



CITY OF VENICE, FLORIDA

**Finance Department
401 W. Venice Avenue
Venice, FL 34285**

Request for Proposals

RFP Number 3121-20

Date of Issue: December 14, 2020

Submission Deadline: January 5, 2021

Title and Purpose of RFP:

CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF VENICE, FLORIDA
REQUEST FOR PROPOSALS

NOTICE IS HEREBY GIVEN that the City of Venice invites and will receive sealed proposals from qualified proposers to perform the following work which is described in detail in the Request for Proposals (RFP) specifications.

RFP NUMBER:

RFP TITLE: CODE ENFORCEMENT SPECIAL MAGISTRATE

PROJECT DESCRIPTION: Provide Code Enforcement Special Magistrate services for the City of Venice.

RFP SUBMITTAL DEADLINE DATE & TIME: January 5, 2021 @ 2:00 P.M.

PRE-PROPOSAL CONFERENCE: NO

The City is using a Request for Proposals for this project and will award the contract to the Proposer the City finds, in its sole discretion, best meets the needs of the City.

RFP documents are available by calling Onvia DemandStar at (800) 711-1712 or by their Internet address at www.demandstar.com. Proposers may also pick up RFP documents at the City of Venice, Procurement- Finance Department, Room 204, 401 West Venice Ave., Venice Florida 34285, (941) 882-7422, at no charge.

The evaluation committee has been selected by the City to ensure that all proposals are fairly considered. The evaluation committee will perform a review of proposals received from Proposers to determine completeness and responsiveness to the principal components of the applicable requirements of the RFP. The evaluation committee will make a recommendation to the City Council following the evaluation committee's review of all proposals and consideration of any additional evidence or data desired by the evaluation committee.

Qualified firms are invited to deliver one (1) original, three (3) copies, and one (1) electronic version of the response package using the forms provided in a sealed envelope marked **"SEALED REQUEST FOR PROPOSALS, RFP # 3121-20 CODE ENFORCEMENT SPECIAL MAGISTRATE"**, and delivered to the City of Venice, Procurement- Finance Department, Room 204, City Hall, 401 West Venice Avenue, Venice, Florida 34285. The City assumes no responsibility for proposals received after 2:00 P.M., on January 5, 2021 or at any office or location other than that specified herein, whether due to mail delay, courier mistake, mishandling or any other reason. Late proposals will be held unopened and will not be considered for award.

All questions, comments, or concerns about this RFP must be submitted in writing to Mr. Peter Boers, Procurement- Finance Department, for the City of Venice, Room 204, 401 West Venice Avenue, Venice, FL 34285. Mr. Boers is the only designated representative of the City authorized to respond to comments, questions, and concerns. The City will not respond to comments, questions or concerns addressed to any person other than Mr. Boers. If the City determines that a particular comment, question or concern necessitates a global response to all Proposers, the City will issue a clarifying memorandum or addendum. **The final day that the City will accept questions will be December 29, 2020 by 1:00 P.M.**

The City reserves the right to accept or reject any and/or all proposals, to waive irregularities

and technicalities, and to request re-submission. Any sole response received by the submission date may or may not be rejected by the City, depending on available competition and timely needs of the City.

The City reserves the right to select a proposer with or without interviews, and may decide to select any of the proposers submitting proposals. The City reserves the right to award the contract to a responsible proposer submitting a responsive proposal, with a resulting negotiated agreement, which is most advantageous, and in the best interests of the City.

The City shall be the sole judge of the proposal, and the resulting negotiated agreement that is in its best interest and its decision shall be final. In addition, the City reserves the right to make such investigation, as it deems necessary to determine the ability of any proposer to perform the work or service requested.

Proposers, their agents and associates shall not contact or solicit any City Council member, City employee, or official regarding this RFP during any phase of this RFP. Failure to comply with this provision may result in disqualification of the Proposer, at the option of the City. Only that individual listed, as the contact person in this Notice shall be contacted.

CITY OF VENICE, FLORIDA

Peter A. Boers, Procurement Department

TABLE OF CONTENTS

Request for Proposals – City of Venice Code Enforcement Special Magistrate Services

Table of Contents

Section 1 – Introduction and Background

Section 2 – Scope of Services

Section 3 – Minimum Qualification and Other Procedures

Section 4 – Agreement

Section 5 – Process

Section 6 – Proposal Requirements

Section 7 - Evaluation Process, Evaluation Criteria and Evaluation of Proposals

Section 8 – City’s Reserved Rights

Section 9 – General Terms

Appendix

Required Forms

- Submitted Proposal Form
- Qualifications Statement
- Local Preference Forms
- Non-Collusion Affidavit
- Public Entity Crime Information
- Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
- Conflict/Non-Conflict of Interest and Litigation Statement
- Certification Regarding Lobbying

1. INTRODUCTION AND BACKGROUND

It is the intent of the City of Venice, Florida (the “City”) to promote, protect, and improve the health, safety and welfare of its citizens by appointing a Code Enforcement Special Magistrate with the authority to impose administrative fines and other non-criminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing the codes and ordinances of the City where a pending or repeated violation exists. The successful Proposer will provide services on an as needed basis throughout the term of the Agreement.

Code Enforcement matters will generally be held monthly on the first Thursday of the month at the City of Venice’s City Hall at 10:00am; however, it is possible that the Special Magistrate may not be needed each month. No work is guaranteed under the Agreement.

2. SCOPE OF SERVICES

The scope of services to be performed by the Awarded Proposer may consist of, but not necessarily, be limited to the following:

2.1 The Special Magistrate shall conduct hearings relating to the enforcement and violation of the business tax receipt, fire, building, zoning, sign and other related codes in force in the City. It is not the function of the Special Magistrate to initiate enforcement proceedings or to inspect for code violations.

2.2 The Special Magistrate shall sit as an impartial special magistrate to determine, based on evidence presented during the hearing, if a violation exists.

2.3 The Special Magistrate shall serve at the pleasure of the City Council and shall not be deemed a City employee.

2.4 The Special Magistrate will review and understand all relevant codes, ordinances, and Florida Statutes relative to the service provided.

2.5 The City shall provide such clerical, administrative personnel and legal services deemed reasonably necessary to support the Special Magistrate’s activities and assist in the proper performance of duties.

2.6 The Special Magistrate shall not be authorized to engage, hire, or use any person, except those provided by the City to assist in the performance of duties.

2.7 The Special Magistrate shall have the jurisdiction and authority to affirm or modify any penalties imposed or adopted.

2.8 The Special Magistrate has the jurisdiction and authority to determine the amount of reasonable expenses incurred by the City as a result of orders issued pursuant to the authority granted.

2.9 The jurisdiction of the Special Magistrate is not exclusive. An alleged violation of a code provision may be pursued by appropriate remedy in court at the option of the City and nothing shall prevent the City from taking such other lawful action, including but not limited to resorting to equitable action, as is necessary to enforce the provisions of respective City codes or ordinances.

2.10 All hearings before the Special Magistrate shall be conducted so as to ensure fundamental due process.

2.11 The Special Magistrate shall take testimony from any witness having knowledge concerning a hearing on a case. All testimony shall be under oath.

2.12 The Special Magistrate shall have the power to administer an oath to any witness.

2.13 As soon as practicable after the conclusion of the hearing, the Special Magistrate shall issue findings of fact based on evidence of record, and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted within City code and consistent with Chapter 162 of the Florida Statutes.

2.14 The Special Magistrate shall be bound by the interpretations and decisions of duly authorized boards of the City concerning the provisions of the codes, ordinances and regulations within their respective jurisdiction.

2.15 All other relevant assignments relating to Code Enforcement Special Magistrate services, as requested.

3. MINIMUM QUALIFICATIONS AND OTHER REQUIREMENTS

3.1 The Special Magistrate shall be licensed to practice law in the state of Florida for a minimum of three (3) years.

3.2 The Special Magistrate shall be a member of the Florida Bar in good standing who possesses an outstanding reputation for civic pride, interest, responsibility and business or professional ability.

3.3 The Special Magistrate shall have a minimum of three (3) years recent experience in the practice of law, which experience shall include litigation and administrative hearing experience. Preference will be given to former judges, attorneys who have practiced as certified arbitrators or attorneys with local government experience.

3.4 The Special Magistrate shall not be an employee of the City or hold any elected or appointed office with the City. Further, the Special Magistrate must submit a sworn statement affirming that if appointed as the Special Magistrate, then Special Magistrate will not violate the “dual office holding” prohibition set forth under Article II, Section 5(a) of the Florida Constitution, and, accordingly, that Special Magistrate will resign from any position Special Magistrate currently holds such that Special Magistrate’s appointment as Special Magistrate would not result in any such violation.

3.5 The Special Magistrate must have good writing and presentation skills.

3.6 The Special Magistrate shall be required to maintain records in accordance with local, State, and Federal Public Records Retention Requirements.

3.7 The Special Magistrate shall comply with the Code of Ethics of the State of Florida and the Florida Bar Rules of Professional Conduct.

3.8 The Special Magistrate, whether an individual or a law firm, will not be permitted to represent any client before the City or any committee, department or agency of the City, and will agree not to undertake any other private representation which might create a conflict of interest with the City. The Special Magistrate may not represent any City Council member, individually, or, any member of their family or any business in which the City Council member or their family has an interest.

4. AGREEMENT

The City Council may appoint one Special Magistrate and up to two Special Magistrates to serve in the event of legal conflicts of interest or absences. The initial term of this Agreement shall be for a three (3)-year period with the opportunity for two (2) additional one (1)-year renewals commencing upon the effective date and remaining in force and effect unless sooner terminated.

5. PROCESS

5.1 Authorized City Representative / Submission of Proposal

For information or questions concerning this RFP, contact the City’s Purchasing Manager:

Mr. Peter Boers
Procurement- Finance Department, for the City
of Venice
Room 204
401 West Venice Avenue

Venice, FL 34285
Phone: 941.882.7422
Email: pboers@venicegov.com

Proposers must submit a sealed proposal to the attention of the City's Purchasing Manager at the address stated immediately above. Only those communications that are in writing from the City's Purchasing Manager shall be considered as duly authorized expressions on behalf of the City.

RFP documents are available by calling Onvia DemandStar at (800) 711-1712 or by their Internet address at www.demandstar.com. Proposers may also pick up RFP documents at the City of Venice, Procurement- Finance Department, Room 204, 401 West Venice Ave., Venice Florida 34285, (941) 882-7422, at no charge. RFP forms and any additional documents required by this RFP must be executed and submitted in a sealed envelope to the City's Purchasing Manager listed above.

5.2 Proposer Communication and/or Inquiries

The Proposer shall review this competitive solicitation in its entirety to determine whether the City's Scope of Services, conditions, and requirements are clearly stated. If the Proposer has any questions regarding this competitive solicitation, the Proposer must submit such inquiries and requests for clarification via email only to the City's Purchasing Manager at pboers@venicegov.com. These inquiries or requests for clarification must provide the questions along with the relevant Section(s), Subsection(s), Paragraph(s), and page number(s) of the competitive solicitation being questioned by the Proposer.

The City will consider only those communications and/or inquiries submitted via email and received by the City's Purchasing Manager on or before Tuesday, December 29, 2020, at 1:00 PM EST (the "Inquiry Deadline Date").

The City will consider the Proposer's lack of inquiries or requests for clarification prior to the Inquiry Deadline Date to constitute the Proposer's acceptance of all of the conditions and requirements as stated in this RFP and any amendments thereto. Unless the City's Purchasing Manager specifically requests the Proposer to provide additional communications, or to participate in negotiations, the City may not accept or consider any of the Proposer's written or other communications and/or inquiries received between the Inquiry Deadline Date and the posting of an award, if any, under this competitive solicitation.

To the extent the City determines, in its sole discretion, to respond to any communications, inquiries or requests for clarification prior to the Inquiry Deadline Date, the City's response will be made in a written addendum to this RFP and posted on Demand Star.

5.3 Addenda

The City's Purchasing Manager or designee will distribute any addenda via Demand Star. The Proposer's authorized representative must acknowledge receipt of each addendum issued. Acknowledgement shall be numbered and dated on the Submitted Proposal Form and included in a submitted proposal. All Proposers, vendors, and known interested vendors, are responsible for checking Demand Star for addenda in order to verify whether any changes have been made to the RFP.

The City will consider a Proposer's lack of communicating inquiries or requesting clarifications on the addenda by the Inquiry Deadline Date to constitute the Proposer's acceptance of all of the conditions and requirements as stated in the competitive solicitation documents. Proposers are cautioned that any oral or written representation made by any person that appears to change materially any portion of the competitive solicitation documents shall not be relied upon unless subsequently ratified by a written addendum to this RFP issued by the City's Purchasing Manager.

5.4 Delivery and Labeling of Sealed Proposals

The Proposer's proposal to this competitive solicitation shall be prepared in accordance with Section 6 "Proposal Requirements." The Proposer's sealed proposal must be received by the City on or before **Tuesday, January 5, 2020, at 2:00 PM EST** (the "Proposal Due Date") according to the time clock at the City. A Proposer may not submit a proposal via telephone, facsimile, electronic mail, or any other means except as provided for herein.

If the Proposer elects to mail in its proposal, the Proposer must allow sufficient time to ensure the City receipt of the proposal by the Proposal Due Date. Regardless of the form of delivery, it is the Proposer's responsibility to ensure that the proposal arrives at the City's Purchasing Manager's address (See Section 5.1) no later than 2:00 p.m. on the Proposal Due Date. The Proposer may not include more than one proposal (along with the copies) per sealed envelope.

The City will accept proposals up to the Proposal Due Date. No proposal may be withdrawn by a Proposer after the Proposal Due Date. Proposals must be delivered in sealed envelopes with the following information clearly provided on the front of the envelope: The City's Purchasing Manager's name and address as provided in Section 5.1; the Proposer's name and address; and "RFP 3121-30 Code Enforcement Special Magistrate" The proposals must be submitted with one (1) original marked "ORIGINAL", three (3) hard copies marked "COPY," and one (1) electronic copy of the proposal (.pdf format) on a flash drive.

5.5 Economy of Presentation

The Proposer must use sections and tabs that are clearly identified and also must number and label all parts, pages, figures, and tables in its proposal. The Proposer should prepare its proposal simply and economically, providing a straightforward, concise description of the Proposer's capability to satisfy the conditions and

requirements of this competitive solicitation. Fancy bindings, colored displays, and promotional material are not required or desired. The Proposer's emphasis should be on completeness and clarity of content. To expedite the City's evaluation of the proposal, it is mandatory that the Proposer follow the instructions contained herein. The City is not liable for any costs incurred by the Proposer in responding to this competitive solicitation including, without limitation, costs for any oral presentations requested by the City.

5.6 Proposals must be in Ink or Typed

The Proposer's proposal must be typed or printed in permanent ink.

5.7 Proposer's Signature

Where the Proposer's signature is required, the Proposer's proposal must contain the Proposer's authorized representative's manual signature, in permanent ink, in the space provided. In addition, the Proposer's authorized representative must initial all of the Proposers handwritten corrections (additions or deletions) in its proposal.

If the proposal is made by a partnership, corporation, joint venture, or team, the name and address of the partnership or corporation or all members of the joint venture or team shall be shown together with the names and addresses of the partners or officers of all entities. If the proposal is made by a partnership, it must be acknowledged by one of the partners; if made by a corporation, by one of the officers; if made by a joint venture or team, by one officer of each participating entity.

5.8 Complete Proposals Required

The Proposer must complete and execute this competitive solicitation document, including any addenda, appendices, exhibits, attachments, requested information and proposal forms and submit them with and as a part of the Proposer's proposal.

5.9 Use of Forms

If this competitive solicitation includes forms for the submission of information, the Proposer must submit the requested information on the forms, attaching additional pages if necessary, or the City may reject the Proposer's proposal as unresponsive.

5.10 Errors or Omissions

The Proposer should examine its proposal carefully for any errors prior to submission. The Proposer is solely responsible for the accuracy and completeness of its proposal. The Proposer's errors or omissions, if any, are solely at the risk of the Proposer and may be grounds for the City's finding that the Proposer's proposal is unresponsive.

5.11 Proposal Validity Period

The Proposer's proposal shall, in its entirety, remain valid for one hundred twenty (120) calendar days after the Proposal Due Date.

5.12 Proposal Opening

The proposals shall be delivered no later than **2:00 p.m. EST on Tuesday, January 5, 2020**, to the City at the address stated in Section 5.1. At that time, the City's Purchasing Manager (or designee) will open all timely submitted proposals for the sole purpose of recording the names of the Proposers submitting proposals at the designated place. Any Proposer submitting proposals found to be inconsistent is subject to disqualification. Any person requiring a special accommodation at City Hall because of a disability should call the City's Purchasing Manager at least five (5) working days prior to the RFP opening at 941-882-7422.

5.13 Government in the Sunshine; Public Records

All submitted material will be subject to Florida's Public Records Law. Proposer should prepare its proposal with the understanding that it may become available to the public. Proposer acknowledges that all information contained within the proposal is subject to disclosure under the State of Florida's Public Records Law.

The Town is not requesting, and does not require, confidential proprietary information or trade secrets to be included as part of this proposal. No information should be labeled confidential unless exempted under said law.

Pursuant to Section 119.071(1)(b)2., Florida Statutes (F.S.), proposals may be exempt from public record for thirty (30) days after opening the proposals or until such time as the City provides notice of an intended decision, whichever comes first. It is not necessary for a Proposer to claim this temporary exemption.

RFP tabulations will be uploaded to Demand Star and posted on the City's public bulletin board. Upon written request, a copy will be furnished. RFP tabulations will not be provided by telephone. Non-exempt RFP files may be examined during normal working hours by appointment.

Certain portions of meetings with Proposers may be closed to the public, but will be recorded pursuant to Section 286.0114, F.S.

The awarded Proposer agrees to comply with Florida's public records law by keeping and maintaining public records required by the City in order to perform the requested services. Upon request from the City's Custodian of Public Records, the awarded Proposer shall provide the City with copies of or allow access to the requested public records at a cost that does not exceed the cost provided for under Chapter 119, Florida Statutes, or as otherwise provided for by Florida law. The awarded Proposer shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed excepts

as authorized by law for the duration of the term of an agreement that has been awarded as a result of this RFP and following completion of said agreement if the awarded Proposer does not transfer the records to the City. Upon completion of said agreement, the awarded Proposer shall transfer, at no cost, to the City all public records in possession of the awarded Proposer or keep and maintain all public records required by the City to perform the requested services. If the awarded Proposer transfers all public records to the City upon completion of said agreement, the awarded Proposer shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the awarded Proposer keeps and maintains public records upon completion of said agreement, the awarded Proposer shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the City, upon request from the City's custodian of public records, in a format that is compatible with the information technology systems of the City.

6. PROPOSAL REQUIREMENTS

6.1. Required Proposal Format

To facilitate the City's analysis of the proposals, the Proposer must prepare its proposal in accordance with the instructions provided in this competitive solicitation. If the Proposer's proposal deviates from these instructions, such response may, at the City's discretion, be rejected as unresponsive.

Proposals should not contain information in excess of that requested, must be concise and must specifically address all of the items set forth in this RFP. Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective proposal to this RFP are not desired and may be construed as an indication of the Proposer's lack of cost consciousness. Elaborate artwork, expensive visual aids, and other presentation aids are neither necessary nor desired, unless specifically requested.

Proposals must be prepared in at least 12-point font on 8.5" x 11" white paper, with pages sequentially numbered. Proposals can be either single or double-sided. Proposals should be contained within a three-ring binder (original and each copy in separate binders).

6.2 Proposal Requirements

Proposal content shall be separated by sequentially numbered tabs and must be submitted in the same order as set forth below and the supplied electronic copy shall be indexed similarly.

Tab 1 – Executive Summary

A. Provide an introduction letter. The introduction letter must include, but not be limited to the following:

1. Proposer or Proposer's firm's full legal name and mailing address.

2. Name, title, email address and phone number of the person responsible for this Proposal and any negotiation during this process if different than above.

3. Indicate the Proposer's primary office that will provide the services.

B. Provide a sworn statement affirming that if appointed as the Special Magistrate, then Special Magistrate will not violate the "dual office holding" prohibition set forth under Article II, Section 5(a) of the Florida Constitution, and, accordingly, that Special Magistrate will resign from any position Special Magistrate currently holds such that Special Magistrate's appointment as Special Magistrate for the City of Venice would not result in any such violation.

Tab 2 – Experience and Qualifications (60 Points)

A. Provide a narrative describing the experience of the Proposer. The narrative should include but not be limited to the following:

1. An overview of the Proposer and/or Proposer's firm, including size, number of employees type of firm.
2. Description of the Proposer's legal experience.
3. Description of the Proposer's legal experience with an emphasis on experience in the fields of government law, quasi-judicial proceedings, criminal law and/or administrative law.
4. Regarding any specific experience listed above, provide the clients' name, address, telephone number and email address.
5. Description of the Proposer's current principal areas of practice.

B. Provide the Proposer's current résumé, proof of active Florida Bar membership in good standing along with any applicable certifications.

C. Provide a statement as to whether or not the Proposer has ever been disciplined by the Florida Bar or any similar body regulating the practice of law in any other jurisdiction.

D. Provide a representative client list for the Proposer or the Proposer's firm.

Tab 3 – Location and Responsiveness (10 Points)

Identify the accessibility of the Proposer and the response time that the Proposer offers to the City for being able to conduct a public hearing. Specifically, identify the lead-time required for attending scheduled hearing at City Hall in person.

LOCAL PREFERENCE

Preference shall be given to a “Local Business” in the awarding of this RFP in accordance with Section 2-217 of the City of Venice’s Code of Ordinances. “Local business” means the Proposer has paid a local business tax to either Sarasota, Manatee, DeSoto or Charlotte County, whichever county the Proposer is located and maintains a permanent physical business address located within the limits of either Sarasota, Manatee, DeSoto or Charlotte County from which the Proposer operates or performs business, and at which at least one full time employee is located. In addition, fifty percent (50%) or more of the employees based at the Local Business location must reside within Sarasota, Manatee, DeSoto or Charlotte County. In the event the local office is not the primary location of the Proposer, at least ten percent (10%) of the Proposer’s entire full-time employees must be based at the local office location. Alternatively, this requirement may be satisfied if at least one corporate officer, managing partner or principal owner of the Proposer resides in Sarasota, Manatee, DeSoto or Charlotte County.

Proposers wishing to be given preference as a Local Business for this RFP during the Evaluation Process, as set forth herein, must submit **with their proposal**, all of the Local Preference forms provided herein.

Tab 4 – Proposed Compensation (30 Points)

Provide an hourly rate compensation package, inclusive of all service costs (include any travel reimbursement, review of complaints, research, attendance at hearings, preparation of orders and other expenses expected).

Tab 5 – Forms

Provide the completed and signed forms:

- Submitted Proposal Form
- Public Entity Crimes Form
- Acknowledgment of Firm
- Drug Free Workplace Certification Form
- Equal Employment Opportunity Form
- Current and Signed W9
- All issued addenda acknowledgement

7. EVALUATION PROCESS, EVALUATION CRITERIA AND EVALUATION OF PROPOSALS

7.1 Responsiveness and Responsibility

A responsible and responsive proposal will be considered as one which meets or exceeds the RFP specifications, and which is submitted by a Proposer capable of performing the requirements as stated in the RFP. The Proposer’s ability to meet these requirements shall be solely by the determination of the City.

The City's Purchasing Manager will initially review each proposal for: (a) minor informalities, irregularities, and apparent clerical mistakes which are unrelated to the substantive content; and (b) conformance to the RFP instructions regarding organization and format.

The City reserves the right to reject any or all proposals, in whole or in part, for any reason whatsoever, and to re-let the RFP at the City's discretion. The City reserves the right to waive any minor non-conformance or irregularities when, in the sole opinion of the City, such waiver or acceptance is deemed to be in the best interest of the City.

After the Proposal Due Date, the City may, in its sole discretion, request clarifications of the information submitted, and may also rely upon any information obtained from any source that pertains to the issue of a Proposer's integrity and capability to perform.

Proposals may be excluded from further consideration and the Proposer will be so advised. No deviations from specifications will be accepted; no alternate proposals will be accepted unless requested in writing. The City may, in its sole discretion, also exclude from consideration any Proposer whose proposal contains a material misrepresentation. Such proposals will be deemed as unresponsive to this RFP.

Proposals that are deemed unresponsive to this RFP will be excluded from any further consideration. A proposal may be deemed unresponsive for any of the following reasons: Proposer fails to attend a mandatory pre-proposal meeting or other mandatory meetings as required by the RFP Documents; Proposer fails to specifically include information required by the specifications; Proposer fails to sign a submitted proposal; or Proposer submits a proposal that does not include information specifically required in the RFP Documents. The above is not an exclusive list and the City may deem a proposal unresponsive for other valid causes. Lack of responsiveness shall solely be by the determination of the City.

7.2 Disqualification of Proposers

Any cause including, but not limited to, the following may be considered as sufficient for the disqualification of a Proposer and the rejection of its proposal:

1. Submission of more than one proposal for the same work by an individual, firm, partnership, or corporation under the same or different names;
2. Evidence of collusion among Proposers, or previous participation in collusive bidding or proposing on services for the City;
3. Incomplete services for which the Proposer is committed by contract which, in the judgment of the City, might hinder or prevent the prompt completion of the Services under this RFP if awarded to Proposer;
4. Inconsistencies between the proposals provided by the Proposer;

5. Violations of the cone of silence as provided for herein;
6. Familial relation with the City's Purchasing Manager or public officer (City Council member) or other conflict of interest as provided for in Section 112.414(4), F.S.;
7. Conviction for a Public Entity Crime as provided for in Section 287.144, F.S.; or
8. Prior suspension or debarment as set forth in the City's Code of Ordinances.

The above listed causes are not an exclusive list, and the City may disqualify proposers for other valid causes.

7.3 Evaluation Process

Proposals will be evaluated in accordance with this Section and all applicable City purchasing policies and procedures.

The City shall establish a selection committee ("Selection Committee") that will be responsible for evaluating and scoring/ranking the proposals in accordance with this Section.

The City will use a competitive selection process based on the Elevation Levels described in this Section. At Elevation Levels 2 and 4, the Selection Committee will score and/or rank the proposals as applicable.

Selection of a final Proposer will be based upon the following steps and factors:

Elevation Level 1

- The City's Purchasing Manager shall review all proposals for conformance with the RFP guidelines and detailed submittal requirements. Conforming proposals shall be elevated to Elevation Level 2. The City's Purchasing Manager or designee will distribute proposals and evaluation criteria to the Selection Committee.
- The Selection Committee may convene with reasonable public notice to review questions that arise during individual member review of submitted proposals prior to Elevation Level 2 to allow for questions, clarifications, explanations or other discussion to be held before the review of proposals is completed.

Elevation Level 2

Each Selection Committee member shall score each proposal on the following evaluation criteria:

Evaluation Criteria	Maximum Points
Experience & Qualifications	60
Proposed Compensation	30
Location and Responsiveness	10
Total Points Available	100 points¹

Each Selection Committee member shall determine which of the following descriptions applies to each of the foregoing evaluation criteria:

- **EXCELLENT (1.0):** Of the highest or finest quality; exceptional; superior; superb

The Proposer provided information for a given criterion that satisfied the requirements and described specifically how and what will be accomplished in such a manner that exhibited an exceptional and superior degree of understanding, skill, and competency, both qualitatively and quantitatively. The facts included demonstrate the Proposer's ability to perform and deliver far beyond expectation.

- **VERY GOOD (0.8):** To a high degree; better than above competent and/or skillful.

The Proposer provided information for a given criterion that satisfied the requirements and described specifically how and what will be accomplished in such a manner that exhibited a very high degree of understanding, skill, and competency, both qualitatively and quantitatively. The facts included demonstrate the Proposer's ability to perform and deliver beyond expectation.

- **GOOD (0.6):** Having positive or desirable qualities; competent; skilled; above average.

The Proposer provided information for a given criterion that satisfied the requirements and described specifically how and what will be accomplished in such a manner that exhibited a skillful and above-average degree of understanding, skill, and competency, both qualitatively and quantitatively. The facts included demonstrate the Proposer's ability to perform and deliver at the expected level.

- **FAIR (0.4):** Average, moderate, mediocre; adequate; sufficient; standard

¹ An additional five (5) points will be added to the score for each Proposer meeting the criteria for "Local Preference," as defined herein, making a total of one hundred five (105) points available.

The Proposer provided information for a given criterion that satisfied the requirements and described specifically how and what will be accomplished in such a manner that exhibited an adequate and average degree of understanding, skill, and competency, both qualitatively and quantitatively. The facts included demonstrate the Proposer's ability to perform and deliver at a level slightly below expectation.

- POOR (0.2): Inadequate; lacking; inferior in quality; of little or less merit; substandard

The Proposer provided information for a given criterion that did not satisfy the requirements and described in an inadequate manner how and what will be accomplished. The information provided simply reiterated a requirement, contained inaccurate statements or references, lacked adequate information or was of inferior quality. The facts included demonstrate the Proposer's ability to perform and deliver at a substandard and inferior level.

- UNACCEPTABLE (0.0):

The Proposer failed to provide any information for a given criterion, provided information that could not be understood, or did not provide the information for a given category as requested.

After a Selection Committee member has determined the description applicable for each evaluation criterion, the total points available for such criterion shall be multiplied by the factor associated with the applicable description to produce the number of points allocated for that evaluation criterion. For example, a Selection Committee member classifies an "Experience" criterion (which shall be worth 25 points for the purpose of this example) as "Very Good" (which is a description factor multiplier of 0.8). The points that Selection Committee member allocated for that evaluation criterion would be 20, calculated as follows:

25 available points x 0.8 applicable description factor multiplier = 20 points

A Selection Committee member's total score for each proposal shall equal the sum of the total points allocated for each evaluation criteria.

When all Selection Committee members have completed their proposal evaluations, the individual Selection Committee members' total scores for each proposal will be added together to produce a final score for each proposal.

The City's Purchasing Manager, or designee, will conform the calculations for the final score for each proposal and include any applicable points for those Proposer's meeting the criteria for "Local Preference" as defined herein. The Purchasing Manager shall publish a rank-ordered listing of the proposals to the Selection Committee with the proposal receiving the highest points as the highest-ranked proposal.

If the Selection Committee decides to interview Proposers based on the final scores, the Selection Committee shall elevate the highest-ranked Proposers to Elevation Level 3 for presentations. If the Selection Committee decides not to interview Proposers, they will collectively decide if they would like to recommend to the City Council for award to the highest ranked Proposer. After the City Council's approval of the recommendation of award, said Proposer will then be elevated to Elevation Level 4 for contract negotiations.

Elevation Level 3 (Proposer Interviews)

The Selection Committee may conduct interviews of the Proposers that it has elevated from Elevation Level 2 to Elevation Level 3. During the interview, the Selection Committee members will have an opportunity to inquire about any aspect of the RFP and the Proposer's proposal.

The City may conduct reference checks as a component of due diligence to determine the capability of the elevated Proposers to be able to perform the requested services. Elevated Proposers may be asked to provide verifiable references as a part of Elevation Level 3.

After all elevated Proposer interviews are completed, each Selection Committee member will individually rank the Proposers in numerical order beginning at number 1 for the Proposer deemed to be the most highly qualified to perform the desired services.

The City's Purchasing Manager, or designee, shall receive and compile each Selection Committee member's ranking of each Proposer and then publish a rank-ordered listing of Proposer's to the Selection Committee, based on the combined average rankings given each Proposer. The Selection Committee members will then collectively decide if they would like to recommend to the City Council for award to the highest-ranked proposer. After the City Council's approval of the recommendation of award, said Proposer will then be elevated to Elevation Level 4 for contract negotiations.

Elevation Level 4 (Contract Negotiations)

If a Proposer is elevated to this level, the City Manager (or designee), with assistance from the City Attorney and the City's Purchasing Manager, and the elevated Proposer shall attempt to negotiate an agreement.

If after negotiating for a reasonable time period, the City and the Proposer fail to agree upon the terms of an acceptable contract, negotiations shall be terminated and negotiations with the next-highest-ranked Proposer shall commence. If again unsuccessful, the process is repeated with the next-highest-ranked Proposer, and so on. This process is continued until a mutually agreeable contract is concluded or the project is abandoned, or the RFP selection process is otherwise terminated.

Upon agreement of terms and conditions for a final negotiated agreement, an agreement shall be awarded by the City.

7.4 Award of Agreement

The City intends to award an agreement(s) resulting from this competitive solicitation to the short-listed Proposer who represents the best value to the City. The City is not obligated to make an award under or as a result of this competitive solicitation. The City reserves the right to postpone the award of the agreement for a period of time not to exceed one hundred twenty (120) days from the Proposal Due Date.

7.5 Posting of Intent to Award

The intent to award an agreement to the Awarded Proposer, if any, will be posted on Demand Star for review by interested parties.

7.6 Protest

Any protest related to this RFP must be in accordance with the City's Protest Procedures as specified in the City's Code of Ordinances.

7.7 Non-Exclusive Agreement

This RFP does not establish an exclusive arrangement between the City and the Awarded Proposer. The City has an unrestricted right to use others to perform work, provide services, or deliver the same or similar products as described herein.

8. CITY'S RESERVED RIGHTS

- 8.1 To be the judge of the Proposer's qualifications through a Selection Committee comprised of designated City staff or other representatives.
- 8.2 To conduct pre-award discussions with any responsive and responsible Proposers who submit proposals determined to be reasonably acceptable of being selected for award. Such discussions may include, but not be limited to personal interviews with and/or presentations before the Selection Committee.
- 8.3 To request that Proposers modify their proposal to more fully meet the needs of the City or to furnish additional information as the City may reasonably require.
- 8.4 To accord fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. Such revisions may be permitted after submission of proposals and prior to award.
- 8.5 To request additional qualification information.

- 8.6 To hold meetings and interviews, and conduct discussions and correspondence, with Proposers to seek an improved understanding of any information contained in a proposal.
- 8.7 To seek clarification from any Proposer to fully understand information provided in a proposal and to help evaluate and rank the Proposers.
- 8.8 To limit and/or determine the actual services to be included in the contract with the Awarded Proposer.
- 8.9 To obtain information from any available sources for use in evaluating the proposals.
- 8.10 To waive any irregularity in any proposal, or reject any or all submittals, in part or in whole, should it be deemed to be in the best interest of the City to do so.

9. GENERAL TERMS

9.1 Equal Opportunity/Affirmative Action; Women/Minority Business Outreach

In accordance with the provisions of Title VI of the Civil Rights Act of 1964 and Title 15, Part 8 of the Code of Federal Regulations, the City hereby notifies all Proposers that they will affirmatively ensure minority business enterprises will be afforded a full opportunity to participate in response to this RFP and will not be discriminated against on the grounds of race, color or national origin in consideration for qualification. The City is committed to equal opportunity employment efforts and hereby states that all qualified potential proposers are to be afforded a full opportunity to participate in any procurement by the City and will not be subject to discrimination on the basis of race, color, sex, or national origin.

9.2 Proposer Affirmation

By submitting a proposal, the Proposer affirms that the proposal is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation, and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; the Proposer has not directly or indirectly induced or solicited any other person to submit a false or sham proposal; the Proposer has not solicited or induced any person, firm, or corporation to refrain from submitting a proposal; and the Proposer has not sought by collusion to obtain any advantage over other persons or over the City.

9.3 Proposer Development Costs

Neither the City nor its representative(s) shall be liable for any expenses incurred in connection with preparation of a response to the RFP. Proposers should prepare a response simply and economically, providing a straightforward and concise description of the Proposer's ability to meet the requirements of the RFP.

9.4 Code of Ethics

If any Proposer violates or is a party to a violation of the code of ethics of the State of Florida, with respect to this RFP, such Proposer may be disqualified from performing the services described in this RFP or from furnishing services for which the proposal is submitted, and shall be further disqualified from bidding on any future requests for work, goods, or services for the City.

9.5 Conflict of Interest

Subject to the provisions of Chapter 112, F.S., all Proposers must disclose with their proposal the name of any officer, director, agent, or shareholder who is also an employee of the City. All Proposers must disclose the name of any City employee who owns, directly or indirectly, an interest of five percent (5%) or more in the Proposer's firm or any of its branches.

9.6 Cone of Silence

After the issuance of the RFP by the City, Proposers and their representatives shall not contact, communicate with, or discuss any matter relating in any way to this RFP with the City, including any City Council member, member of the Selection Committee, or any employee of the City other than the City's Purchasing Manager (or designee) unless otherwise directed on the Request for Proposals Overview of this RFP. This prohibition begins with the issuance of the RFP and ends upon award of the resulting contract. Such communications initiated by a Proposer shall be grounds for disqualifying the offending Proposer from consideration for award under this RFP and/or potentially any future procurement with the City.

9.7 Public Entity Crimes

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 proposal on a contract to provide any goods or services to a public entity, may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit proposals on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or contractor 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, F.S., for CATEGORY TWO for a period of thirty-six (46) months from the date of being placed on the convicted vendor list.

9.8 Proposer's Employment of Unauthorized Aliens

Employment of unauthorized aliens is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If the Awarded Proposer knowingly employs unauthorized aliens, such violation shall be cause for the City's unilateral cancellation of the agreement.

9.9 Mistakes

Proposers are required to examine the RFP Documents including any addenda. Failure to do so will be at Proposer's risk.

APPENDIX

CITY OF VENICE, FLORIDA
RFP #3121-20 CODE ENFORCEMENT SPECIAL MAGISTRATE
SUBMITTED PROPOSAL FORM

The undersigned proposer declares that the only person or parties interested in this RFP as principals are those named herein, that this proposal is made without any understanding, contract, or connection with any other person, firm, or corporation providing a proposal for the same purpose and that this proposal is in all respects fair and without collusion or fraud. The proposer understands that this proposal must be manually signed in ink, otherwise it will be considered unresponsive and subject to rejection.

The undersigned proposer represents that the proposer accepts, and that this proposal complies with, the RFP Documents; that proposer has carefully examined the RFP Documents for the requested services. Proposer affirms that proposer has carefully examined the location of the requested services and, from its own investigations, is satisfied as to the nature and location of the services, the character, quality, and the quantity of materials, the kind and extent of equipment and other facilities needed for the performance of the services, the general and local conditions and all difficulties that may be encountered, and all other items which may, in any way, affect the services or its performance.

The undersigned proposer proposes, and agrees if this proposal is accepted, that it will contract with the City to provide all necessary machinery, tools, software, labor, apparatus, and other means necessary to do all the services, and furnish all the materials and equipment specified or referred to in the RFP Documents in the manner and time herein prescribed, and according to the requirements of the City as therein set forth.

Under provisions of Chapter 112, Florida Statutes, proposer must disclose with proposal the name of any officer, director, or agent who is also an employee of the City of Venice. Proposer must disclose on an attachment (provided by proposer) entitled "Submitted Bid Conflict of Interest" the name of any City employee who owns, directly or indirectly, a five percent (5%) or more interest in the proposer's firm or any of its branches. Absence of such an attachment represents proposer's certification of no such employee.

Proposer acknowledges receipt of the following addenda issued during the solicitation period; the cost of which, if any, is included in proposal pricing. If an addendum is issued, the addendum acknowledgement below must be completed or the issued addendum must be signed and submitted with the proposal package at the time and due date of the proposal.

Addendum # _____	Addendum Date: _____	Addendum # _____	Addendum Date: _____
Addendum # _____	Addendum Date: _____	Addendum # _____	Addendum Date: _____
Addendum # _____	Addendum Date: _____	Addendum # _____	Addendum Date: _____

The undersigned proposer understands that the City reserves the right to reject any or all proposals and to waive any informalities and minor irregularities in any proposal. The proposer agrees that this proposal shall be good and may not be withdrawn for a period of one hundred twenty (120) days after the scheduled RFP opening.

Having carefully examined the RFP Documents, proposer agrees to the terms contained therein and proposes to furnish all labor, material, and equipment for the entire services (including mobilization and demobilization, if applicable), and to execute an agreement for services and any and all bonds, insurance certifications, and other instruments or documents as specified or included in the RFP Documents and will completely perform the services in strict accordance with the terms of the RFP Documents.

The undersigned proposer acknowledges that services to be performed shall conform to all City codes and regulations. Services must be accomplished in a professional manner and meet all standards of any professional trade requiring a license and or permit.

(Authorized Signature)

(Printed name)

Name of Proposer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Email: _____

A current and signed W9 should be submitted with this proposal under Tab 5.

Type of Organization:

____ Sole Proprietorship ____ Partnership ____ Non-Profit ____ Sub-Chapter
____ Joint Venture ____ Corporation ____ LLC ____ LLP
____ Publicly Traded ____ Employee Owned

State of Incorporation: _____

**SEALED REQUEST FOR PROPOSALS
CITY OF VENICE, FLORIDA
RFP# 3121-20**

QUALIFICATIONS STATEMENT

The undersigned certifies under oath the truth and correctness of all statements and all answers to questions made hereinafter:

SUBMITTED TO: CITY OF VENICE
Procurement- Finance Department
401 W. Venice Avenue Room # 204
Venice, Florida 34285

CHECK ONE:

- ☐ Corporation
☐ Partnership
☐ Individual
☐ Joint Venture
☐ Other

SUBMITTED BY:

NAME: _____
ADDRESS: _____
PRINCIPLE OFFICE: _____

1. State the true, exact, correct and complete legal name of the partnership, corporation, trade or fictitious name under which you do business and the address of the place of business.

The correct name of the Proposer is:

The address of the principal place of business is:

2. If the Proposer is a corporation, answer the following:

- a. Date of Incorporation: _____
- b. State of Incorporation: _____
- c. President's Name: _____
- d. Vice President's Name: _____
- e. Secretary's Name: _____
- f. Treasurer's Name: _____
- g. Name and address of Resident Agent: _____

3. If Proposer is an individual or partnership, answer the following:

a. Date of Organization: _____

b. Name, address and ownership units of all partners:

c. State whether general or limited partnership: _____

4. If Proposer is other than an individual, corporation, partnership, describe the organization and give the name and address of principals:

5. If Proposer is operating under fictitious name, submit evidence of compliance with the Florida Fictitious Name Statute.

6. How many years has your organization been in business under its present business name?

a. Under what other former names has your organization operated?

Signed, sealed and delivered
in the presence of:

By: _____

(Printed Name)

(Title)

ACKNOWLEDGEMENT

STATE OF _____)
COUNTY OF _____) SS

The foregoing instrument was acknowledged before me, **by means of** ☐ **physical presence** or ☐ **online notarization**, this ____ day of _____, 20__ (year), by _____, of _____, a _____

_____ corporation, and who severally and duly acknowledged the execution of such instrument as such an officer aforesaid, for and on behalf of and as the act and deed of said corporation, pursuant to the powers conferred upon said officer by the corporation's Board of Directors or other appropriate authority of said corporation, and who, having knowledge of the several matters stated in said foregoing instrument, certified the same to be true in all respects.

WITNESS my hand and official seal the date aforesaid.

_____ (Signature of Notary Public – State of Florida)

_____ (Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known _____ or produced identification _____

Type of identification produced _____ (NOTARY'S SEAL)

“LOCAL PREFERENCE” DETERMINATION

The following questions will help you determine local preference for your company.
Please answer questions 1 through 4 **FIRST**. If you answer **NO** to any questions 1 through 4, local preference does **NOT** apply.
ONLY if you answer **YES** to questions 1 through 4, may you proceed to question 5.
If you answer **YES** to any questions 5 and 6, local preference applies.
If you are unsure of how to answer any questions, please contact the City of Venice’s Purchasing Department at 941-486-2626.

Questions 1 – 4

1. Has your company paid a local business tax either to Sarasota, DeSoto or Charlotte County (Manatee County does not currently have a local business tax) authorizing your company to provide goods or services described in this solicitation?

YES ☐ If “yes”, proceed to question 2.

NO ☐ If “no”, **STOP, local preference does not apply.**

* If the name on the local business tax receipt is not the same as the name on the bid/solicitation submittal, local preference does not apply.

2. Does your company maintain a permanent physical business address located within the limits of Sarasota, Manatee, DeSoto or Charlotte County from which your company operates or performs business?

YES ☐ If “yes”, proceed to question 3.

NO ☐ If “no”, **STOP, local preference does not apply.**

3. Does your company’s local business office (identified in question 2) have a least one full time employee?

YES ☐ If “yes”, proceed to question 4.

NO ☐ If “no”, **STOP, local preference does not apply.**

4. Do at least fifty percent (50%) of your company’s employees who are based in the local business location (identified in question 2) reside within Sarasota, Manatee, DeSoto or Charlotte County?

YES ☐ If “yes”, proceed to question 5.

NO ☐ If “no”, **STOP, local preference does not apply.**

Questions 5 – 6

5. Is your company’s local business office (identified in question 2) the primary location (headquarters) of your company?

YES ☐ If “yes”, **STOP, local preference applies.**

NO ☐ If “no”, proceed to question 6.

NON-COLLUSIVE AFFIDAVIT

State of _____ }
County of _____ } SS.

_____ being first duly sworn, deposes and says that:

1. He/she is the _____, (Owner, Partner, Officer, Representative or Agent) of _____ the Offeror that has submitted the attached Proposal;
2. He/she is fully informed respecting the preparation and contents of the attached Proposal and of all pertinent circumstances respecting such Proposal;
3. Such Proposal is genuine and is not a collusive or sham Proposal;
4. Neither the said Offeror nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Offeror, firm, or person to submit a collusive or sham Proposal in connection with the Work for which the attached Proposal has been submitted; or have in any manner, directly or indirectly sought by agreement or collusion, or have in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference with any Offeror, firm, or person to fix the price or prices in the attached Proposal or of any other Offeror, or to fix any overhead, profit, or cost elements of the Proposal price or the Proposal price of any other Offeror, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against (Recipient), or any person interested in the proposal Work.

Signed, sealed and delivered
in the presence of:

By: _____

(Printed Name)

(Title)

ACKNOWLEDGEMENT

State of _____
County of _____

On this _____ day of _____, 20____, before me, the undersigned Notary Public of the State of _____, personally appeared _____ and (Name(s) of Individual(s) who appeared before notary) whose name(s) in/are Subscribed to the written instrument, and he/she/they acknowledge that he/she/they executed it.

NOTARY PUBLIC
SEAL OF OFFICE:

NOTARY PUBLIC, STATE OF _____

(Name of Notary Public: Print, stamp, or type as commissioned)

☐ Personally known to me, or ☐ Produced Identification: _____ ☐ DID take an oath, or ☐ DID NOT take an oath

PUBLIC ENTITY CRIME INFORMATION

A person or affiliate who has been placed on the State of Florida's convicted vendor list following a conviction for a public entity crime may not submit a BID/ITB proposal on a contract to provide any goods or services to a public entity, may not submit a response on a contract with a public entity for services in 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, Sub-Contractor, or Contractor 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 2876.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.**

I, _____, being an authorized representative of the firm of

_____, located at City: _____

State: _____ Zip: _____, have read and understand the contents of the

Public Entity Crime Information and of this formal BID/ITB package, hereby submit our proposal accordingly.

Signature: _____

Date: _____

Phone: _____

Fax: _____

Federal ID#: _____

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY AND VOLUNTARY EXCLUSION**

CERTIFICATION OF OFFERER/BIDDER REGARDING DEBARMENT

1. By responding to this solicitation, the Firm certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any Federal department or agency from participation in this transaction.
2. The undersigned also certifies that the Firm and its principals:
 - (a) Have not, within a three-year period preceding this certification, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State anti-trust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
 - (b) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 2. (a) of this Certification; and have not within a three-year period preceding this certification had one or more public transactions (Federal, State or Local) terminated for cause or default.
3. Where the undersigned is unable to certify to any of the statements in this certification, an explanation shall be attached to this certification.

CERTIFICATION OF LOWER TIER CONTRACTS REGARDING DEBARMENT

1. The successful Firm, by administering each lower tier subcontract that exceeds \$25,000 as a “covered transaction”, must verify each lower tier participant of a “covered transaction” under the project is not presently debarred or otherwise disqualified from participation in federally-assisted projects. The successful Firm will accomplish this by:
 - (a) Checking the System for Award Management at website: <http://www.sam.gov>;
 - (b) Collecting a certification statement similar to the Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, above; and
 - (c) Inserting a clause or condition in the covered transaction with the lower tier contract.

If the FAA later determines that a lower tier participant failed to disclose to a higher tier participant that it was excluded or disqualified at the time it entered the covered transaction, the FAA may pursue any available remedies, including suspension and debarment of the non-compliant participant.

Dated this _____ day of _____, 2020.

By:

Authorized Signature

Printed Name, Title

Firm Name

Address: _____

CONFLICT/NON-CONFLICT OF INTEREST AND LITIGATION STATEMENT

CHECK ONE

- ☐ To the best of our knowledge, the undersigned Offeror has no potential conflicts of interest due to any other clients, contracts, or property interest for this project.

OR

- ☐ The undersigned Offeror, by attachment to this form, submits information which may be a potential conflict of interest due to other clients, contracts, or property interest for this project.

LITIGATION STATEMENT

IN FLORIDA ONLY, JUDGMENTS AGAINST THE FIRM, AND SUITS AGAINST CITY OF VENICE. INCLUDE ACTIONS AGAINST THE FIRM BY OR AGAINST ANY LOCAL, STATE, OR FEDERAL REGULATORY AGENCY.

CHECK ONE

- ☐ The undersigned Offeror has had no litigation adjudicated against the Offeror on any projects in the last five (5) years and has filed no litigation against City of Venice in the last five (5) years.

OR

- ☐ The undersigned Offeror, BY ATTACHMENT TO THIS FORM, submits a summary and disposition of individual cases of litigation in Florida adjudicated against the Offeror during the past five (5) years; all legal actions against City of Venice during the past five (5) years; and actions by or against any Federal, State and local agency during the past five (5) years.

Company Name:

Authorized Signature:

Name (print or type):

Title:

Failure to check the appropriate blocks above may result in disqualification of your proposal. Failure to provide documentation of a possible conflict of interest, or a summary of past litigation, may result in disqualification of your Proposal. Should additional information regarding the above items come to the attention of City of Venice after award, the awarded contract shall be subject to immediate termination.

CERTIFICATION REGARDING LOBBYING

The bidder or offeror certifies by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Bidder or Offeror, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the person authorized to sign the statement, I certify that this Firm complies fully with the above requirements.

Firm Name

Name and Title of Authorized Individual

Authorized Signature

Date

CITY OF VENICE PROCUREMENT-
FINANCE DEPARTMENT
401 W. VENICE AVE. - ROOM # 204
VENICE, FL. 34285
(941) 486-2626
FAX (941) 486-2790

ADDENDUM NO. 1

Date: December 28, 2020

To: All Prospective Proposers

Re: RFP# 3121-20 Code Enforcement Special Magistrate

This addendum sets forth changes and/or information as referenced and is hereby made part of and should be attached to the subject Contract Documents. Receipt of this Addendum shall be acknowledged below and in the submitted proposal. It shall be the responsibility of each proposer, prior to submitting a proposal, to contact the City of Venice- Procurement- Finance Department to determine if addenda were issued and to make such addenda a part of their proposal.

QUESTIONS

The following responses to questions submitted in reference to **RFP 3121-20** shall become part of the requirements of the RFP, and all costs associated with the information provided shall be included in the proposal submitted by the vendor.

- Q. One of the requirements is representative client list of the firm. The majority of my clients are individuals, and I have a concern about the confidentiality of providing a client list. Is this something that is really necessary? I would think anyone who submits a proposal for this position will have that concern.
- R. By providing "experience" and "principal areas of practice," the City should receive the information it needs to evaluate the proposer without requiring a "client list." Via this addendum, the requirement for a client list is deleted.
- Q. The "Local Preference" Determination form appears to be a 2 page document, but only one page is included in the RFP.
- R. A revised *Local Preference Determination* Form has been attached to this Addendum. Proposers must submit the revised form with their Proposal.
- Q. On page 4 of the RFP, there is a list of required forms, all of which were included in the packet. However, on page 14, there is an additional list of forms required, most of which are not provided. They are the Acknowledgement of Firm; Drug Free Workplace Certification Form; Equal Employment Opportunity Form; Current and Signed W9; and All issued addenda acknowledgment. Can you please advise if these additional forms are required, and if so, where I can find them?
- R. Proposers must submit the Forms listed on Page 4 of the RFP and included in the package.

REVISIONS

- Section 6.0 Proposal Requirements (amended).
- *Local Preference Determination* Form

Peter A. Boers
Procurement Department

Acknowledgment is requested even if you have elected not to respond to this bid. A designated management representative of your firm can sign the receipt for this addendum. Please acknowledge receipt of this addendum immediately by fax to (941) 486-2790 or mail to the above noted address, if a fax is not possible.

Receipt Acknowledged:

Signature

Company

Date

6. PROPOSAL REQUIREMENTS

6.1. Required Proposal Format

To facilitate the City's analysis of the proposals, the Proposer must prepare its proposal in accordance with the instructions provided in this competitive solicitation. If the Proposer's proposal deviates from these instructions, such response may, at the City's discretion, be rejected as unresponsive.

Proposals should not contain information in excess of that requested, must be concise and must specifically address all of the items set forth in this RFP. Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective proposal to this RFP are not desired and may be construed as an indication of the Proposer's lack of cost consciousness. Elaborate artwork, expensive visual aids, and other presentation aids are neither necessary nor desired, unless specifically requested.

Proposals must be prepared in at least 12-point font on 8.5" x 11" white paper, with pages sequentially numbered. Proposals can be either single or double-sided. Proposals should be contained within a three-ring binder (original and each copy in separate binders).

6.2 Proposal Requirements

Proposal content shall be separated by sequentially numbered tabs and must be submitted in the same order as set forth below and the supplied electronic copy shall be indexed similarly.

Tab 1 – Executive Summary

A. Provide an introduction letter. The introduction letter must include, but not be limited to the following:

1. Proposer or Proposer's firm's full legal name and mailing address.
2. Name, title, email address and phone number of the person responsible for this Proposal and any negotiation during this process if different than above.
3. Indicate the Proposer's primary office that will provide the services.

B. Provide a sworn statement affirming that if appointed as the Special Magistrate, then Special Magistrate will not violate the "dual office holding" prohibition set forth under Article II, Section 5(a) of the Florida Constitution, and, accordingly, that Special Magistrate will resign from any position Special Magistrate currently holds such that Special Magistrate's appointment as Special Magistrate for the City of Venice would not result in any such violation.

Tab 2 – Experience and Qualifications (60 Points)

A. Provide a narrative describing the experience of the Proposer. The narrative should include but not be limited to the following:

1. An overview of the Proposer and/or Proposer's firm, including size, number of employees type of firm.
2. Description of the Proposer's legal experience.

3. Description of the Proposer's legal experience with an emphasis on experience in the fields of government law, quasi-judicial proceedings, criminal law and/or administrative law.
 4. Regarding any specific experience listed above, provide the clients' name, address, telephone number and email address.
 5. Description of the Proposer's current principal areas of practice.
- B. Provide the Proposer's current résumé, proof of active Florida Bar membership in good standing along with any applicable certifications.
- C. Provide a statement as to whether or not the Proposer has ever been disciplined by the Florida Bar or any similar body regulating the practice of law in any other jurisdiction.
- ~~D. Provide a representative client list for the Proposer or the Proposer's firm.~~

Tab 3 – Location and Responsiveness (10 Points)

Identify the accessibility of the Proposer and the response time that the Proposer offers to the City for being able to conduct a public hearing. Specifically, identify the lead-time required for attending scheduled hearing at City Hall in person.

LOCAL PREFERENCE

Preference shall be given to a "Local Business" in the awarding of this RFP in accordance with Section 2-217 of the City of Venice's Code of Ordinances. "Local business" means the Proposer has paid a local business tax to either Sarasota, Manatee, DeSoto or Charlotte County, whichever county the Proposer is located and maintains a permanent physical business address located within the limits of either Sarasota, Manatee, DeSoto or Charlotte County from which the Proposer operates or performs business, and at which at least one full time employee is located. In addition, fifty percent (50%) or more of the employees based at the Local Business location must reside within Sarasota, Manatee, DeSoto or Charlotte County. In the event the local office is not the primary location of the Proposer, at least ten percent (10%) of the Proposer's entire full-time employees must be based at the local office location. Alternatively, this requirement may be satisfied if at least one corporate officer, managing partner or principal owner of the Proposer resides in Sarasota, Manatee, DeSoto or Charlotte County.

Proposers wishing to be given preference as a Local Business for this RFP during the Evaluation Process, as set forth herein, must submit **with their proposal**, all of the Local Preference forms provided herein.

Tab 4 – Proposed Compensation (30 Points)

Provide an hourly rate compensation package, inclusive of all service costs (include any travel reimbursement, review of complaints, research, attendance at hearings, preparation of orders and other expenses expected).

Tab 5 – Forms

Provide the completed and signed forms:

- Submitted Proposal Form
- Qualifications Statement
- Local Preference Forms
- Non-Collusion Affidavit
- Public Entity Crime Information
- Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
- Conflict/Non-Conflict of Interest and Litigation Statement
- Certification Regarding Lobbying
- ~~Submitted Proposal Form~~
- ~~Public Entity Crimes Form~~
- ~~Acknowledgment of Firm~~
- ~~Drug Free Workplace Certification Form~~
- ~~Equal Employment Opportunity Form~~
- Current and Signed W9
- All issued addenda acknowledgement

“LOCAL PREFERENCE” DETERMINATION

The following questions will help you determine local preference for your company.

Please answer questions 1 through 4 **FIRST**. If you answer **NO** to any questions 1 through 4, local preference does **NOT** apply.

ONLY if you answer **YES** to questions 1 through 4, may you proceed to question 5.

If you answer **YES** to any questions 5 and 6, local preference applies.

If you are unsure of how to answer any questions, please contact the City of Venice’s Purchasing Department at 941-486-2626.

Questions 1 – 4

1. Has your company paid a local business tax either to Sarasota, DeSoto or Charlotte County (Manatee County does not currently have a local business tax) authorizing your company to provide goods or services described in this solicitation?

YES ☐ If “yes”, proceed to question 2.

NO ☐ If “no”, **STOP, local preference does not apply.**

* If the name on the local business tax receipt is not the same as the name on the bid/solicitation submittal, local preference does not apply.

2. Does your company maintain a permanent physical business address located within the limits of Sarasota, Manatee, DeSoto or Charlotte County from which your company operates or performs business?

YES ☐ If “yes”, proceed to question 3.

NO ☐ If “no”, **STOP, local preference does not apply.**

3. Does your company’s local business office (identified in question 2) have a least one full time employee?

YES ☐ If “yes”, proceed to question 4.

NO ☐ If “no”, **STOP, local preference does not apply.**

4. Do at least fifty percent (50%) of your company’s employees who are based in the local business location (identified in question 2) reside within Sarasota, Manatee, DeSoto or Charlotte County?

YES ☐ If “yes”, proceed to question 5.

NO ☐ If “no”, **STOP, local preference does not apply.**

Questions 5 – 6

5. Is your company's local business office (identified in question 2) the primary location (headquarters) of your company?

YES ☐ If "yes", **STOP, local preference applies.**

NO ☐ If "no", proceed to question 6.

6. If the local business office (identified in question 2) is not the primary location of your company, are at least ten percent (10%) of your company's entire full-time employees based at the local office location AND does at least one corporate officer, managing partner or principal owner of your company reside in Sarasota, Manatee, DeSoto or Charlotte County?

YES ☐ If "yes", **STOP, local preference applies.**

NO ☐ If "no", local preference does not apply.

CITY OF VENICE PROCUREMENT-
FINANCE DEPARTMENT
401 W. VENICE AVE. - ROOM # 204
VENICE, FL. 34285
(941) 486-2626
FAX (941) 486-2790

ADDENDUM NO. 1

Date: December 28, 2020

To: All Prospective Proposers

Re: RFP# 3121-20 Code Enforcement Special Magistrate

This addendum sets forth changes and/or information as referenced and is hereby made part of and should be attached to the subject Contract Documents. Receipt of this Addendum shall be acknowledged below and in the submitted proposal. It shall be the responsibility of each proposer, prior to submitting a proposal, to contact the City of Venice- Procurement- Finance Department to determine if addenda were issued and to make such addenda a part of their proposal.

QUESTIONS

The following responses to questions submitted in reference to **RFP 3121-20** shall become part of the requirements of the RFP, and all costs associated with the information provided shall be included in the proposal submitted by the vendor.

- Q. One of the requirements is representative client list of the firm. The majority of my clients are individuals, and I have a concern about the confidentiality of providing a client list. Is this something that is really necessary? I would think anyone who submits a proposal for this position will have that concern.
- R. By providing "experience" and "principal areas of practice," the City should receive the information it needs to evaluate the proposer without requiring a "client list." Via this addendum, the requirement for a client list is deleted.
- Q. The "Local Preference" Determination form appears to be a 2 page document, but only one page is included in the RFP.
- R. A revised *Local Preference Determination* Form has been attached to this Addendum. Proposers must submit the revised form with their Proposal.
- Q. On page 4 of the RFP, there is a list of required forms, all of which were included in the packet. However, on page 14, there is an additional list of forms required, most of which are not provided. They are the Acknowledgement of Firm; Drug Free Workplace Certification Form; Equal Employment Opportunity Form; Current and Signed W9; and All issued addenda acknowledgment. Can you please advise if these additional forms are required, and if so, where I can find them?
- R. Proposers must submit the Forms listed on Page 4 of the RFP and included in the package.

REVISIONS

- Section 6.0 Proposal Requirements (amended).
- *Local Preference Determination* Form

Peter A. Boers
Procurement Department

Acknowledgment is requested even if you have elected not to respond to this bid. A designated management representative of your firm can sign the receipt for this addendum. Please acknowledge receipt of this addendum immediately by fax to (941) 486-2790 or mail to the above noted address, if a fax is not possible.

Receipt Acknowledged:

Signature

Company

Date

6. PROPOSAL REQUIREMENTS

6.1. Required Proposal Format

To facilitate the City's analysis of the proposals, the Proposer must prepare its proposal in accordance with the instructions provided in this competitive solicitation. If the Proposer's proposal deviates from these instructions, such response may, at the City's discretion, be rejected as unresponsive.

Proposals should not contain information in excess of that requested, must be concise and must specifically address all of the items set forth in this RFP. Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective proposal to this RFP are not desired and may be construed as an indication of the Proposer's lack of cost consciousness. Elaborate artwork, expensive visual aids, and other presentation aids are neither necessary nor desired, unless specifically requested.

Proposals must be prepared in at least 12-point font on 8.5" x 11" white paper, with pages sequentially numbered. Proposals can be either single or double-sided. Proposals should be contained within a three-ring binder (original and each copy in separate binders).

6.2 Proposal Requirements

Proposal content shall be separated by sequentially numbered tabs and must be submitted in the same order as set forth below and the supplied electronic copy shall be indexed similarly.

Tab 1 – Executive Summary

A. Provide an introduction letter. The introduction letter must include, but not be limited to the following:

1. Proposer or Proposer's firm's full legal name and mailing address.
2. Name, title, email address and phone number of the person responsible for this Proposal and any negotiation during this process if different than above.
3. Indicate the Proposer's primary office that will provide the services.

B. Provide a sworn statement affirming that if appointed as the Special Magistrate, then Special Magistrate will not violate the "dual office holding" prohibition set forth under Article II, Section 5(a) of the Florida Constitution, and, accordingly, that Special Magistrate will resign from any position Special Magistrate currently holds such that Special Magistrate's appointment as Special Magistrate for the City of Venice would not result in any such violation.

Tab 2 – Experience and Qualifications (60 Points)

A. Provide a narrative describing the experience of the Proposer. The narrative should include but not be limited to the following:

1. An overview of the Proposer and/or Proposer's firm, including size, number of employees type of firm.
2. Description of the Proposer's legal experience.

3. Description of the Proposer's legal experience with an emphasis on experience in the fields of government law, quasi-judicial proceedings, criminal law and/or administrative law.
 4. Regarding any specific experience listed above, provide the clients' name, address, telephone number and email address.
 5. Description of the Proposer's current principal areas of practice.
- B. Provide the Proposer's current résumé, proof of active Florida Bar membership in good standing along with any applicable certifications.
- C. Provide a statement as to whether or not the Proposer has ever been disciplined by the Florida Bar or any similar body regulating the practice of law in any other jurisdiction.
- ~~D. Provide a representative client list for the Proposer or the Proposer's firm.~~

Tab 3 – Location and Responsiveness (10 Points)

Identify the accessibility of the Proposer and the response time that the Proposer offers to the City for being able to conduct a public hearing. Specifically, identify the lead-time required for attending scheduled hearing at City Hall in person.

LOCAL PREFERENCE

Preference shall be given to a "Local Business" in the awarding of this RFP in accordance with Section 2-217 of the City of Venice's Code of Ordinances. "Local business" means the Proposer has paid a local business tax to either Sarasota, Manatee, DeSoto or Charlotte County, whichever county the Proposer is located and maintains a permanent physical business address located within the limits of either Sarasota, Manatee, DeSoto or Charlotte County from which the Proposer operates or performs business, and at which at least one full time employee is located. In addition, fifty percent (50%) or more of the employees based at the Local Business location must reside within Sarasota, Manatee, DeSoto or Charlotte County. In the event the local office is not the primary location of the Proposer, at least ten percent (10%) of the Proposer's entire full-time employees must be based at the local office location. Alternatively, this requirement may be satisfied if at least one corporate officer, managing partner or principal owner of the Proposer resides in Sarasota, Manatee, DeSoto or Charlotte County.

Proposers wishing to be given preference as a Local Business for this RFP during the Evaluation Process, as set forth herein, must submit **with their proposal**, all of the Local Preference forms provided herein.

Tab 4 – Proposed Compensation (30 Points)

Provide an hourly rate compensation package, inclusive of all service costs (include any travel reimbursement, review of complaints, research, attendance at hearings, preparation of orders and other expenses expected).

Tab 5 – Forms

Provide the completed and signed forms:

- Submitted Proposal Form
- Qualifications Statement
- Local Preference Forms
- Non-Collusion Affidavit
- Public Entity Crime Information
- Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
- Conflict/Non-Conflict of Interest and Litigation Statement
- Certification Regarding Lobbying
- ~~Submitted Proposal Form~~
- ~~Public Entity Crimes Form~~
- ~~Acknowledgment of Firm~~
- ~~Drug Free Workplace Certification Form~~
- ~~Equal Employment Opportunity Form~~
- Current and Signed W9
- All issued addenda acknowledgement

“LOCAL PREFERENCE” DETERMINATION

The following questions will help you determine local preference for your company.

Please answer questions 1 through 4 **FIRST**. If you answer **NO** to any questions 1 through 4, local preference does **NOT** apply.

ONLY if you answer **YES** to questions 1 through 4, may you proceed to question 5.

If you answer **YES** to any questions 5 and 6, local preference applies.

If you are unsure of how to answer any questions, please contact the City of Venice’s Purchasing Department at 941-486-2626.

Questions 1 – 4

1. Has your company paid a local business tax either to Sarasota, DeSoto or Charlotte County (Manatee County does not currently have a local business tax) authorizing your company to provide goods or services described in this solicitation?

YES ☐ If “yes”, proceed to question 2.

NO ☐ If “no”, **STOP, local preference does not apply.**

* If the name on the local business tax receipt is not the same as the name on the bid/solicitation submittal, local preference does not apply.

2. Does your company maintain a permanent physical business address located within the limits of Sarasota, Manatee, DeSoto or Charlotte County from which your company operates or performs business?

YES ☐ If “yes”, proceed to question 3.

NO ☐ If “no”, **STOP, local preference does not apply.**

3. Does your company’s local business office (identified in question 2) have a least one full time employee?

YES ☐ If “yes”, proceed to question 4.

NO ☐ If “no”, **STOP, local preference does not apply.**

4. Do at least fifty percent (50%) of your company’s employees who are based in the local business location (identified in question 2) reside within Sarasota, Manatee, DeSoto or Charlotte County?

YES ☐ If “yes”, proceed to question 5.

NO ☐ If “no”, **STOP, local preference does not apply.**

Questions 5 – 6

5. Is your company's local business office (identified in question 2) the primary location (headquarters) of your company?

YES ☐ If "yes", STOP, local preference applies.

NO ☐ If "no", proceed to question 6.

6. If the local business office (identified in question 2) is not the primary location of your company, are at least ten percent (10%) of your company's entire full-time employees based at the local office location AND does at least one corporate officer, managing partner or principal owner of your company reside in Sarasota, Manatee, DeSoto or Charlotte County?

YES ☐ If "yes", STOP, local preference applies.

NO ☐ If "no", local preference does not apply.