

Questions and Answers for RFQ 2017-02 Bond Counsel Services

Q: We have a question concerning the requirement in Section Six, Item J, to include a particular certification regarding a drug-free workplace program.

The certification language that Respondents are asked to repeat and attest to states that the complying Respondent “has implemented a drug-free workplace program pursuant to Section 287.087, Fla. Stat.” (the “Florida Law”).

We have had a drug-free workplace program in place for several years which was modeled on the provisions of the federal Drug-Free Workplace Act of 1988 (the “Federal Act”). Our review and comparison of the Florida Law and the Federal Act indicates that the two laws have virtually identical provisions.

Accordingly, we believe we are in compliance with the Corporation’s requirement concerning a drug-free workplace. Because our program was not established pursuant to the Florida Law, however, we are not able to repeat verbatim the certification language included in the RFQ.

Would it be acceptable to modify the certification language provided in the RFQ to indicate that our firm’s drug-free workplace program was established in accordance with the Federal Law rather than the Florida Law?

Or, alternatively, would it be acceptable to omit the certification and simply explain to the Corporation how our firm established its program? In that event we would also attach a copy of our Drug-Free Workplace Policy.

A: Your firm must meet the terms outlined in s. 287.087, F.S. in order to qualify for this tie-breaker, no matter how your drug-free workplace program was initially implemented.