REQUEST FOR PROPOSALS

PROFESSIONAL CONSULTING SERVICES FOR BUSINESS PROCESS FUNCTIONS ASSESSMENT AND ANALYSIS IN ADVANCE OF AN ERP IMPLEMENTATION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

PROPOSAL RETURN DATE

NOVEMBER 3, 2005

RFP NO. 025-FF10
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
PROCUREMENT MANAGEMENT
1450 N.E. 2ND AVENUE, MIAMI, FLORIDA 33132
REQUEST FOR PROPOSALS NO. 025-FF10

PROFESSIONAL CONSULTING SERVICES FOR BUSINESS PROCESS FUNCTIONS
ASSESSMENT AND ANALYSIS IN ADVANCE OF AN ERP IMPLEMENTATION

Sealed proposals will be accepted in Procurement Management, at the above location, until 2:00 P.M. November 3, 2005, and may not be withdrawn for one hundred twenty (120) days from that date.

ANTI-COLLUSION STATEMENT

THE UNDERSIGNED PROPOSER HAS NOT DIVULGED TO, DISCUSSED, OR COMPAIED HIS PROPOSAL WITH OTHER PROPOSERS AND HAS NOT COLLuded WITH ANY OTHER PROPOSER OR PARTIES TO THE PROPOSAL WHATSOEVER. PROPOSER ACKNOWLEDGES THAT ALL INFORMATION CONTAINED HEREIN IS PART OF THE PUBLIC DOMAIN AS DEFINED BY THE STATE OF FLORIDA SUNSHINE LAW.

CERTIFICATION AND IDENTIFICATION FOR PROPOSERS SUBMITTING PROPOSALS.

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

(Please Type or Print Below)

LEGAL NAME OF AGENCY OR CONTRACTOR SUBMITTING PROPOSAL: _____________________________

MAILING ADDRESS: _______________________________________________

CITY STATE, ZIP CODE: ____________________________________________

TELEPHONE NUMBER: _____________________________________________

BY:  SIGNATURE__________________________________________________

BY: TYPED_______________________________________________________

TITLE: __________________________________________________________
INSTRUCTIONS TO AGENCY/PROPOSER SUBMITTING PROPOSAL

I. PREPARING OF PROPOSALS

A. THE PROPOSAL IS TO BE SUBMITTED, using 8-1/2" x 11" paper.

B. IDENTIFICATION. Failure to indicate the contractor's EXACT legal name and an unsigned proposal may be considered non-responsive.

II. SUBMITTING OF PROPOSALS

A. Number of Proposals:

A total of (10) copies of the Proposal must be submitted as follows:

* The original proposal in a sealed envelope or box marked "Original."

**(9) copies of the proposal in a separate sealed envelope or box marked "Copies."

The proposal number, proposal title and opening date must be clearly marked on all envelopes and boxes.

B. Place, Date and Hour. Proposals shall be submitted to The School Board of Miami-Dade County, Florida, Procurement Management, Room 352, 1450 N.E. 2nd Avenue, Miami, Florida, not later than 2:00 P.M. November 3, 2005.

III. CHANGE OR WITHDRAWAL OF PROPOSAL

A. PRIOR TO PROPOSAL OPENING. Should the agency or individual contractor withdraw its proposal, they shall do so in writing. This communication is to be received by the Assistant Superintendent, Procurement Management Services, 1450 N.E. 2nd Avenue, prior to November 3, 2005. The agency or individual contractor's name and the proposal number should appear on the envelope.

B. AFTER PROPOSAL OPENING. After November 3, 2005, proposals may not be changed; and they may not be withdrawn for one hundred twenty (120) days from that date.
IV. PROTEST 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. This notice shall contain the following statement:

“Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.”

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 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 of the notice of protest is filed. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of 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 provided by this paragraph.

C. The notice of protest will be reviewed by Procurement Services staff, which will offer the protesting proposer the opportunity to meet and discuss the merits of the protest. If the protest if not resolved, the proposer may seek an administrative hearing pursuant to 120.57 Florida Statutes, by filing a formal written protest within 10 days after filing the notice of protest. Petitions for hearings on protests pursuant to 120.57 Florida Statutes must be filed in accordance with School Board Rule 6Gx13-8C-1064.

V. AWARDS

A. RESERVATION FOR REJECTION OR AWARD. The Board reserves the right to reject any and all proposals, to waive irregularities or technicalities, and to request re-bids.

B. NOTIFICATION OF INTENDED ACTION. Notices 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 Board action.

D. CHARTER SCHOOLS: Items awarded under this contract shall be made available to charter schools authorized by the School Board.
VI. DEFAULT

In the event of default, which may include, but is not limited to non-performance and/or poor performance, the Awardee shall lose eligibility to transact new business with the Board for a period of 14 months from date of termination of award by the Board. Proposers that are determined ineligible may request a hearing pursuant to §120.569, Fla. Stat., and School Board Rule 6Gx13-8C-1.064.

VII. 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 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.

VIII. COMPLIANCE WITH FEDERAL REGULATIONS

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 proposal that the vendor and its 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 grantee (The Board) or sub-grantee makes final payment.

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.
IX. CONE OF SILENCE
BOARD RULE 6GX13-8C-1.212

DEFINITION:

A. “Cone of Silence” means a prohibition on any communication regarding a particular Request for Proposals (RFP), bid, or other competitive solicitation between:

1. Any person who seeks an award there from, including a potential vendor or vendor’s representative; and

2. Any School Board member or the member’s staff, the Superintendent, Deputy Superintendent and their respective support staff, or any person appointed by the School Board to evaluate or recommend selection in such procurement process.

3. The Cone of Silence shall not apply to communication with the School Board Attorney or his or her staff, or with designated school district staff, who are not serving on the particular Procurement Committee, to obtain clarification or information concerning the subject solicitation. For purposes of this section, “vendor’s representative” means an employee, partner, director, or officer of a potential vendor, or consultant, lobbyist, or actual or potential subcontractor or sub-consultant of a vendor, or any other individual acting through or on behalf of any person seeking an award.

B. A Cone of Silence shall be applicable to each RFP, bid, or other competitive solicitation during the solicitation and review of bid proposals. At the time of issuance of the solicitation, the Superintendent or the Superintendent’s designee shall provide public notice of the Cone of Silence. The Superintendent shall include in any advertisement and public solicitation for goods and services a statement disclosing the requirements of this section.

C. The Cone of Silence shall terminate at the time the Superintendent of Schools submits a written recommendation to award or approve a contract, to reject all bids or responses, or otherwise takes action which ends the solicitation and review process.

D. Nothing contained herein shall prohibit any potential vendor or vendor’s representative:

1. From making public representations at duly noticed pre-bid conferences or before duly noticed selection and negotiation committee meetings;
2. From engaging in contract negotiations during any duly noticed public meeting;

3. From making a public presentation to the School Board during any duly noticed public meeting; or

4. From communicating in writing with any school district employee or official for purposes of seeking clarification or additional information, subject to the provisions of the applicable RFP, or bid documents.

The potential vendor or vendor’s representative shall file a copy of any written communication with the School Board Clerk who shall make copies available to the public upon request.

E. Nothing contained herein shall prohibit the Procurement Committee’s representative from initiating contact with a potential vendor or vendor’s representative and subsequent communication related thereto for the purposes of obtaining further clarifying information regarding a response to an RFP, or competitive solicitation. Such contact shall be in writing and shall be provided to the members of the applicable Procurement Committee, including any response thereto.

F. Any violation of this rule shall be investigated by the School Board’s Inspector General and may result in any recommendation for award, or any RFP award, or bid award to said potential vendor or vendor’s representative being deemed void or voidable. The potential vendor or vendor’s representative determined to have violated this rule, shall be subject to debarment. In addition to any other penalty provided by law, violation of this rule by a school district employee shall subject the employee to disciplinary action up to and including dismissal.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.
Law Implemented, Interpreted or Made Specific: 1001.43(10); 1001.51(14) F.S.
History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
New: 6-18-03
Revised 11/03
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
REQUEST FOR PROPOSALS NO. 025-FF10

PROFESSIONAL CONSULTING SERVICES FOR BUSINESS PROCESS
FUNCTIONS ASSESSMENT AND ANALYSIS IN ADVANCE OF AN ERP
IMPLEMENTATION

I. NAME AND ADDRESS OF REQUESTER

Miami-Dade County Public Schools
Financial Operations
1450 N. E. Second Avenue, Room 457
Miami, Florida 33132

II. PURPOSE OF REQUEST FOR PROPOSALS

The purpose of this Request For Proposals (RFP) is to award a proposer a contract with Miami-Dade County Public Schools (M-DCPS) to provide a needs assessment and gap analysis of M-DCPS’s current Human Resources and Finance departments, and all of the business process functions these departments encompass. The proposer awarded a contract will be responsible for participating in the recommendation of a technology and process strategy for M-DCPS based on the aforementioned needs assessment and gap analysis. Further, the proposer(s) awarded a contract will be responsible for helping develop one or more RFPs to solicit vendors for both Enterprise Resource Planning (“ERP”) software and implementation.

III. INSTRUCTIONS FOR SUBMISSION OF PROPOSALS

Ten copies of the proposal, one of which shall be an original, must be received by 2:00 p.m. (Eastern Standard Time) November 3, 2005, at:

The School Board of Miami Dade County, Florida
Bid Clerk, Division of Procurement Management Services
1450 Northeast Second Avenue, Room 352
Miami, Florida 33132

The responsibility for submitting this proposal to the District on or before the stated time and date will be solely and strictly the responsibility of the Proposer. The District will in no way be responsible for delays caused by the United States mail or any other delivery service or caused by any other occurrence. The proposal must be submitted in a sealed envelope or box marked “PROFESSIONAL CONSULTING SERVICES FOR BUSINESS PROCESS FUNCTIONS ASSESSMENT AND ANALYSIS IN ADVANCE OF AN ERP IMPLEMENTATION.”
It is anticipated that a proposal may be presented to The School Board of Miami-Dade County, Florida, for acceptance on or about December 14, 2005. If accepted, notification to the successful proposer(s) will be on or about December 14, 2005. The Board reserves the right to accept or reject any and all proposals.

IV. SCOPE OF SERVICES

M-DCPS is seeking to engage a vendor to conduct an assessment and analysis of its financial and human resource processes. This assessment and analysis shall include: (1) determining the effectiveness of current processes; (2) identifying processes that do not satisfy the stakeholders’ needs; (3) identifying alternative “best practice” processes from both the public and private sectors; and (4) making process improvement recommendations. As M-DCPS goes forward with an ERP implementation, it is imperative to enlist a vendor with expertise in assessing and recommending both a software provider and implementation provider. Further, M-DCPS is seeking to enlist a vendor with public sector experience, ideally with public school district experience.

Vendors submitting proposals must adhere to all guidelines and schedules stated and referenced throughout this RFP.

A. Scope of Services

M-DCPS is seeking a vendor that can provide the following services:

1. Review, map and document current business processes in Finance and Human Resources outlined in the Business Process Functions section (section XIII, part. B) below;
2. Identify and document areas for process redesign or improvement in business processes outlined in the Business Process Functions section. This shall include the processes for automation, which would be integrated during the future ERP implementation;
3. Identify and document “best practices” for business processes which have been identified for process redesign or improvement. Create a gap analysis outlining current process versus ideal future processes;
4. Provide and document recommendations for process improvement, including, but not limited to, recommendations for ERP software and implementation solutions;
B. Business Process Functions

The following is a list of currently identified Human Resource and Finance business function processes. Business process functions shall encompass the departments listed below and include, but not be limited to, the functions listed under each department.

**Human Resources Departments and Functions**

**Instructional**
- Teacher application and interview process (including Applicant Tracking System)
- Teacher transfers, resignations, terminations
- Teacher vacancies
- Teacher exit interviews
- Contract maintenance and upkeep

**Non-Instructional**
- All applicant processes
- Contract maintenance and upkeep

**Administrative, Professional and Technical (School Site and Non-School Site Processes)**
- Applicant interview process
- Applicant placement process
- Application transfers

**Certification**
- Training/presentations/workshops
- Office of Employment Standards
- Staff Recruitment
- Office of Employment Standards
- Compensation Administration
- Drug Testing
- Operations and Records
- Personnel Support
- Finance Departments and Functions

**Office of the Controller**
- Accounts payable
- General ledger
- General accounting
- Financial services
- Payroll and deductions

**Budget**
- Budget development, management, practices and training
- Capital budget
- Financial planning
- Fiscal analysis
• Performance management
• Position control
• Revenue and expenditure forecasting

Procurement and Inventory Management
• Requisitions
• Identifying suppliers for goods and services
• Generating requisition workflow and approval
• Requesting quote from suppliers
• Evaluating quotes and selecting suppliers
• Receive supplier responses
• Create purchase orders
• Receive goods and services
• Match purchase order, invoice and receipt
• Generate invoice workflow and approval
• Make payment to vendors
• Provide supplier scorecard
• Categorize catalog items

Treasury
• Cash management
• Investment management
• Debt management
• In-house banking
• Check printing
• Centralized banking

Office of Risk and Benefits Management
• Employee benefits
• Workers’ compensation
• Property loss prevention
• Minority/Women Business Enterprises

V. REQUIRED INFORMATION TO BE SUBMITTED BY PROPOSER

In order to facilitate the analysis of responses to this RFP, proposers are required to prepare their proposals in accordance with the instructions outlined in this section. Proposals should be prepared as simply as possible and provide a straightforward, concise description of the proposer’s capabilities to satisfy the requirements of the RFP. Submitted proposals should include a title page and a table of contents, and be organized within the framework of the outline below:

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<tr>
<th>Section</th>
<th>Title</th>
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<tbody>
<tr>
<td>1.</td>
<td>Executive Summary</td>
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<tr>
<td>2.</td>
<td>Scope of Services</td>
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<tr>
<td>3.</td>
<td>Company Background</td>
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<td>4.</td>
<td>Approach &amp; Methodology</td>
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<td>5.</td>
<td>Client References</td>
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</table>
Instructions relative to each section of the outline are explained below:

1. Executive Summary

Proposer(s) must provide an executive summary that will assist in evaluating the company’s financial stability, track record, and support capabilities. Proposers are required to submit the following:

   a. The proposer’s two most recently audited financial statements
   b. The signature of the authorized person empowered to submit this proposal.
   c. Number of years in business
   d. Experience with business process analysis and assessment

2. Scope of Services

Proposer(s) must illustrate a thorough understanding of the scope of services. Proposals should indicate the proposer(s)’ understanding of project goals and expectations and must respond to all applicable sections of this RFP.

3. Company Background

Proposer(s) must submit company background, qualifications and experience. Proposals should include a relevant industry experience as well as professional qualifications, certifications and industry awards and recognitions. Proposals shall also include a brief description of the company’s history, size and organizational structure.

4. Approach and Methodology

Proposer(s) must detail vendor approach and methodology. Proposals should include a discussion of the anticipated approach; methodology and work plan, including a timeline. The proposer(s) will be required to make recommendations for required tools for use during the assessment and analysis processes such as process modeling.
5. **Client References**

Proposer(s) must supply names, addresses and contact information for a minimum of two (2) school districts/systems, municipalities or companies where the proposer(s) has/have performed assessments and analysis of business processes encompassing Human Resources and Finance.

6. **Cost Proposal**

Proposer(s) should provide a written narrative explaining their respective cost proposals and use tables (as needed) to provide clarifying and supporting detail. This should clearly state a fee structure, which reflects a comprehensive fee for the provision of all services outlined in this RFP.

7. **Staffing**

Proposer(s) must submit proposed project team qualifications and experience. Proposals should contain information that will enable M-DCPS to evaluate proposer’s proposed project team and staff resources. This should include, but not be limited to: (1) resumes for all key personnel and positions on project team they will assume, (2) estimates of participation in days or hours by major task by individual for the named Project Manager and Team/Task Leaders by staff category for all other proposed personnel. Proposal must have the signature of the authorized person empowered to submit the proposal.

8. **Exceptions to the RFP**

All requested information in this RFP must be supplied with the proposal. Respondents may take exception to certain requirements in this RFP and must clearly identify all exceptions in this section. Each exception request must include a corresponding explanation. M-DCPS, at its sole discretion, may reject any exceptions or specifications within the proposal.

VI. **TERMS OF CONTRACT**

The successful proposer shall have 180 days from date of award to complete the project, unless otherwise authorized by the Superintendent or designee. The School Board reserves the right to cancel the contract in the event the services rendered do not comply with the provisions of the proposal and/or the quality of services is found to be undesirable. The proposer shall comply with all municipal, state, and federal statutes prohibiting discrimination.
VII. EVALUATION OF PROPOSALS

Representatives of the School District will evaluate proposals in order to ascertain which proposal best meets the needs of the District, on or about November 10, 2005. The evaluation committee will shortlist proposers for the oral presentation process, scheduled for November 18, 2005. The presentation will be made by the proposer’s staff leadership who will be working on the project should such proposer be selected. Further, the presentation must include those staff members who will be working on this initiative. The evaluation committee will consist, but not be limited to, the following members:

- Representative, Financial Operations
- Representative, Office of Accountability and System-Wide Performance
- Representative, Human Resources
- Representative, Office of Information Technology
- Representative, Business Development and Assistance
- Representative, Procurement Management Services (non-voting)

Evaluation consideration will include, but not be limited to, the following specific criteria:

- Proposer’s ability to provide requisite items and adhere to dates specified in the RFP;
- Proposer’s expertise and experience with similar projects in similar environments;
- Proposer’s stated costs associated with completing the Scope of Work;
- Estimated time frame for completion of Scope of Work;
- Ability to accommodate M-DCPS district volume (schools, students, courses, teachers, employees) and work within M-DCPS environment and culture;
- Any additional costs associated with completing the Scope of Work;
- Oral presentation and responses to Selection Committee questions.

The School Board reserves the right to reject any or all proposals, to further negotiate any proposals, to waive any irregularities or informalities, to accept or reject any items or combination of items, to request clarification of information submitted in any proposal, and to request additional information from any proposer. When the final selection is made and approved by the School Board, a professional services agreement acceptable to the Attorney for the School Board will be entered into with the successful proposer. No debriefing or discussion will be held with unsuccessful proposers.
VIII. EQUAL EMPLOYMENT OPPORTUNITY AND M/WBE PARTICIPATION

Equal Employment Opportunity

1. It is the policy of the School Board that no person will be denied access, employment, training, or promotion on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference or disability, and that merit principles will be followed.

Each firm is requested to indicate its equal employment policy and provide a detailed breakdown by ethnicity, gender and occupational categories of its work force. (ATTACHMENT A)

2. Minority/Women Business Enterprise (M/WBE) Participation

The School Board has an active Minority/Women Business Enterprise (M/WBE) Program, to increase contracting opportunities for M/WBE’s. In keeping with this policy, if a minority firm, which is Woman or African American-owned and operated, is to perform a scope of work, provide documentation to substantiate the experience of the M/WBE and its staff in providing this type of service. The Division of Business Development and Assistance must certify all M/WBE’s, prior to contract award. The M/WBE Application may be accessed through the following link:

http://procurement.dadeschools.net/pdf/3920.pdf

IX. GENERAL INSURANCE REQUIREMENTS

Professional Liability

The Professional Liability Insurance provided by the individual/firm shall conform to the following requirements:

A. The individual firm’s Professional Liability insurance shall be on a form acceptable to the Board and shall cover those sources of liability typically insured by Professional Liability Insurance, arising out of or the rendering or failure to render professional services in the performance of this agreement, including all provisions of indemnification which is part of this agreement.

B. The insurance shall be subject to a maximum deductible not to exceed $25,000.

C. If on a claims-made basis, the individual/firm shall maintain without interruption, the Professional Liability Insurance until (3) years after this agreement.

D. The minimum limits to be maintained by the individual/firm (inclusive
of any amounts provided by an umbrella or excess policy) shall be $1 million per claim/annual aggregate.

Each insurance policy evidencing the insurance required hereunder shall bear the appropriate endorsements whereby the insurance carrier waives any rights of subrogation acquired against the Board and the Students by reason of any payment under such policy and shall provide that such insurance carriers shall notify the Board in writing at least (30) days prior to any cancellation, termination, non-renewal or modification to the individual/firm’s policy (ies) required under this agreement.

Upon the execution of this agreement, the individual/firm shall furnish to the Board’s Office of Risk and Benefits Management with Certificates of Insurance evidencing the individual/firm’s insurance coverage is consistent with the terms of the agreement. The individual/firm shall also provide copies of the policies to the Board. The individual/firm shall also provide the Board with renewal or replacement Certificates of Insurance no less than (30) days prior to cancellation, termination or modification. The individual/firm shall be in material breach of this agreement if the individual/firm fails to obtain replacement insurance coverage prior to the date in which coverage is terminated or expires. In this event the Board may terminate this agreement without further liability to the individual/firm. Additionally the individual/firm shall be liable to the Board for any and all damages incurred due to the individual/firm’s failure to perform the agreement terms.

X. INDEMNIFICATION

The individual/firm(s) must enter into the following indemnification and hold harmless agreement:

The individual/firm(s) hereby agrees to indemnify, hold harmless and defend the Board, its officers, agents and employees individually and collectively from and against all liabilities, obligations, losses, damages, penalties, interest, claims, actions, assessments, fines, suits, demands, investigations, proceedings, judgments, orders or injuries, including death to any, or damage, of whatever nature, to any property and all costs including court costs and attorneys’ fees, and disbursements, whether suit is instituted or not, and if instituted, at all tribunal levels (wherever raised by the parties hereto or a third party) imposed on, or incurred by or asserted against the Board or any of them arising out of or in connection with or based directly or indirectly upon (a) the individual/firm’s directors, officers, employees, agents, subcontractors or representatives, of their duties and obligations under or pursuant to this agreement, including without limitations, the failure to maintain insurance or notify the Board; (b) any material breach of this agreement by the individual/firm(s), (c) false or inaccurate representation or warranty made by or on behalf of the individual/firm(s), and (d) any act or omission, negligence, or intentional acts of the individual/firm(s), or any of the individual/firm’s directors, officers, employees, agents, subcontractors or other representatives.
XI. THE JESSICA LUNSFORD ACT 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, Contractor agrees to certify under oath and penalty of perjury, see ATTACHMENT B (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 Contractor 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, Contractor agrees that each of its employees, representatives, agents, subcontractors or suppliers 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, 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.

Contractor 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. Contractor agrees to require all its affected employees to sign a statement, as a condition of employment with Contractor in relation to performance under this Agreement, agreeing that the employee will abide by the heretofore described background screening requirements, and also agreeing that the employee will notify the Contractor/Employer of any arrest(s) or conviction(s) of any offense enumerated in s. 435.04, Florida Statutes within 48 hours of its occurrence.

Contractor 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. Contractor 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. Contractor 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 Contractor 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 by the Board.
The parties further agree that failure by Contractor to perform any of the duties described in this section shall constitute a material breach of the Agreement entitling the Board to terminate this Agreement immediately with no further responsibility to make payment or perform any other duties under this Agreement.

**COMPLIANCE WITH SCHOOL CODE**

Contractor 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 Contractor agrees that failure to comply with the Florida K-20 Education Code shall constitute a material breach of this Agreement and may result in the termination of this Agreement by the Board.

**XII. IMPLEMENTATION SCHEDULE**

The planned schedule for implementation of this Request For Proposals, is as follows:

- Procurement Contract Review Committee ...........................................October 3, 2005
- Mailing of Request For Proposals..................................................October 11, 2005
- Opening of Proposals ...............................................................November 3, 2005
- Evaluation of Proposals .............................................................November 10, 2005
- Oral Presentations .................................................................November 18, 2005
- Recommendation for Award ......................................................December 14, 2005

**XIV. ADDITIONAL INFORMATION**

Any additional information regarding proposal procedures may be obtained from:

- Division of Procurement Management Services
  - Ms. Barbara Jones, Director
  - 1450 N. E. Second Avenue, Room 356
  - Miami, Florida 33132
  - (305) 995-2348
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<th>Occupational Category</th>
<th>Gender</th>
<th>Race/Ancestry</th>
<th>Non-Hispanic White</th>
<th>Non-Hispanic Black</th>
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<th>Asian</th>
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Miami-Dade County Public Schools

SWORN STATEMENT - NEW CONTRACTS

ATTACHMENT B

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
   sworn statement on behalf of ____________________________________________
   (Print individual’s name and title)

   ______________________________________________________________
   (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.

   ____________________________
   Initials

Page 1 of 3
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 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 MIAMI-DADE 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 of _______________, 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)

__________________________________________
Initials