI, FL 33165		3
DELETED				
5	7431	MIAMI PALMETTO SHS	Ph: 305 235-1360	
Add. 1		7460 SW 118 STREET	Fx: 305 235-7169	
8/15/2006		PINECREST, FL 33156		5
DELETED				
6	7531	MIAMI SUNSET SHS	Ph: 305 385-4255	
Add. 1		13125 SW 72ND STREET	Fx: 305 385-6458	
8/15/2006		MIAMI-DADE, FL 33183		6
7	7241	RONALD W. REAGAN/DORAL SHS	Ph: 305 805-1900	
		8600 N.W. 107 AVENUE	Fx: 305 805-1901	
		DORAL, FL 33178		3

Miami-Dade County Public Schools (M-DCPS) Bid Proposal Form - FORMAT B	
BID NUMBER 124-FF03	BUYER: R. JOHNSON

VENDING MACHINE PROGRAM-SEGMENT 2 FOR SENIOR HIGH SCHOOLS, STUDENT ACCESS

Bid sheet must be received at SBAB Rm.351 no later than 2:00 PM on the bid opening date.

BIDDERS SHOULD MAKE EVERY EFFORT TO FURNISH ALL INFORMATION REQUESTED BELOW ON THE ITEM(S) FOR WHICH A BID IS SUBMITTED.

PLEASE COMPLETE ALL SHADED AREAS: If writing in information, use ink or black ribbon to fill in areas on this Excel worksheet. WHEN USING A COMPUTER, TYPE IN THE COLORED BOXES. Please submit a Floppy Disk, CD-ROM, etc. IN ADDITION TO A PRINTED COPY WITH THE BID SUBMISSION.

BIDDER: **TYPE IN YOUR BUSINESS NAME HERE….**

Item	Description	Information and Data Entry Field

NOTE: The statistical information shows the student population (combined daytime and evening programs) and number of existing vending machines at each school site location.

Item 1 -DELETED-ADDENDUM 1- AUGUST 15, 2006

	CORAL REEF SHS	3080 - student population
	10101 SW 152 STREET	10 - non-carbonated beverage vending machines
	MIAMI, FL 33157	4 - snack merchandisers
		2 - ice cream vending machine
		Enter Annual Contribution of Revenue below in colored boxes:
	Non-Carbonated Beverage Vending Machine, canned / plastic containers	_____.00
	NON-CARBONATED BEVERAGES	
	BRAND:	
	Type of Container:	
	Size of Container:	
	SERVICE AND MAINTENANCE CONTACT INFORMATION	
	NAME:	
	TITLE:	
	PHONE NUMBER:	
	FAX NUMBER:	
	E-MAIL ADDRESS:	

Item 2-DELETED-ADDENDUM 1- AUGUST 15, 2006

	DR MICHAEL M. KROP SHS	2885 - student population
	1410 NE 215 TH STREET	11 - non-carbonated beverage vending machines
	MIAMI-DADE, FL 33179	7 - snack merchandisers
		1 - ice cream vending machine
		Enter Annual Contribution of Revenue below in colored boxes:
	Non-Carbonated Beverage Vending Machine, canned / plastic containers	_____.00
	NON-CARBONATED BEVERAGES	
	BRAND:	
	Type of Container:	
	Size of Container:	
	SERVICE AND MAINTENANCE CONTACT INFORMATION	
	NAME:	
	TITLE:	
	PHONE NUMBER:	
	FAX NUMBER:	
	E-MAIL ADDRESS:	

Miami-Dade County Public Schools (M-DCPS) Bid Proposal Form - FORMAT B	
BID NUMBER 124-FF03	BUYER: R. JOHNSON

VENDING MACHINE PROGRAM-SEGMENT 2 FOR SENIOR HIGH SCHOOLS, STUDENT ACCESS

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BIDDER: **TYPE IN YOUR BUSINESS NAME HERE….**

Item	Description	Information and Data Entry Field

NOTE: The statistical information shows the student population (combined daytime and evening programs) and number of existing vending machines at each school site location.

Item 3-DELETED-ADDENDUM 1- AUGUST 15, 2006

	HIALEAH SHS	6645 - student population
	251 EAST 47 STREET	14 - non-carbonated beverage vending machines
	HIALEAH, FL 33013	9 - snack merchandisers
		3 - ice cream vending machine
		Enter Annual Contribution of Revenue below in colored boxes:
	Non-Carbonated Beverage Vending Machine, canned / plastic containers	_____.00
	NON-CARBONATED BEVERAGES	
	BRAND:	
	Type of Container:	
	Size of Container:	
	SERVICE AND MAINTENANCE CONTACT INFORMATION	
	NAME:	
	TITLE:	
	PHONE NUMBER:	
	FAX NUMBER:	
	E-MAIL ADDRESS:	

Item 4-DELETED-ADDENDUM 1- AUGUST 15, 2006

	MIAMI CORAL PARK SHS	5800 - student population
	8865 SW 16TH STREET	12 - non-carbonated beverage vending machines
	MIAMI, FL 33165	11 - snack merchandisers
		1 - ice cream vending machine
		Enter Annual Contribution of Revenue below in colored boxes:
	Non-Carbonated Beverage Vending Machine, canned / plastic containers	_____.00
	NON-CARBONATED BEVERAGES	
	BRAND:	
	Type of Container:	
	Size of Container:	
	SERVICE AND MAINTENANCE CONTACT INFORMATION	
	NAME:	
	TITLE:	
	PHONE NUMBER:	
	FAX NUMBER:	
	E-MAIL ADDRESS:	

Miami-Dade County Public Schools (M-DCPS) Bid Proposal Form - FORMAT B	
BID NUMBER 124-FF03	BUYER: R. JOHNSON

VENDING MACHINE PROGRAM-SEGMENT 2 FOR SENIOR HIGH SCHOOLS, STUDENT ACCESS

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BIDDER: **TYPE IN YOUR BUSINESS NAME HERE….**

Item	Description	Information and Data Entry Field

NOTE: The statistical information shows the student population (combined daytime and evening programs) and number of existing vending machines at each school site location.

Item 5-DELETED-ADDENDUM 1- AUGUST 15, 2006

	MIAMI PALMETTO SHS	4775 - student population
	7460 SW 118 STREET	9 - non-carbonated beverage vending machines
	PINECREST, FL 33156	3 - snack merchandisers
		3 - ice cream vending machine
		Enter Annual Contribution of Revenue below in colored boxes:
	Non-Carbonated Beverage Vending Machine, canned / plastic containers	_____.00
	NON-CARBONATED BEVERAGES	
	BRAND:	
	Type of Container:	
	Size of Container:	
	SERVICE AND MAINTENANCE CONTACT INFORMATION	
	NAME:	
	TITLE:	
	PHONE NUMBER:	
	FAX NUMBER:	
	E-MAIL ADDRESS:	

Item 6-DELETED-ADDENDUM 1- AUGUST 15, 2006

	MIAMI SUNSET SHS	5641 - student population
	13125 SW 72ND STREET	13 - non-carbonated beverage vending machines
	MIAMI-DADE, FL 33183	9 - snack merchandisers
		2 - ice cream vending machine
		Enter Annual Contribution of Revenue below in colored boxes:
	Non-Carbonated Beverage Vending Machine, canned / plastic containers	_____.00
	NON-CARBONATED BEVERAGES	
	BRAND:	
	Type of Container:	
	Size of Container:	
	SERVICE AND MAINTENANCE CONTACT INFORMATION	
	NAME:	
	TITLE:	
	PHONE NUMBER:	
	FAX NUMBER:	
	E-MAIL ADDRESS:	

Miami-Dade County Public Schools (M-DCPS) Bid Proposal Form - FORMAT B	
BID NUMBER 124-FF03	BUYER: R. JOHNSON

VENDING MACHINE PROGRAM-SEGMENT 2 FOR SENIOR HIGH SCHOOLS, STUDENT ACCESS

Bid sheet must be received at SBAB Rm.351 no later than 2:00 PM on the bid opening date.

BIDDERS SHOULD MAKE EVERY EFFORT TO FURNISH ALL INFORMATION REQUESTED BELOW ON THE ITEM(S) FOR WHICH A BID IS SUBMITTED.

PLEASE COMPLETE ALL SHADED AREAS: If writing in information, use ink or black ribbon to fill in areas on this Excel worksheet. WHEN USING A COMPUTER, TYPE IN THE COLORED BOXES. Please submit a Floppy Disk, CD-ROM, etc. IN ADDITION TO A PRINTED COPY WITH THE BID SUBMISSION.

BIDDER: TYPE IN YOUR BUSINESS NAME HERE….

Item	Description	Information and Data Entry Field
NOTE: The statistical information shows the student population (combined daytime and evening programs) and number of existing vending machines at each school site location.		
Item 7- EDITED-ADDENDUM 1- AUGUST 15, 2006		
	RONALD W. REAGAN/DORAL SHS	**777 - student population (updated August 15, 2006)**
	8600 N.W. 107 AVENUE	**7 - non-carbonated beverage vending machines allowed**
	DORAL, FL 33178	**3 - milk vending machines allowed**
		5 - snack merchandisers allowed
		2 - ice cream vending machines allowed
		Enter Annual Contribution of Revenue below in colored boxes:
	Non-Carbonated Beverage Vending Machine, canned / plastic containers	_____.00
	Milk Vending Machine,	_____.00
	Snack / Food Merchandiser	_____.00
	Ice Cream Vending Machine	_____.00
	NON-CARBONATED BEVERAGES	
	BRAND:	
	Type of Container:	
	Size of Container:	
	MILK MACHINES	
	BRAND:	
	Type of Container:	
	Size of Container:	
	SNACK / FOOD MERCHANDISER	
	PLEASE COMPLETE INFORMATION	
	REQUESTED ON	
	DATA SUBMISSION FORM	
	ICE CREAM	
	PLEASE COMPLETE INFORMATION	
	REQUESTED ON	
	DATA SUBMISSION FORM	
	SERVICE AND MAINTENANCE CONTACT INFORMATION	
	NAME:	
	TITLE:	
	PHONE NUMBER:	
	FAX NUMBER:	
	E-MAIL ADDRESS:	

DATA SUBMISSION FORM

Data submitted for this product are on (check one):

"AS SERVED" basis _____ "AS PURCHASED" basis _____

Brand Name_____

Product Code_____

CN Label Number_____

Package Size: ___ lb ___ oz ___ fluid oz ___ grams

Standard Serving: _____

Number of servings per package:_____

Weight per serving: _____ grams

A VALUE MUST BE ENTERED FOR EACH NUTRIENT. IF THE FOOD ITEM DOES NOT CONTAIN A SPECIFIC NUTRIENT, ENTER ZERO (0).

Nutrients	Measurement	Fill in Nutrients	Unit per 100 Grams
Water	xx.xxx	_____	grams
Calories	xxx	_____	kcal
Protein	xx.xxx	_____	grams
Total Fat	xx.xxx	_____	grams
Saturated Fat	x.xxx	_____	grams
Monounsaturated Fat	x.xxx	_____	grams
Polyunsaturated Fat	x.xxx	_____	grams
Carbohydrates	xx.xxx	_____	grams
Total Dietary Fiber	xx.xx	_____	grams
Total Sugars	xx.xx	_____	grams
Ash	xx.xxx	_____	grams
Cholesterol	xx.xx	_____	milligrams
Calcium	xx.x	_____	milligrams
Iron	xx.xxx	_____	milligrams
Sodium	xx.x	_____	milligrams
Vitamin C	x.xx	_____	milligrams
Vitamin A	x.x	_____	IU
	x.x	_____	RE
Fat change (+/-)	xxxx	_____%	N/A
Moisture change (+/-)	xxxx	_____%	N/A

PREPARATION INSTRUCTIONS TO INCLUDE: INGREDIENTS TO BE ADDED AND AMOUNTS, COOKING METHODS TIME AND TEMPERATURE.

REQUEST FOR THE PROCEDURES AND DISKETTE FOR THE NATIONAL NUTRIENT DATABASE FOR CHILD NUTRITION PROGRAMS

RETURN THIS FORM VIA MAIL OR FAX:

U-S. Department of Agriculture

Human Nutrition Information Service

NNDB-CNP, Rm. 317

6505 Belcrest Road

Hyattsville, Md. 20782

FAX (301) 436-5643

Please send the procedures and a diskette for submitting the nutritional analysis of food products to the National Nutrient Database for Child Nutrition Programs.

Name _____

Title _____

Company _____

Mailing Address _____

_____
City State Zip Code

Telephone Number _____

Fax Number _____

Office of Superintendent of Schools
Board Meeting of May 10, 2006

April 26, 2006

Business Operations
Ofelia San Pedro, Deputy Superintendent

SUBJECT: REQUEST THAT THE SCHOOL BOARD ADOPT AND IMPLEMENT AN ESTABLISHED SCHOOL WELLNESS POLICY IN ALIGNMENT WITH THE DISTRICT'S APPROVED SYSTEM OF HEALTH AND WELLNESS ADDRESSING HEALTH ISSUES FACING OUR STUDENTS AND PER THE REQUIREMENTS OF THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004

COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENTAL RELATIONS

Last spring, the Child Nutrition and WIC Reauthorization Act of 2004 required local educational agencies to adopt a School Wellness Policy by June, 2006. Additionally, at the November 16, 2005 Board Meeting, The School Board approved Agenda Item A-3, authorizing the Superintendent to establish healthy beverage and food guidelines for all food sales before, during and 1-hour after school, mandate physical education at all elementary/middle schools, implement the Fitness Lifestyle Design course at all un-served high schools, establish a Middle School Athletics/Activity coordinator supplement, commit to hold the Division of School Athletics/individual school Athletic programs harmless for any revenue lost from the change in food sale guidelines, and develop and implement a comprehensive Health Literacy curriculum to ensure that students meet the National Health Education Standards. These efforts began the process of creating a coordinated, comprehensive local School Wellness Policy which incorporates and integrates nutrition, physical education, health literacy and school-based healthcare.

The Child Nutrition and WIC Reauthorization Act of 2004 mandates that all local educational agencies adopt a School Wellness Policy that at a minimum: includes goals for nutrition education, physical activity, and other school based activities designed to promote student wellness; includes nutrition guidelines for all foods available on the school campus during the school day; provides the assurance that the guidelines for school meals are not less restrictive than those set by the federal government; establishes a plan for measuring implementation of the local wellness policy; involves parents, students, and representatives from the school food authority, the school board, school administrators and the public in the development of the wellness policy; and includes a plan for measuring and evaluating the implementation of the policy and reporting the effectiveness and recommended revisions, if necessary, to the School Board.

E-37

With the November 16, 2005 authorization of the School Board for the Superintendent to adopt the outlined System of Health and Wellness and Healthy Beverages and Food Guidelines, together with the recommendations of the district's Food and Nutrition and Physical Education Advisory Committee, a district School Wellness Policy meeting the required criteria for the Child Nutrition and WIC Reauthorization Act of 2004 has been developed and is attached hereto.

A copy of the November 16, 2005, School Board approved Agenda Item A-3, will be transmitted to the Board under separate cover and placed on file in the Citizen Information Center and the Office of the Board Recording Secretary.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt and implement the attached School Wellness Policy effective July 2006, in alignment with the District's Approved System of Health and Wellness and per the requirements of the Child Nutrition and WIC Reauthorization Act of 2004.

WELLNESS POLICY

Preamble

The Miami-Dade County Public School District (M-DCPS) is committed to providing a healthy environment for students and adults within the school environment, recognizing that people must be physically healthy in order to achieve academic success.

M-DCPS also recognizes that there is a link between academic performance and the food served in schools, health literacy and nutrition education, physical education and physical activity, and environmental awareness.

The District will focus on achieving four goals:

- Nutrition – all students will have access to and take advantage of high-nutrient food options
- Physical Activity – all students will engage in the daily recommended levels of physical activity
- Health Literacy – all students will be educated on how to make 'health-enhancing' choices
- School-based Healthcare – all students will have access to physical and mental healthcare

Together, these objectives set the foundation for a coordinated, comprehensive wellness program that enables students to succeed academically.

Introduction

To promote wellness and address current health issues facing our students, including childhood overweight and obesity, the M-DCPS will provide:

1. Nutritious foods, available on campus during the school day, to promote student health;
2. Physical education and physical activity, to enable students to develop healthy lifetime habits conducive to cardiovascular conditioning, flexibility, coordination, balance and physical strength;
3. Health literacy and nutrition education to equip students to make the most health-enhancing decisions about the food choices available to them, and to understand health-related influences in the environment; and
4. School-based healthcare to protect students' physical, mental, social and emotional health.

   The M-DCPS Wellness Policy establishes objectives in each of these areas, and sets guidelines for how to meet them successfully in a coordinated, comprehensive wellness program that enables students to succeed academically.

Policies

1. **Nutrition Policy:** All students will have access to high-nutrient food options and to nutrition information about them.

   The Department of Food and Nutrition will serve food that is high in fiber, low in added fats, sugar, and sodium, respectful of cultural diversity and served in appropriate portion sizes consistent with USDA standards with adequate time allotted for meal consumption and in an environment conducive to making nutritional choices.

2. **Physical Education and Physical Activity Policy**: All students will engage in daily recommended levels of physical activity.

(2a) Physical Education is required for all students following national recommendations by grade level. If additional periods are added to the current six-period day in senior high schools, then physical education requirements may be increased beyond the current minimums, which are:

Elementary, grades K–5:	150 minutes per week, preferably at least 20 minutes daily.
Secondary, grades 6–12:	225 minutes per week, preferably at least 50 minutes daily, except for students whose academic program does not provide adequate time in the schedule.

Recess for students in grades PK – 5 is required to take place either three times a week for 15 minutes each time or two times a week for 20 minutes each time in all grades. Recess is defined as unstructured playtime that is supervised by adults, but not directed by adults.

(2b) Physical education will be taught by a certified specialist and be an essential part of every school's instructional program, subject to differing abilities of students. The program will stress the importance of physical fitness and encourage healthy lifestyles.

(2c) Physical education will include training in skills needed for enhancing health, such as:

- Comprehension of concepts related to health promotion, disease prevention, and reduction of health risk
- Ability to access valid health information
- Ability to analyze the influences of culture and technology on health
- Effective interpersonal communication skills
- Setting goals and making decisions
- Advocacy skills for personal, family and community health.

3. **Health Literacy Policy:** In addition to health and fitness taught in physical education programs, all students will be taught comprehensive principles of nutrition and health implications, media literacy, an appreciation of healthy food and other competencies essential to making health-enhancing choices. Strategies employed will include, but not be limited to:

(3a) Incorporating health literacy education into classroom instruction in all core curriculum areas including comprehensive concepts on health –enhancing behaviors and risk factor reduction for lifestyle disease prevention.

(3b) Providing nutrition education at all grade levels which includes lessons and experiential learning opportunities that enhance health:

- Emphasize the importance of goal-setting and positive decision-making strategies that enhance health including those related to food intake and energy expenditure.
- Analyze the influence of culture, media and other factors on food choices and preferences in personal health practices including food preparation methods that enrich and challenge healthy living.

(3c) Training students to differentiate between marketing messages and substantive health information.

(3d) Promoting healthy food choices on school premises by making relevant nutrition information available as close as possible to the point of choice.

4. **School-based Healthcare Policy:** All students will have access to physical, mental, social and emotional healthcare.

(4a) School Health Connect will provide every school with a school-based health team to ensure that a coordinated level of healthcare is consistently available at every school, including but not limited to:

- Link to medical home
- Mandated screenings and assessments with appropriate follow-up
- System for dealing with crisis medical situations
- Appropriate administration of medications
- Social histories
- Mental health counseling and primary care as appropriate

(4b) Each team will be composed of a school nurse, school social worker, and two health technicians. Currently, it is estimated that each team will serve two schools. Each team will be associated with one or more community health providers, who will provide health services to students and/or link students to medical homes.

(4c) Staff Wellness

- Information on health literacy, nutrition and physical activity will be provided to all school district staff.

Monitoring and Evaluation

The Superintendent's Wellness Advisory Committee is responsible for reviewing and monitoring the District's Wellness Policy in accordance with the District's goals and initiatives to ensure high academic achievement through enhanced wellness curriculum and programs to improve the health of all students.

The goals, objectives and guidelines of the M-DCPS Wellness Policy will be reviewed annually. Recommendations to the Superintendent by the Wellness Advisory Committee will address responses to changing conditions, more effective techniques and proven strategies, incorporate new objectives if needed, and ensure that the guidelines reflect emerging scientific knowledge relevant to our children's health.

MEMORANDUM May 3, 2006

TO: The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

FROM: Rudolph F. Crew, Superintendent of Schools

SUBJECT: **SUPPLEMENTAL INFORMATION FOR AGENDA E-37, SCHOOL BOARD MEETING OF MAY 10, 2006: REQUEST THAT THE SCHOOL BOARD ADOPT AND IMPLEMENT AN ESTABLISHED SCHOOL WELLNESS POLICY IN ALIGNMENT WITH THE DISTRICT'S APPROVED SYSTEM OF HEALTH AND WELLNESS ADDRESSING HEALTH ISSUES FACING OUR STUDENTS AND PER THE REQUIREMENTS OF THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004**

As background information for Agenda Item E-37, attached please find approved Agenda Item A-3 from the November 16, 2005 School Board meeting. This item outlines the cost and timing for the recommended actions in Attachment B of Agenda Item A-3.

If you require additional information, please contact Ms. Ofelia San Pedro, Deputy Superintendent, Business Operations at 305-995-4581.

RFC:jls
M-1442
Attachment

Rudolph F. Crew, Ed.D., Superintendent of Schools

SUBJECT: **REQUEST THAT THE SCHOOL BOARD AUTHORIZE THE SUPERINTENDENT TO:**

1. **ESTABLISH HEALTHY BEVERAGES AND FOOD GUIDELINES FOR ALL FOOD SALES BEFORE, DURING, AND 1 HOUR AFTER SCHOOL AS OUTLINED IN ATTACHMENT A**
2. **MANDATE PE AT ALL ELEMENTARY/MIDDLE SCHOOLS**
3. **IMPLEMENT FITNESS LIFESTYLE DESIGN COURSE AT ALL UN-SERVED HIGH SCHOOLS**
4. **ESTABLISH A MIDDLE SCHOOL ATHLETICS/ACTIVITY COORDINATOR SUPPLEMENT**
5. **COMMIT TO HOLD THE DIVISION OF SCHOOL ATHLETICS/INDIVIDUAL SCHOOL ATHLETIC PROGRAMS HARMLESS FOR ANY REVENUE LOST FROM CHANGE IN FOOD SALES GUIDELINES**
6. **DEVELOP AND IMPLEMENT A COMPREHENSIVE HEALTH LITERACY CURRICULUM TO ENSURE THAT STUDENTS MEET THE NATIONAL HEALTH EDUCATION STANDARDS**

COMMITTEE: **INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT**

Introduction

Over the past several years, School Board members have introduced different initiatives that demonstrate their commitment to the health and wellness of our students. Ms. Perla Tabares Hantman introduced an item that established a cold and flu prevention program. Mr. Agustin J. Barrera introduced an item that established a partnership with the City of Miami Mayor's Task Force on Health and the Cuban-American National Council, Inc. to promote awareness on childhood obesity. Mr. Frank J. Bolaños introduced an item that established a partnership between the City of Miami, the Save a Life Foundation, and the District to implement a first response emergency training program. Dr. Martin Karp introduced an item to investigate the feasibility of having CPR certified staff members at school sites. Dr. Marta Pérez submitted an item to ban carbonated beverages and another item to develop a wellness policy. During the past months, staff has worked to identify a System of Health and Wellness that addresses the health issues facing our students. The following recommendations are focused on achieving four objectives:

- Nutrition – all students will have access to and take advantage of high-nutrient food options
- Physical Activity – all students will engage in the daily recommended levels of physical activity
- Health Literacy – all students will be educated on how to make 'health-enhancing' choices
- School-based Healthcare – all students will have access to physical and mental healthcare

Together, they set the foundation for a coordinated, comprehensive wellness program that enables students to succeed academically.

Background

National statistics on obesity clearly define an epidemic that experts predict will result in perhaps the first generation of Americans that will have a shorter life expectancy than their parents. The majority of American youth are sedentary and do not eat well. Poor nourishment and lack of physical activity can lead to learning problems in school and school-related problems that can continue into adulthood.

A-3

Current status

Miami-Dade County Public Schools (M-DCPS) has instituted a number of initiatives that address the wellness of our students including, but not limited to, the following:

- School menus comply with the Dietary Guidelines for Americans and vendor contracts include provisions to ensure that healthy beverage/snack options are available in vending machines.
- Elementary and secondary schools implement Physical Education, Health Education, and HIV/AIDS education.
- A mandatory screening program is conducted at multiple grade levels for vision, hearing, and scoliosis, as well as, follow-ups for hypertension.
- Nutrition education, as outlined in the Sunshine State Standards Health Curriculum, is provided upon request to all grade levels by nutrition educators who are Registered Dietitians.
- Recess is currently being implemented in PK-5 grades, either three times a week for 15 minutes each time or two times a week for 20 minutes each time.

While the policies and programs instituted have proven to have an impact on health issues, M-DCPS has not yet instituted a comprehensive program to improve the health of our students.

Cost and timing for the recommended actions are outlined in Attachment B.

RECOMMENDED: Request that The School Board of Miami-Dade County, Florida, authorize the Superintendent to:

1. Establish Healthy Beverages and Food Guidelines for **all** food sales before, during, and 1 hour after school as outlined in Attachment A
2. Mandate PE at all elementary/middle schools
3. Implement Fitness Lifestyle Design course at all un-served high schools
4. Establish a Middle School Athletics/Activity coordinator supplement
5. Commit to hold the Division of School Athletics/individual school Athletic programs harmless for any revenue lost from change in food sales guidelines
6. Develop and implement a comprehensive Health Literacy curriculum to ensure that students meet the national health education standards

HEALTHY BEVERAGES AND FOOD GUIDELINES

M-DCPS is committed to providing an environment in which all students can make healthful food choices for lifelong health. As such, the following Healthy Food and Beverage Guidelines will be implemented effective July 1, 2006 for all food sales before, during, and 1 hour after school.

Beverage guidelines

- Only fruit-based drinks, composed of no less than 50% fruit juices with no added sweeteners, artificial flavors or colors.
- Drinking water with no additives except those minerals normally added to tap water.
- Electrolyte replacement drinks that do not contain more than 34 grams of added sweetener per 16 ounce serving; 16 ounce maximum volume.
- Milk and flavored milks, all milk should contain Vitamin A and D at levels specified by the Food and Drug Administration.

The following are not allowed:

- Carbonated beverages
- Beverages containing additives such as herbal and non-vitamin supplements
- Food colorings and flavors not proven safe by the Food and Drug Administration
- Beverages containing vitamin and/or mineral supplements
- Beverages in glass containers

Food guidelines

- No more than 35% of total calories from fat
- No more than 10% of total calories from saturated fat, including trans fat
- No more than 35% added sugar by weight

Portion guidelines

- Beverages, except for water: less than 16 oz.
- Snacks and sweets (including but not limited to chips, crackers, popcorn, cereal, trail mix, nuts seeds, dried fruit): 1.5 oz.
- Cookies/cereal bars: 2 oz.
- Bakery items (e.g., pastries, muffins): 3 oz.
- Frozen desserts, ice cream: 3 fluid oz.
- Other items (including, but not limited to, French fries and onion rings) shall be no larger than the portions served by Food and Nutrition Services

REPLACE THIS PAGE ONLY

COST AND NEXT STEPS FOR RECOMMENDATIONS

RECOMMENDATION	COST	NEXT STEPS
Establish Healthy Beverages and Food Guidelines for **all** food sales	• Potential loss of revenue in first year of implementation; expected to be no loss of revenue in the longer-term	• New vending machine access bid to be released in Dec. 2005
Mandate PE at all elementary/middle schools	• ~$3.4 million in new PE teacher allocation	• Full implementation by 2008
REVISED Establish a Middle School Athletics/ Activity coordinator supplement	• $158,000 for Middle School Athletics/Activity Coordinators	• Begin Jan. 2006
REVISED Implement Fitness Lifestyle Design course at all un-served high schools	• $700,000 for additional fitness centers – Capital Expense	• Full implementation by 2007
Commit to hold the Division of School Athletics/individual school Athletic programs harmless for any revenue lost from change in food sales guidelines	• Cost of replacing any lost revenue from change in food sales guidelines (TBD)	• TBD pending results of vending machine access bid
Develop and implement a comprehensive Health Literacy curriculum to ensure that students meet the national health education standards	• To be determined	• To be developed in 2006 for implementation in 2007
Implement School Health Connect Teams	• $7 million in redirected funding, not additional cost	• Final proposal due in January

Attachment MI

Miami-Dade County Public Schools
giving our students the world

For office use only:
Date received: _____
Reviewer: _____
M/WBE Code: _____
Date Approved: _____
Vendor #: _____

M/WBE CERTIFICATION APPLICATION

(Please Print/Type)

Certification Category Requested: ( ) African American ( ) Woman
( ) Hispanic

1. _____
Business Name — President's/Owner's Name

_____ _____ _____
Telephone number — Fax number — E-Mail Address

_____
Business street address

_____
Business mailing address

_____

2. LEGAL STRUCTURE: (Check one and indicate the date the business was established)

( ) Sole proprietor _____ Date
( ) Joint Venture _____ Date
( ) Partnership _____ Date
( ) Corporation Non-profit _____ Date
( ) For Profit Corporation _____ Date

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3. CERTIFICATIONS: Indicate if this business shares common officers, owners, directors or management personnel with another business that has received, been denied or had its certification revoked as an MBE/DBE/WBE or SBA 8(a) Certified Contractor. Indicate the name of the certifying authority, as well as the date and type of determination (certification /denial/revocation).

Agency Name	Determination	Date

4. OWNERSHIP:

a. Identify the proprietor, each partner, or stockholder by name, as well as his/her citizenship (c) or (r) residency status, gender, ethnic group, and percentage of ownership.

Name	Owner/ shareholder	Resident or *U.S. Citizen	Gender	Ethnicity	% Owned	Years Owned

b. If the business is a corporation, please indicate the following:

1 The number of shares authorized: _____

2. The number shares issued: _____

3. Are there any stock option agreements? Yes ____ No ____
If yes, please provide a copy of each agreement.

5. OPERATIONAL CONTROL: Provide the name, title, race/ethnicity, and gender of each individual (including owners and non-owners) with the primary responsibility for the following:

	Name and title	Race/ethnicity	Gender
a. Check signing			

	Name and title	Race/ethnicity	Gender
b. Payroll signing			
c. Signing, or guaranteeing loans			
d. Acquiring lines of credit			
e. Acquiring surety bonding and insurance			
f. Purchasing major equipment/services			
g. Signing contracts/change orders/payment requisitions			
h. Estimating			
i. Qualifying the company for professional/trade license(s)			
j. Marketing/sales			
k. Hiring and firing managerial employees			
L Hiring and firing non-management employees			
m. Supervising field/ operations			
n. Supervising office personnel			

6. **PERSONNEL:** Identify the number of individuals, including owners, that are currently employed by the business in the following areas:

Please use the following to classify women/minority persons: AM-African American male, AF-African American female, HM-Hispanic male, HF-Hispanic female, WM-Non Hispanic White male, WF-Non Hispanic White female.

	Total Number of Employees	AM	AF	HM	HF	WM	WF
a. Management	_____						
b. Administrative/clerical	_____						
c. Professional/technical	_____						
d. Craftsperson/laborers	_____						

e. Provide a copy of the business affirmative action statement, if one is available.

7. BUSINESS RELATIONSHIPS: Provide the requested information for each of the following:

a. Bonding Company: _____

Address: _____

Agent name: _____ Phone number: _____

Single Contract Limit: _____ Aggregate Limit: _____

b. Bank(s) Name(s): _____

Branch: _____

Contact person: _____ Phone number: _____

Credit limit: _____

c. Identify the company's/creditors including banks and the amount of money owed to:

Creditor	Loan Guarantor(s)	Address & telephone	Loan Amount

d. Insurance company: _____

Type of insurance: _____ Insurance limits: _____

e. List the business' three largest contracts or jobs.

Contract/ job type	Contact person	Telephone number	Contract amount	Bonded (Yes/No)

8. EQUIPMENT: List the type and value of major equipment that is owned (0) or leased (L) by the business.

Equipment	O/L	Value ($ amount)

9. M/WBE JOINT VENTURE - Joint ventures must provide a copy of the joint venture agreement.

M/WBE CERTIFICATION APPLICATION

AFFIDAVIT

STATE OF _____:

COUNTY OF _____:SS

I hereby declare and affirm that I am the _____ (Title)

of: _____ (Firm)

That I am duly authorized to execute the foregoing M/WBE Certification Application, and that the contents of said documents are complete, true and correct to the best of my knowledge and belief. I hereby certify that the documents include all material information necessary to identify the true and lawful owners of the subject business enterprise. Further, the undersigned is notified of their responsibility to submit an updated Minority/Woman Business Enterprise Certification Application whenever a change occurs in ownership, management or control of the company. Any M/WBE applicant, certified M/WBE principal(s) and all related parties, who misrepresents the status of any concern as an M/WBE, or is a party to such misrepresentation to obtain business or contracts with the School Board under the Business Development and Assistance Program, **will be suspended from doing business with the School Board for fourteen (14) months.**

(Corporate Seal), if appropriate

_____
Minority/Woman Owner's Signature

On this _____ day of _____,20 ____, personally appeared before me, the undersigned officer authorized to administer oaths: _____ known to be the person described in the foregoing affidavit, who acknowledged that he/she executed the same in the capacity stated and for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

_____
Notary Public

My Commission Expires: _____

SEAL

M/WBE
Certification Check List

Please attach copies, not originals, of all applicable items. Incomplete applications cannot be processed, and failure to submit the documents will delay or result in termination of the application process.

Please check if documents are attached:

1. ☐ M/WBE certifications from other public agencies.
2. ☐ M/WBE Certification Application Affidavit (Page 6 of Application).
3. ☐ Miami-Dade County Public Schools Vendor Application.
4. ☐ Lease/purchase agreement for the business' facilities.
5. ☐ Current professional/business license(s).
6. ☐ Proof of citizenship or permanent resident status.
7. ☐ Resumes for owners and key personnel.
8. ☐ Lease/purchase agreements for major business equipment.
9. ☐ Most current application for bonding, if applicable.
10. ☐ Management agreement(s).
11. ☐ Loan agreement(s) or promissory note(s).
12. ☐ Birth certificate, drivers license, passport or any other document which substantiates the ethnicity/race/gender of owners, officers and directors.

***If any of the aforementioned documents are not available, please provide a written notarized statement that information is not available.**

13. Sole Proprietor - Submit all of the above items, as applicable and the following:

    ☐ U.S. IRS 1040-C Schedule.

    ☐ Fictitious name affidavit, if applicable.

14. Partnerships - Submit all of the above items, and the following:

- ☐ Partnership agreement(s).
- ☐ U.S. IRS 1065, with schedules.
- ☐ Profit sharing agreements.

15. Corporations - Submit all of the above items, and the following:

- ☐ Articles of Incorporation, with amendments.
- ☐ By-Laws, with amendments.
- ☐ The most current U.S. IRS Corporate Tax Return 11 20 or 1 120s, with all schedules.
- ☐ All issued and canceled stock certificates (front & back).
- ☐ Minutes of the first shareholders' meeting.
- ☐ Minutes of the first board of directors' meeting.
- ☐ Minutes of meetings at which the current board of directors and officers were elected or appointed.
- ☐ Stock transfer ledger.
- ☐ Most current annual report filed with the Secretary of State.
- ☐ Profit sharing agreement(s).
- ☐ Agreements affecting management, control or rights of any stockholder(s).

16. ☐ Joint venture agreement(s).

17. ☐ Certificate(s) of insurance.

18. ☐ Sub-contractual agreement(s).

NOTE: If after filing this application, there is any significant change in the information submitted herein, you must inform the Division of Business Development and Assistance of the change, or the company may be denied certification.

Certified companies must inform the Division of Business Development and Assistance of any changes in the information contained herein, which formed the basis of certification. Failure to do so may result in denial , revocation or suspension of certification.

COMPLETE APPLICATION, INCLUDING VENDOR APPLICATION AND CATEGORY OF GOODS AND SERVICES LIST, SHOULD BE RETURNED TO:

MIAMI-DADE COUNTY PUBLIC SCHOOLS
DIVISION OF BUSINESS DEVELOPMENT AND ASSISTANCE
1450 N.E. 2ND AVENUE, ROOM 456
MIAMI, FL 33132

Attachment MP

Miami-Dade County Public Schools
giving our students the world

M/WBE SUBCONTRACTOR/SUBCONSULTANT QUARTERLY EXPENDITURE REPORT

Fiscal Year
20___ - 20 ___

Office Use Only

M-DCPS PROJECT #	PROJECT LOCATION	PROJECT DESCRIPTION	CONTRACT AMOUNT

COMPANY NAME	ADDRESS	CITY	STATE	ZIP

PHONE	FAX	OWNER'S NAME

Select Quarter (ONLY ONE)

- ◯ 1st Qtr: July 1, 20____ - Sept. 30, 20____
- ◯ 2nd Qtr: Oct. 1, 20____ - Dec. 31, 20____
- ◯ 3rd Qtr: Jan. 1, 20____ - Mar. 31, 20____
- ✓ 4th Qtr: Apr. 1, 20____ - Jun. 30, 20____

SUBCONTRACTOR	M/WBE** CODE	SPEC SECTION	SUBCONTRACT AWARD AMOUNT	AMOUNT PAID THIS QUARTER*	CHECK NO. ($)

* INCLUDE ONLY THOSE DOLLARS PAID TO M/WBEs. ** AA-AFRICAN AMERICAN/ H-HISPANIC/ W-WOMAN

YES	NO	
☐	☐	1. Have all M/WBE subcontractors been paid in full, including retention?
☐	☐	2. Has the construction on this project been completed? If not, what is the scheduled completion date?_____.
☐	☐	3. Has the project been certified as substantially completed by the A/E or DCP?

BY SIGNING BELOW, I AGREE THAT I AM DULY AUTHORIZED TO EXECUTE THIS REPORT, AND THAT THE INFORMATION PROVIDED HEREIN IS COMPLETE, TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NAME: _____ _____ _____ _____

PRINT *SIGNATURE* *TITLE* *DATE*

FM-4831 Rev. (11-02)