



REQUEST FOR QUALIFICATIONS (RFQ)

NO. 0015-11-KR-RC

REAL ESTATE ADVISORY SERVICES

Development of Airport Property

January 24, 2011

SECTION 1.0 INTRODUCTION AND GENERAL INFORMATION:

The City of Tallahassee (herein referred to as City) and the Tallahassee Regional Airport (herein referred to as TLH) are issuing this Request for Qualifications (RFQ) from Real Estate Development Consulting firms and/or Commercial Real Estate Developers to assist the City of Tallahassee in determining how best to maximize economic development and development opportunities for property located at and around the Tallahassee Regional Airport. The City is seeking a partner that will take a holistic, analytical approach that thoroughly examines the airport property and its surrounding context in terms of physical site analysis, market research, regulatory assessment, infrastructure assessment, etc. with the goal of providing a comprehensive master development program for the airport and surrounding properties.

SECTION 2.0 PURPOSE, BACKGROUND; CURRENT CONDITIONS:

PURPOSE: The purpose of this RFQ is to develop a Commercial Master Plan & Development Program for the Tallahassee Regional Airport and surrounding area that includes a comprehensive analysis of development opportunities. Towards that end, this RFQ is intended to solicit technical and performance information from qualified real estate development consultants and/or developers demonstrating significant, relevant experience in providing commercial and/or airport/aviation related real estate development analysis, consultation and advisory services including but not limited to:

- Site Analysis
- Market and Feasibility Analysis
- SWOT Analysis
- Regulatory Assessment
- Highest & Best Use Assessment & Recommendations
- Public Participation and Community Interface/Outreach
- Access and Transportation Infrastructure Assessment
- Conceptual Master Planning
- Financial Analysis
- Business Planning
- Economic Impact Analysis
- Marketing and Branding
- Preparation of Development RFP or Offering Memoranda
- Development Transaction Negotiation Services
- Development Oversight Services

BACKGROUND:

The Tallahassee Regional Airport (TLH) is a 2500-acre facility, providing commercial passenger, air cargo, and general aviation services to the region. Approximately 480 acres, in four (4) parcels, have been identified as ready and available for potential development. Recently, new land use and zoning entitlements became effective,

opening the area for development, including light industrial and manufacturing, business, retail, restaurant, hotel, convenience-retail and other potential uses. The Airport desires to identify possible development opportunities for the area with specific emphasis on these four (4) properties consistent with and as a component of long range master development plan. The Airport also seeks to identify qualified developers interested in execution of the development opportunities as identified. Although the focus is on the four properties as described, the geography and extent of the study area may encompass a larger area in order to ensure a comprehensive analysis and the success of the proposed airport development.

CURRENT CONDITIONS:

The Airport has identified four parcels, totaling 480 Acres, for potential development:

1. Parcel A: Airport Access North
 - 79.7 Acres m.o.l.
 - North of the Airport fronting Capital Circle SW.
2. Parcel B: Airport Access South
 - 262.6 Acres m.o.l.
 - South of the Airport with access off Springhill Road
3. Parcel C: NW Corner Commercial - Capital Circle SW/Springhill Road
 - 58.8 Acres m.o.l.
 - East of the Airport at the intersection of Capital Circle SW and Springhill Road, on Northwest Corner
4. Parcel D: NE Corner Commercial - Capital Circle SW/Springhill Road
 - 85.1 Acres m.o.l.
 - East of the Airport at the intersection of Capital Circle SW and Springhill Road, on Northeast Corner

Highest and Best Use Notes:

- Parcel A and the north half of Parcel B are potentially accessible from the airfield and are set aside for aeronautical development, meeting Federal Aviation Administration requirements.
- The south half of Parcel B, Parcel C, and Parcel D do not have airfield access and are available for any development consistent with the Tallahassee/Leon County Comprehensive Plan and Zoning.
- Parcels C and D are considered to be potentially well-suited for commercial uses such as convenience- retail, general retail, hotel, restaurant, etc.

All acreages provide above are approximate; refer to the maps identifying these parcels included as Appendix A for more detailed information on location and sizes.

2.1 EVALUATION PROCESS:

As part of the evaluation process, respondents will be required to submit a written Statement of Qualifications (SOQ) on the following:

- The respondents SOQ shall include relevant experience with each of the 15 areas of expertise and professional services itemized in the Section 2 Purpose.
- The respondents SOQ shall also include relevant development experience with projects similar in size and scope to those anticipated at the Tallahassee Regional Airport property with particular emphasis on airport-related development in 2nd and 3rd tier markets (e.g., Ann Arbor, Michigan; Columbia, South Carolina; Madison, Wisconsin; etc.).
- Demonstrated experience and ability to finance airport-related development projects including use of public financing tools such as *Tax Increment Financing* and *Industrial Development Bonds*.
- Performance operating similar developments.
- Experience of individual team members in working on projects of similar size and scope.
- Past experience in developing and participating in public/private partnerships for similar projects.
- Awareness of local, regional, state and national issues as they relate to the project.
- Reputation of the firm in the industry.
- Experience in working with design teams, engineers and architects on airport related commercial development.
- Experience in operating and/or managing airport related commercial development, or similar facilities.

SELECTION COMMITTEE:

A Selection Committee consisting of TLH staff, City staff and/or other professional and technical experts will review all responses to this RFQ.

The Selection Committee will review and score all SOQs received by the due date, and determine the shortlisted firms (firms with the highest scores) using the selection criteria established for this project.

The Selection Committee will receive presentations and conduct interviews of the shortlisted firms and will establish ratings for each firm in accordance with the scoring criteria established for this project.

The selection committee will make a recommendation to the Tallahassee Regional Airport management regarding future opportunities. It is intended for this recommendation to include a short-list of the firms to be considered and an outline of the next steps towards the development of an airport-related and surrounding area business plan and an airport commerce/aviation mixed-use program.

SECTION 3.0 SCHEDULE OF EVENTS:

The proposed time schedule as related to this selection is as follows:

EVENT	DATE/TIME
Release of RFQ	January 30, 2011
Deadline for Questions/Inquiries	February, 2011
RFQ Due Date/Time (Deadline)	March 3, 2011
Preliminary Scoring/Ranking of RFQs and Shortlist Firms	March, 2011
Presentations/Interviews by/of Short-listed Firms	March/April, 2011
Final Scoring/Ranking and Post Recommended Firm	March/April, 2011

SECTION 4.0 ACCESS TO MEETINGS:

Persons with disabilities requiring reasonable accommodations to attend meetings; please call, **PROCUREMENT SERVICES DIVISION, PHONE: (850) 891-8280, or through FRS TDD at 771** at least forty-eight (48) hours in advance (excluding weekends and holidays). Notice of all public meetings will be posted in the Procurement Services Division, City Hall, 300 S. Adams St, Tallahassee, FL as far in advance of the meeting as possible.

SECTION 5.0 REQUESTS FOR CLARIFICATIONS:

ALL questions concerning this RFQ must be directed in writing to Kent Rickey, **PROCUREMENT SERVICES DIVISION, PHONE: (850) 891-8282, E-MAIL: Kent.Rickey@talgov.com or through FRS TDD at 771**. All telephone conversations are considered to be unofficial responses and will not be binding. Changes to this RFQ may be made by issuance of an addendum. Firms and their representatives **SHALL NOT** make any contact or communications with any member of the Selection Committee, or any other TLH or City officer, employee or agent directly serving the procurement activity.

SECTION 6.0 STATEMENT OF QUALIFICATION CONTENT REQUIREMENTS:

Each respondent's SOQ should, at a minimum, include the following information as provided in TAB 1 thru TAB 10, herein. Please note the SOQ should address the requirements in a clear and concise manner in the order stated herein.

The TLH reserves the right to seek additional/supplemental representation on specific issues as needed.

The RFQ response shall be submitted in a bound volume on 8 1/2" x 11" paper. SOQs must be separately tabbed as follows and must include the information/documents specified in the applicable tab.

The response must contain one original with a manual signature of an authorized representative of the responding firm.

The following information is required in the SOQ submittal in order to evaluate and rank each applicant. The Selection Committee will objectively evaluate the applicants' responses. A maximum total of **150** points will be assigned.

TAB 1 - EXECUTIVE SUMMARY / GENERAL INFORMATION (0 Points):

Present in brief, concise terms, a summary level description of the contents of the SOQ and of your company and its capabilities. At a minimum the following information will be included:

- a. Name of Firm
- b. Mailing Address of Firm
- c. Physical Address of Firm
- d. Name of Contact Person
- e. Phone Number
- f. Fax Number
- g. Mobile Phone Number
- h. E-mail Address
- i. Business Structure
- j. If a joint venture or prime/subcontractor arrangement of two or more firms, indicate how the work will be distributed between the partners.
- k. Number of Years Firm in Business
- l. Proof of Liability Insurance
- m. Total Number of Staff- Management: ____ Clerical: ____ Field: ____
- n. Describe and Explain any Litigation, Major Disputes, Contract Defaults, and Liens in the Last Ten Years.
- o. References from at least five (5) projects (with names, addresses, phone numbers and email addresses), the respondent deems relevant to the proposed RFQ development objectives.
- p. Signed statement declaring that the information submitted is in all respects fair and in good faith, without collusion or fraud; certifies that no principal (which included officers, directors, or executives) is presently suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation on this transaction by any Federal Department or Agency; and that the signer has the authority to bind the Firm.
- q. Signed statement declaring attesting that the firm has read and understands all procedures outlined in this RFQ.

TAB 2 – STAFF QUALIFICATIONS (20 Points):

In this section describe the makeup of the development team, each member's relevant experience and the key personnel involved. The description should express the general and specific project related capability of key staff that will be assigned to this project. Provide a brief resume of key personnel, including, but not limited to:

- a. Name and title.
- b. Job assignment for other projects.
- c. Job assignment for this project.
- d. Percentage of time to be assigned full time to this project.
- e. How many years with this firm.
- f. How many years with other firms.
- g. Experience
 - (1) Types of projects.
 - (2) Size of projects (dollar value, square footage, acreage, etc.)
 - (3) Specific project involvement.
- g. Education.
- h. Active professional registrations/memberships (CRE, CPA, AICP, PE, etc.).
- i. Other experience and qualifications that is relevant to this project.
- j. Five (5) business references (related to projects that were worked on) including name, title, phone number and a brief description of the project and the work performed. These references must not be the same as industry/peer references requested in Tab 7.

TAB 3 – DEMONSTRATED EXPERIENCE (10 Points):

Demonstrated experience with airport-related development projects with emphasis on developments in 2nd and 3rd tier markets

Provide examples of projects that demonstrate experience with emphasis on similar developments over the last ten (10) years. Highlight similarities of those projects with the projects contemplated by this RFQ. Describe the outcome of those projects, including successes and problems. Describe the respondent's role in the projects and the performance of prior projects in terms of operational and financial feasibility. It is important to note that additional consideration will be given to actual development experience versus strictly consulting experience within this category.

Provide contact information for each project, including names, addresses, phone numbers and email addresses.

TAB 4 - EXPERIENCE OF INDIVIDUAL TEAM MEMBERS IN WORKING ON PROJECTS OF SIMILAR SIZE AND SCOPE (10 Points):

Identify key members of the project team. Describe in detail their experience in similar projects.

TAB 5 - PAST EXPERIENCE IN DEVELOPING AND PARTICIPATING IN PUBLIC/PRIVATE PARTNERSHIPS FOR SIMILAR PROJECTS (10 Points):

Describe partnership arrangements that respondent has helped structure to implement the successful development of similar projects. Identify the public and private partners, and the financial, ownership and operational role they played in the development. Describe in detail the structure of the partnership and the current status of those projects cited.

Describe experience and history of working relationships with DBE, MBE and WBE organizations as sub-consultants, joint venture partners, subcontractors, etc.

TAB 6 – AWARENESS OF LOCAL, REGIONAL, STATE AND NATIONAL ISSUES AS THEY RELATE TO THE PROJECT (10 Points):

Provide examples from prior projects or from experience of key members of the development team that clearly demonstrate the respondent understands and remains current on national, state and local issues that might impact the proposed project in order to ensure this project will reflect current market conditions and restraints, and recognize relevant regional and local conditions.

TAB 7 – REPUTATION OF THE FIRM IN THE INDUSTRY (10 Points):

Provide a minimum of five (5) references that document the respondent's reputation amongst peers. At least one of the references should be a representative from a source that can speak to the respondent's standing amongst regional airport authorities with a narrative describing the reference's role within the industry, and relationship with the respondent.

TAB 8 – EXPERIENCE IN WORKING WITH DESIGN TEAMS, ENGINEERS ARCHITECTS AND BUILDERS (10 Points):

Provide specific examples from prior projects or from experience of key members of the development team that clearly demonstrates the respondent has closely worked with design teams, engineers, architects and builders on the successful development of airport related properties and facilities. Provide information on the operational status of the referenced facilities.

TAB 9 – LOCAL PREFERENCE CRITERIA (10 Points):

As a part of the RFQ selection process, the RFQ evaluation procedure will provide for up to 10 points for Local Preference. The evaluation of Local Preference will be based on Attachment D, Local Vendor Certification Form submitted. Partial points will not be given.

For purposes of this section, "local business" shall mean a business which:

- a) Has had a fixed office or distribution point located in and having a street address within a four county area including Gadsden, Leon, Jefferson and Wakulla Counties for at least six (6) months immediately prior to the issuance of the RFQ; and
- b) Holds any business license required by these Counties, and, if applicable, the City of Tallahassee; and

- c) Employs at least one (1) full time employee, or two (2) part time employees whose primary residence is in the four county area, or, if the business has no employees, the business shall be at least fifty percent (50%) owned by one or more persons whose primary residence is in the four-county area.

Certification Process: The Contractor or Design Consultant claiming to be a local business as defined shall so certify in writing (via Attachment A) to the City of Tallahassee Purchasing Division. The certification shall provide all necessary information to meet the requirements of the above definition. The Local Vendor Certification Form is enclosed as Attachment D. The City of Tallahassee purchasing agent shall have the sole discretion to determine if a vendor meets the definition of a "local business."

TAB 10 – MBE PLAN & MBE CERTIFICATION (5 Points):

- a. Present a narrative description /Plan of how the MBE goal of 12.5% fee participation will be met or exceeded during the course of this project. This Plan should explain the work scope designated for each MBE firm, the duration of and phases in which the assignments occur and how the assignments coordinate within the overall project plan. (2 Pages Maximum for Plan)
- b. For each MBE firm on your team, include Attachment B (MBE Utilization Form) along with their Certification documents.
- c. If there are no MBE firms on your team, complete the Determination of Good Faith Effort (Attachment C) and include in TAB 10. The MBE submission requirements are detailed in Section 10.0 of this RFP.

TAB 11 – CHARITABLE CONTRIBUTIONS (5 Points)

Insert Attachment E

SECTION 7.0 INTERVIEWS

After the SOQs have been evaluated, the Selection Committee will select an anticipated short-list of not less than three (3) respondents deemed to be the most qualified. Short-listed respondents will be required to make oral presentations, including questions and answers, to the Selection Committee.

The selected firms will be expected to address the following:

- a. Understanding of project and project requirements.
- a. Approach and methodology for development of Airport Property.
- b. Demonstrated experience for projects similar in scope and size as anticipated by this RFQ.
- c. Demonstration of experience and quality of materials submitted in SOQ.

SECTION 8.0 SUBMITTING STATEMENT OF QUALIFICATIONS

SOQs shall be submitted as follows:

All SOQs must be in writing and in complete sets: **ONE ORIGINAL (SO IDENTIFIED) AND FIVE (5) COMPLETE COPIES (SO IDENTIFIED).**

All SOQs shall be submitted in a sealed envelope/container, which will be received (recorded and clocked-in):

At: **CITY OF TALLAHASSEE
PROCUREMENT SERVICES DIVISION
300 S. ADAMS STREET, MAIL STOP # A-28
TALLAHASSEE, FLORIDA, 32301-1731**

Until: **THURSDAY, MARCH 3, 2011 at 4:30 PM EST**

LATE SOQS WILL NOT BE CONSIDERED FOR EVALUATION.

Front of each SOQ envelope/container shall contain the following information for proper identification:

- The name and address of the respondent
- The word "SOQ" and the RFQ number
- The time/date specified for receipt of SOQs
- The number of each envelope/container submitted (i.e. "1 of 6", "2 of 6", "3 of 6")

The responsibility for submitting the SOQ to the Procurement Services Division on or before the above stated time and date is solely that of the respondent. The TLH nor the City of Tallahassee will in no way be responsible for delays in mail delivery or delays caused by any other occurrence.

All SOQs must be in writing. Non-responsive SOQs may not be considered. The signer of the SOQ must declare that the SOQ is in all respects fair and in good faith without collusion or fraud and that the signer of the SOQ has the authority to bind the principal respondent.

Neither the TLH nor the City of Tallahassee shall be liable for any costs incurred by a respondent prior to entering into a contract. Therefore, all respondents are encouraged to provide a simple, straightforward, and concise description of their ability to meet the project requirements.

Firms responding to this RFQ must be available for in-person presentations/interviews, in the event the Selection Committee requests presentations by short-listed firms.

SECTION 10.0 MINORITY BUSINESS ENTERPRISE PARTICIPATION

- 10.1 MBE participation will be a factor during the contract negotiations process for award of any resultant contract. Therefore, it is the goal of this Project to have a minimum 12.5% MBE participation in the total fee of the resultant contract.
- 10.2 The contractor recommended by the selection committee to negotiate a contract with TLH shall be required to make every effort reasonably necessary to ensure that firms certified with the City of Tallahassee's MBE office have a full and fair opportunity to compete for performance on said project.
- 10.3 Therefore, prior to the start of the contract negotiations process the recommended contractor shall submit for said project, an MBE Participation Plan.
- 10.4 Key elements of the plan must include:
- An explanation/narrative of how the goal of 12.5% MBE participation in the fee shall be met for the resultant contract.
 - List of the locally certified MBE firms that will be utilized on the contract, including the services/supplies they are to provide.
 - The methodology for monitoring the MBE participation on a continuing basis.
- 10.5 Although MBE Utilization will not be a factor during the SOQ process, the forms at Attachment B and C are to be used during contract negotiations. For each MBE firms listed in the MBE Plan (proposed to be utilized during the term of the contract) include with the Plan an MBE Utilization Form (Attachment B) along with supporting documents for MBE Certification.
- 10.6 **NOTE:** Prior to submitting the MBE Plans, ensure all proposed MBE vendors are (1) certified through the City of Tallahassee (FL) MBE Office, Leon County (FL) W/MBE Office, and (2) are located in the "Local Market Area" of Leon, Wakulla, Gadsden or Jefferson counties (FL). No other certification is acceptable.
- 10.7 If no suitable MBE participation can be found, the recommended contractor must demonstrate that a Good Faith Effort was made to identify suitable MBES. Attachment C shall be used for this purpose and submitted prior to the start of the contract negotiations process. The City's MBE Office will evaluate the MBE Plan and/or Good Faith Effort documentation for contract award purposes.
- 10.8 If the recommended consultant fails to submit the required MBE Plan and/or Good Faith Effort documentation or meet the MBE goals, the City reserves the right to terminate contract negotiations with the recommended contractor, and conduct contract negotiations with the next recommended contractor.

- 10.9 After a contract is executed, if the contractor fails to fully comply with the MBE requirements as approved by the MBE Office, such failure shall constitute a breach of contract and may result in the City terminating the contract by default of the contractor. The City may implement other remedies as deemed appropriate.
- 10.10 An MBE directory is available from the City of Tallahassee website at <http://www.talgov.com/ecd/economic/directory/index.cfm> or Leon County's website at <http://www.leoncountyfl.gov/mbe>. Information found at these websites may not be up-to-date. Therefore, first inquire with the applicable MBE Office. Should you have any MBE related questions, including to the MBE Plan or Good Faith Efforts criteria, please contact the City of Tallahassee's Minority Business Enterprise Office at (850) 891-6500.

SECTION 11.0 LOCATION (LOCAL VENDOR CERTIFICATION)

- 11.1 The proximity of the Consultant in relation to the requirements of the project shall be rated. The location of the Consultant, for the purpose of this policy, shall be the location of the permanent office of the professionals in the principal discipline, lead professional and project manager. The location rating shall be determined from the following table:

LOCATION	RATING POINTS
Within Leon, Wakulla, Gadsden, or Jefferson County - Firm's Home Office or Branch Office that will complete at least sixty percent (60%) of the work by total fees.	10
Within Leon, Wakulla, Gadsden or Jefferson County - Branch Office/Joint Venture with Local Firm with at least twenty-five percent (25%) of the work by total fees.	8
Outside of the four County area.	0

- 11.2 The firm must provide supporting documents regarding local staff. Additionally, the Home Office must be maintained throughout the course of the contract.

SECTION 9.0 EVALUATION CRITERIA

Evaluation of qualification statements shall be conducted in accordance with criteria and requirements described in this document. A **150-point** rating scale has been established for this RFQ. RFQ responses will be scored in the following manner:

SOQ Criteria	Maximum Rating Points
Executive Summary/ Staff Qualifications – Tabs 1 & 2	0
Demonstrated Experience – with emphasis on airport related commercial development – Tab 3 * Base score is 15 points; up to 5 additional points granted for actual development experience versus strictly consultation experience.	20*
Demonstrated Experience - in 2 nd and 3 rd tier markets - Tab 3	10
Experience Of Individual Team Members In Working On Projects Of Similar Size And Scope - Tab 4	10
Past Experience In Developing And Participating In Public/Private Partnerships For Similar Projects – Tab 5	15
Awareness Of Local, Regional, State And National Issues As They Relate To The Project – Tab 6	10
Reputation Of The Firm In The Industry – Tab 7	10
Experience In Working With Design Teams, Engineers Architects And Builders – Tab 8	10
Location – Tab 9	10
MBE Plan – Tab 10	5
Charitable Contributions	5
SOQ Criteria Subtotal	100
Interview Criteria	Maximum Rating Points
Understanding of project and project requirements.	15
Approach and methodology for developing airport property	15
Demonstrated experience with for projects similar in scope and size as anticipated by this RFQ.	10
Demonstration of experience and quality of materials submitted in SOQ.	10
Interview Criteria Subtotal	50
Maximum Points Allowed	150

A Selection Committee consisting of TLH staff, City staff and/or other technical experts will review all responses to this RFQ. Based upon the review and consideration by the Selection Committee, the Agency will select an anticipated short-list of not less than three (3) firms deemed to be the most qualified from those firms submitting Statements of Qualifications. The Committee will document the justification for their short-list selection. The selection criteria and the basis for the Committee's decision will be made available to competing firms.

The short-listed firms will be invited to provide an oral presentation/interview to the Selection Committee.

SECTION 10.0 CONTRACT AWARD

The TLH reserves the right to incorporate the successful firm's SOQ into a contract. Failure of a firm to accept this obligation may result in the cancellation of any award.

The selected firm will be required to assume responsibility for all services offered in the SOQ. The TLH will consider the selected firm to be the sole point of contact with regard to contractual matters, including payment of any or all charges.

A copy of the recommended ranking will be available for review in the Purchasing Division upon completion of the evaluation by the committee. Vendors may also obtain a copy of the final ranking from the City's –

Web site at: <http://talgov.com/dma/procurement/bidinfo.cfm>.

Then click on: ([View all bid information on DemandStar's website](#))

OUTCOME

The City of Tallahassee does not guarantee any formal solicitation will be generated based on this RFQ.

SECTION 11.0 RIGHT OF REJECTION:

The TLH and City of Tallahassee reserve the right to waive any informality in any SOQ, to reject any or all SOQs in whole or in part, with or without cause, and/or to accept the SOQ that in its judgment will be in the best interest of the TLH, the City of Tallahassee and its citizens.

SECTION 12.0 GENERAL TERMS AND CONDITIONS

EQUAL OPPORTUNITY AGREEMENT

In connection with work performed under a TLH contract, the respondent agrees, upon receipt of a written award or acceptance of a contract, to support and abide by the City's Equal Opportunity Pledge.

By submitting a SOQ, the respondent agrees to:

- a. Not discriminate against any employee or job applicant because of their race, creed, color, sex, marital status or national origin;
- b. Post a copy of this pledge in a conspicuous place, available to all employees and job applicants.

Place or cause to be placed a statement in all solicitations or advertisement for job applicants, including subcontracts, that the respondent is an "Equal Opportunity Employer".

PUBLIC ENTITY CRIMES

As required by Florida State Statute 287.133, (2 (a), 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 a 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 consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in s.287.017 for CATEGORY TWO [\$25,000] for a period of 36 months from the date of being placed on the convicted vendor list. Any person must notify the TLH and City of Tallahassee within 30 days after a conviction of a public entity crime applicable to that person or to an affiliate of that person.

ISSUANCE OF ADDENDA

If this solicitation is amended, the TLH, through the City of Tallahassee, will issue an appropriate addendum to the solicitation. If an addendum is issued, all shall acknowledge receipt of each addendum to this solicitation terms and conditions that are not specifically modified shall remain unchanged.

Proponents using one of the following methods:

- By signing and returning the addendum;
- By signed letter;
- By signed facsimile (subject to the conditions specified in the provision entitled "FACSIMILE DOCUMENTS").

The TLH, through the City of Tallahassee, must receive the acknowledgment by the time and date, and at the location specified for receipt of SOQs.

PAYMENT

Prompt Pay Policy

It is the policy of the TLH and City of Tallahassee to fully implement the provisions of the State of Florida Prompt Payment Act. For more information, please refer to Florida State Statute 218.7.

Withholding Payment

In the event a contract is canceled under any provision herein, the TLH and City of Tallahassee may withhold from the Contractor any monies owed on that or any contract, an amount sufficient to compensate for damages suffered because of the violation resulting in cancellation.

INSURANCE REQUIREMENTS

Prior to commencing work, the Contractor shall procure and maintain at Contractor's own cost and expense for the duration of the agreement the following insurance against claims for injuries to person or damages to property which may arise from or in connection with the performance of the work or services hereunder by the Contractor, his agents, representatives, employees or Subcontractors. The cost of such insurance shall be included in Contractors SOQ.

Contractor shall maintain limits no less than:

Commercial General/Umbrella Liability Insurance - \$1,000,000 limit per occurrence for property damage and bodily injury. The respondent should indicate in its SOQ whether the coverage is provided on a claims-made or preferably on an occurrence basis. The insurance shall include coverage for the following:

- Premise/Operations
- Explosion, Collapse and Underground Property Damage Hazard (only when applicable to the project)
- Products/Completed Operations
- Contractual
- Independent Contractors
- Broad Form Property Damage
- Personal Injury

Business Automobile/Umbrella Liability Insurance - \$1,000,000 limit per accident for property damage and personal injury.

- Owned/Leased Autos
- Non-owned Autos
- Hired Autos

Workers' Compensation and Employers'/Umbrella Liability Insurance -- Workers' Compensation coverage with benefits and monetary limits as set forth in Chapter 440, Florida Statutes. This policy shall include Employers'/Umbrella Liability coverage for \$1,000,000 per accident. Workers' Compensation coverage is required as a condition of performing work or services for TLH and City whether or not the Contractor or Vendor is otherwise required by law to provide such coverage.

Professional Liability Insurance - \$1,000,000 or as per project (ultimate loss value per occurrence).

Other Insurance Provisions

Commercial General Liability and Automobile Liability Coverage

- The TLH and City of Tallahassee, members of its TLH Board and City Commission, boards, commissions and committees, officers, agents, employees and volunteers are to be covered as additional insureds as respects:

Liability arising out of activities performed by or on behalf of the Contractor; products and completed operations of the Contractor; premises owned, leased or used by the Contractor or premises on which Contractor is performing services on behalf of the TLH and City. The coverage shall contain no special limitations on the scope of protection afforded to the TLH and City of Tallahassee and City Commission, boards, commissions and committees, officers, agents, employees and volunteers.

- The Contractor's insurance coverage shall be primary insurance as respects the TLH and City of Tallahassee, members of the City Commission, commissions and committees, officers, agents, employees and volunteers. Any insurance or self-insurance maintained by the TLH and City of Tallahassee, and City Commission, commissions and committees, officers, agents, employees and volunteers shall be excess of Contractor's insurance and shall not contribute with it.
- Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the TLH and City of Tallahassee and City Commission, boards, commissions and committees, officers, agents, employees and volunteers.
- Coverage shall state that Contractor's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

Workers' Compensation and Employers' Liability and Property Coverage

The insurer shall agree to waive all rights of subrogation against the TLH, City of Tallahassee and City Commission, boards, commissions and committees, officers, agents, employees and volunteers for losses arising from activities and operations of Contractor in the performance of services under this Agreement.

All Coverage

- Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days prior written notice has been given to the TLH and City.
- If Consultant, for any reason, fails to maintain insurance coverage, which is required pursuant to this Agreement, the same shall be deemed a material breach of contract. The TLH, at its sole option, may terminate this Agreement and obtain damages from the Consultant resulting from said breach.
- Alternatively, the TLH may purchase such required insurance coverage (but has no special obligation to do so), and without further notice to Consultant, TLH may deduct from sums due to Consultant any premium costs advanced by the TLH for such insurance.
- TLH and City of Tallahassee named as "additional insured" as its interest may appeal the Deductibles and Self-Insured Retention

Any deductibles or self-insured retention's must be declared to and approved by the TLH and City. At the option of the TLH and City, the insurer shall reduce or eliminate such deductibles or self-insured retention's as respects the TLH and City of Tallahassee and City Commission, members boards, commissions and committees, officers, agents, employees and volunteers; or the Contractor shall procure a bond guaranteeing payment of losses, related investigation, claim administration and defense expenses.

Acceptability of Insurers

Insurance is to be placed with Florida admitted insurers rated B+ or better by A.M. Best's rating service.

Verification of Coverage

Contractor shall furnish the TLH and City with certificates of insurance and with original endorsements affecting coverage required by this clause. The certificates and endorsements for each policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be received and approved by the TLH and City before work commences

Subcontractors

Contractor shall include each of its subcontractors as insured's under the policies of insurance required herein.

SECTION 13.0 CONFIDENTIALITY

By submitting a proposal in response to this solicitation, a respondent acknowledges that the TLH and City of Tallahassee are governmental entities subject to the Florida Public Records Law (Chapter 119, Florida Statutes). The respondent further acknowledges that any materials or documents provided to TLH and City may be "public records" and, as such, may be subject to disclosure to, and copying by, the public unless otherwise specifically exempt by statute. Should a respondent provide the TLH and City with any materials which it believes, in good faith, contain information which would be exempt from disclosure or copying under Florida law; the respondent shall indicate that belief by typing or printing, in bold letters, the phrase "Proprietary Information" on the face of each affected page of such material. The respondent shall submit to the TLH and City both a complete copy of such material and a redacted copy in which the exempt information on each affected page, and only such exempt information, has been rendered unreadable.

In the event a respondent fails to submit both copies of such material, the copy submitted will be deemed a public record subject to disclosure and copying regardless of any annotations to the contrary on the face of such document or any page(s) thereof. Note, the TLH and City do not consider cost proposals to be proprietary and this information will be made public. Cost proposals marked as proprietary or confidential will not be evaluated and zero points will be given.

Should any person request to examine or copy any material so designated, and provided the affected respondent has otherwise fully complied with this provision, the TLH and City, in reliance on the representations of the respondent, will produce for that person only the redacted version of the affected material. If the person requests to examine or copy the complete version of the affected material, the TLH and City shall notify the respondent of that request, and the respondent shall reply to such notification, in a writing that must be received by TLH and City no later than 4:00 p.m., ET, of the second TLH or City business day following respondent's receipt of such notification, either permitting or refusing to permit such disclosure or copying.

Failure to provide a timely written reply shall be deemed consent to disclosure and copying of the complete copy of such material. If the respondent refuses to permit disclosure or copying, the respondent agrees to, and shall, hold harmless and indemnify the TLH and City for all expenses, costs, damages, and penalties of any kind whatsoever which may be incurred by the TLH or City, or assessed or awarded against the TLH or City, in regard to the TLH's or City's refusal to permit disclosure or copying of such material. If litigation is filed in relation to such request and the respondent is not initially named as a party, the respondent shall promptly seek to intervene as a defendant in such litigation to defend its claim regarding the confidentiality of such material. This provision shall take precedence over any provisions or conditions of any proposal submitted by a respondent in response to the RFQ and shall constitute TLH's and City's sole obligation with regard to maintaining confidentiality of any document, material, or information submitted to the TLH and City.

SECTION 14.0 GRIEVANCE PROCEDURE

RIGHT TO PROTEST. Any prospective bidder or Respondent may protest the provisions of an Invitation for Bids (IFB), Request for Proposals (RFP) or Request for Qualifications (RFQ).

i **Protest of Specifications or Proceedings Prior to Bid Opening**

Any actual or prospective bidder, or contractor, who is aggrieved in connection with the solicitation of a contract or bid, may protest on the grounds or irregularities in specifications or bid procedure.

ii **Protest of Recommended Award**

Any actual bidder or Respondent, who is aggrieved in connection with the evaluation of bids, the evaluation of proposals, or the staff recommendation regarding award of a contract, provided that such bidder or Respondent would have been awarded the contract but for the aggrieved action, may protest such evaluation or award recommendation.

FILING A PROTEST:

A written protest shall be considered filed, for purposes of this procedure when all related items are actually delivered to and received by the Procurement Services Division. All protest shall be directed to the attention of the Manager for Procurement Services.

- i For protest related to the specifications or proceeding of an IFB, RFP or RFQ, a formal written protest must be filed no later than 72 hours (excluding weekends and holidays) prior to the scheduled bid opening date. Failure to timely file the written protest including the required protest bond/cashier's check, shall constitute a waiver of such protest.
- ii For protest related to the evaluation of bids, evaluation of proposals, or staff recommendation regarding award of a contract, a written notice of intent to protest must be filed with Procurement Services within 72 hours (excludes weekends and holidays) after posting of the intended recommendation regarding award,

and a written protest, must be filed with the Procurement Services Division no later than 5:00 p.m., ET, on the seventh (7th) calendar day following the date on which the written notice of intent to protest was filed. A weekend commences at 12:00 a.m., ET, on Saturday and ends at the same time on the following Monday. A holiday begins at 12:00 a.m., ET, on the observed holiday and ends at the same time on the following day.

Such written protest shall state, with particularity the facts and grounds upon which the protest is based, and shall include references to applicable laws, statutes, ordinances, policies, or other authority on which the protest is based. Failure to timely file either the notice of intent or the written protest including the protest bond/cashier's check, shall constitute a waiver of such protest.

PROTEST BOND

Any person, who files a formal written protest, shall post with the Procurement Services Division, at the time of filing the formal written protest, a cashier's check or bond payable to the City of Tallahassee in an amount equal to 1 percent of the City's estimate of the total volume of the contract or \$5,000, whichever is less. If the decision of the Protest Committee upholds the action taken by the TLH and/or City, then the City shall retain the amount in payment of a portion of the cost and expense, including but not limited to, time spent by TLH and City staff in responding to the protest and in conducting the evaluation of the protest.

If the decision of the Protest Committee does not uphold the action taken by the TLH and/or City, then the City shall return that amount, without deduction, to the person or entity filing the protest

STAY OF PROCUREMENT DURING BID PROTEST

In the event protest is filed in accordance with the bid protest procedures herein, Procurement Services shall not proceed further with the solicitation or award of the contract until the Protest Committee has rendered a written decision regarding the protest or until the City Manager or designee makes a written determination that continuation of the process and award of a contract without delay is necessary to protect the substantial interest of TLH and/or City.

ADDITIONAL INFORMATION

For additional information concerning protest procedures, vendors may request a copy of the City's Purchasing Policy & Procedures manual Section 2.0.

SECTION 15.0 CHARITABLE CONTRIBUTION PREFERENCE

In accordance with Section 2-92, City of Tallahassee Code, Ordinance # 06-0-47AA, Bidders may qualify for a preference under this solicitation based on contributions made to health and human services agencies, which are qualified as such by the United Partners for Human Services. To qualify, the contribution(s) must have been made within the twelve-month period preceding the date bids are due to be submitted and must be certified, on the form provided by the City.

In-kind contributions must be accompanied by one quote from a third party vendor or the price listing published to customers to verify the value of the donation. Vendors shall provide copies of all applicable contribution letters with each bid. Refer to the cited ordinance for further details. No preference shall be given to a Respondent that does not receive a minimum number of points for compliance with the applicable MBE policy provisions. Refer to the cited ordinance for further details.

<u>Bid Levels</u>	<u>Donation Value</u>	<u>Bid Preference</u>	<u>RFQ Bonus Points</u>
\$10,000 - \$25,000	\$1,000	5%	5
	\$800	4%	4
	\$600	3%	3
	\$400	2%	2
	\$200	1%	1
\$25,001 - \$50,000	\$2,500	5%	5
	\$2,000	4%	4
	\$1,500	3%	3
	\$1,000	2%	2
	\$500	1%	1
\$50,001 - \$100,000	\$5,000	5%	5
	\$4,000	4%	4
	\$3,000	3%	3
	\$2,000	2%	2
	\$1,000	1%	1
\$100,001 - \$250,000	\$10,000	5%	5
	\$8,000	4%	4
	\$6,000	3%	3
	\$4,000	2%	2
	\$2,000	1%	1
\$250,001 - \$500,000	\$25,000	3%	5
	\$20,000	2%	2
	\$15,000	1%	1
	\$50,000	2%	5

ATTACHMENT A

REPRESENTATIONS/CERTIFICATIONS

TAXPAYER IDENTIFICATION

Bidder must complete Federal Form W-9 and submit it with their bid. The form may be downloaded from the Internal Revenue web site at www.irs.gov.

OFFICIAL COMPANY INFORMATION AS REGISTERED (Type/Print)

COMPANY NAME: _____
MAIL ADDRESS: _____

(City) (State) (Zip Code+4)
TELEPHONE NO: VOICE: () _____, EXTENSION: _____
(Toll-Free Preferred) OTHER: () _____; FAX: () _____
EMAIL ADDRESS: _____
WEBSITE URL: _____

COMPANY CONTACT FOR CONTRACT MANAGEMENT (Type/Print)

PERSON NAME: _____
TELEPHONE NO: VOICE: () _____, EXTENSION: _____
(Toll-Free Preferred) OTHER: () _____; FAX: () _____
EMAIL ADDRESS: _____

PAYMENT REMITTANCE ADDRESS (Type/Print) (if same as 2.8, enter "SAME 2.8")

NAME: _____
MAIL ADDRESS: _____

(City) (State) (Zip Code+4)
TELEPHONE NO: VOICE: () _____, EXTENSION: _____
(Toll-Free Preferred) OTHER: () _____; FAX: () _____
EMAIL ADDRESS: _____

CONTACT FOR INVOICE INQUIRIES

NAME: _____
TELEPHONE NO: VOICE: () _____, EXTENSION: _____
(Toll-Free Preferred) OTHER: () _____; FAX: () _____
EMAIL ADDRESS: _____

WHERE TO SEND PURCHASE ORDER (IF APPLICABLE)

COMPANY NAME: _____
MAIL ADDRESS: _____

(City) (State) (Zip Code+4)



ATTACHMENT B
MBE UTILIZATION FORM

Respondent: _____

Address: _____

Phone: _____ - _____ - _____ RFP Number _____

RFP Name: _____

MBE SUB CONTRACTORS INTENDED TO BE UTILIZED ON THE PROJECT

Name of MBE Sub-
Contractor/Supplier: _____

Address: _____

Phone: _____ - _____ - _____ Is the sub-contractor a certified MBE? ____ Yes ____ No

If yes, please provide a copy of your certification letter or certificate.

Dollar amount of contract with sub-contractor/supplier: _____ %

Percentage amount of contract with sub-contractor/supplier: _____ %

Description of scope of work performed under agreement with the sub-contractor for amount indicated above:

PLEASE SUBMIT A SEPARATE FORM FOR EACH SUB-CONTRACTOR/SUPPLIER.

ATTACHMENT C
DETERMINATION OF GOOD FAITH EFFORT

This form must be completed and submitted for Determination of Good Faith Effort, IF the MBE goal is not met.
--

This form is to be completed if the Consultant fails to achieve the MBE goals established for this project. The Consultant is allowed to use an alternate method that demonstrates the good faith efforts made to meet the goals established as long as all of the requested information is included. Failure to include all requested information shall result in the proposal being determined as non-responsive to the MBE requirements.

The following list is not intended to be exclusive or exhaustive and the City and County will look not only at the different kinds of efforts the Consultant has made, but also the quality, quantity, intensity and timeliness of those efforts. It is the responsibility of the Consultant to exercise good faith efforts. Any act or omission by the City or County shall not relieve the Consultant of this responsibility.

Criteria listed below are excerpted from The City of Tallahassee MBE Policy, as amended. A response is required to address each cited paragraph. Additional pages may be added as necessary.

Consultant/Vendor Name: _____

Address: _____

Phone: ____ - ____ - ____ RFQ Number: _____

Contact Name: _____

Are you certified as a City of Tallahassee (COT)/Leon County (LC) MBE? __Yes __No;

If yes, please provide a copy of your certification letter or certificate.

Specific scope of work solicited: _____

Consultant's Estimate of Approximate Percentage of Sub-proposal Advertised: _____

** Identify each MBE to which a notice of solicitation was given. Attach a copy of each solicitation letter.*

1. **Name of MBE SubProposer/Supplier:** _____

Address: _____

Phone: ____ - ____ - ____ **Owner(s):** _____

Is the Sub Proposer certified as a City of Tallahassee (COT)/Leon County (LC) MBE?
__Yes __No;

If not please complete the following information:

- ☐ Black American ☐ Native American ☐ Woman
☐ Hispanic American ☐ Asian Pacific American
-

ATTACHMENT C
DETERMINATION OF GOOD FAITH EFFORT

2. **Name of MBE** _____

Sub-Proposer/Supplier: _____

Address: _____

Phone: _____ - _____ - _____ **Owner(s):** _____

Is the Sub Proposer certified as a City of Tallahassee (COT)/Leon County (LC) MBE? __ Yes __ No;

If not please complete the following information:

- ☐ Black American ☐ Native American ☐ Woman
☐ Hispanic American ☐ Asian Pacific American

3. **Did you advertise in general circulation, trade association, and/or minority/women - focus media concerning the subcontracting opportunities?**

List which papers carried your ad and attach a copy of the ad.

4. **Did you follow up initial solicitations of interest by contacting MBE's to determine with certainty whether the MBE was interested?**

Name the MBE's you followed up with and describe your follow up efforts.

5. **Did you negotiate in good faith with interested MBE's, not rejecting MBE's as unqualified without sound reasons based on a thorough investigation of their capabilities?**

a) Provide a detailed statement of reasons why sub-proposals were not entered into with a sufficient number of MBE's to meet the established goals.

b) Provide a list of MBE sub-proposers you deemed unqualified and provide an explanation for the conclusion you reached.

ATTACHMENT C
DETERMINATION OF GOOD FAITH EFFORT

- c) For those MBE subproposers contacted but determined to be unavailable, provide either:
- i) a signed letter to the proposer from the MBE stating they are unavailable;
 - or
 - ii) a statement from the Consultant that the MBE sub-proposer refused to submit a letter after reasonable requests; and detailed statement from the Consultant of the reasons for the Consultant's conclusion.

6. **Did you effectively use the services of available minority/women community organizations; minority/women contractors' groups; local, state and federal minority/women business assistance offices; and other organizations that provide assistance in the recruitment and placement of minority/women business enterprises?**

List minority/women organizations contacted.
(A minimum of three organizations must be contacted.)

Organization	Person Contacted	Date Contacted

7. **Have you utilized MBE sub-proposers on other City or County contracts within the past six months?**

List any local projects your firm has performed in the last six (6) months, the MBE sub-proposers utilized and the dollar value of the MBE's sub-proposer.

Project Name	MBE Firms Used	Dollar Value

8. **Describe any additional efforts or circumstances, which may assist the City and County in determining Good Faith Efforts.**

ATTACHMENT D

LOCAL VENDOR CERTIFICATION

The undersigned, as a duly authorized representative of the vendor listed herein, certifies to the best of his/her knowledge and belief, that the vendor meets the definition of a "Local Business." For purposes of this section, "local business" shall mean a business which:

- Has had a fixed office or distribution point located in and having a street address within the four county area of Leon, Wakulla, Gadsden and Jefferson for at least six (6) months immediately prior to the issuance of the request for qualification by the City; and
- Holds any business license required by the four county area of Leon, Wakulla, Gadsden, and Jefferson (please attach copies); and
- Employs at least one (1) full time employee, or two (2) part time employees whose primary residence is in the four county area of Leon, Wakulla, Gadsden, and Jefferson, or, if the business has no employees, the business shall be at least fifty percent (50%) owned by one or more persons whose primary residence is in the four county area of Leon, Wakulla, Gadsden, and Jefferson.

Please complete the following in support of the self-certification and submit copies of your County and/or City business licenses. Failure to provide the information requested will result in denial of certification as a local business.

Business Name:		Phone:
Current Local Address:		Fax:
If the above address has been for less than six months, please provide the prior address:		
Length of time at this address:		
Number of Employees and hours worked per week by each:		
Name and Address of Owner(s) who reside in the four county areas of Leon, Wakulla, Gadsden, and Jefferson and who in total own at least 50% or more of the business. Attach additional sheets as necessary.		Percentage of Ownership
1.		
2.		

Signature of Authorized Representative

Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____.

By _____, of _____,
(Name of Officer or Agent, Title of Officer or Agent) (Name of Corporation Acknowledging)

a _____ corporation, on behalf of the corporation. He/she is personally
(State or Place of Incorporation)

known to me or has produced _____ as identification.
(Type of Identification)

Signature of Notary

Print, Type or Stamp Name of Notary

Title or Rank

Serial Number, If Any

ATTACHMENT E
CITY OF TALLAHASSEE
CHARITABLE CONTRIBUTION VERIFICATION

This form is offered as verification that the Vendor named below made the contribution detailed below to the non-profit Organization named below. In accordance with City Ordinance No. 06047AA, this form, once fully executed by both parties, and certified by United Partners for Human Services shall be submitted by the Vendor with their bid/proposal in order to receive consideration for charitable contribution under the ordinance.

By our signatures below, we certify that _____
Name of Vendor

Made a contribution to _____
Name of Organization

The donation was _____
Describe the Type of Donation

and was valued ^(A) at \$ _____ and was given on _____
Specific Date (D/M/Y)

(A) For donations of products and/or services, the Vendor is required to receive one independent quote that values the donation.

By signing below, both the Vendor and the Organization certify that:

1. The donation transaction is complete and was completed not more than 12 months prior to the date/time for receipt of bids/proposals.
2. For donations of products and/or services, the value of the donation was documented by one independent quote provided by the Vendor and that the Organization reviewed those quotes and certifies that the value above is accurate.

Name of Vendor's Representative (print) Signature/Date

Name of Organization's Representative (print) Signature/Date
(Not Applicable for United Way Contributions)

In order for this contribution to receive consideration by the City of Tallahassee, it must be signed by a representative of United Partners for Human Services (UPHS).

Name of Representative/Title (print) Signature/Date

FOR COT OFFICIAL USE ONLY

Check One: ____ One-Time Purchase ____ Term Contract ____ Extension of Contract ____ Agent's
Initials ____

Preference given: ____ points/percent out of a total of ____ points/percent; MBE Goal Meet: ____ Yes ____ No
____ N/A

Vendor awarded contract/extension: Yes or No (Circle One); Approval Level: _____
Date: _____