

**CITY OF PORT ORANGE, FLORIDA
AND THE
COMMUNITY REDEVELOPMENT AGENCY FOR
PORT ORANGE TOWN CENTER**

REQUEST FOR PROPOSALS

**A Redevelopment Opportunity
Adjacent to U.S. 1 and the Halifax River in the
Riverwalk Redevelopment Project Area of Port Orange Town Center**

RFP NO. 12-2



**Release Date: February 13, 2012
Proposal return date and time: March 14, 2012 at 2:30 p.m.**

**COMMUNITY REDEVELOPMENT AGENCY FOR
PORT ORANGE TOWN CENTER**

City of Port Orange, Florida
1000 City Center Circle
Port Orange, FL 32129
(386) 506-5501



City of Port Orange

Purchasing Division
1000 City Center Circle
Port Orange, Florida 32129
Telephone (386) 506-5704
Fax (386) 506-5711

REQUEST FOR PROPOSALS PROPOSER ACKNOWLEDGEMENT FORM

THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR PROPOSAL

RFP TITLE: A Redevelopment Opportunity Adjacent to U.S. 1 and the Halifax River in the Riverwalk Redevelopment Project Area of Port Orange Town Center.

RFP NUMBER: 12-2

RFP DUE DATE & TIME: March 14, 2012 at 2:30 p.m.

RFP OPENING LOCATION: Council Chambers at Port Orange City Hall

PRE-PROPOSAL MEETING DATE & TIME: February 17, 2012 at 2:00 p.m.(NON-MANDATORY)

PRE-PROPOSAL MEETING LOCATION: Council Chambers at Port Orange City Hall

Proposals Received After the Above Date and Time Will Not Be Accepted.

PROPOSER'S NAME: _____

PROPOSER'S MAILING ADDRESS: _____

CITY-STATE-ZIP: _____

PHONE NUMBER: _____ EMAIL: _____

ACKNOWLEDGMENT OF ADDENDA: (circle) None 1 2 3 4 5 6 7 8 9

If returning as a "No Proposal", please state reason (s): _____

I certify that this Proposal is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a Proposal for the same materials, supplies, or equipment, and is in all respects fair and made without collusion or fraud. I agree to abide by all conditions of this Proposal and certify that I am authorized to sign this Proposal for the Proposer. In submitting a Proposal to the City of Port Orange, the Proposer offers and agrees that if the Proposal is accepted, the Proposer will convey, assign or transfer to the City of Port Orange all rights, title, and interest in and to all causes of action it may now or hereafter acquire under the Antitrust laws of the United States and the State of Florida for price fixing relating to the particular commodities or services purchased or acquired by the City of Port Orange. At the City's discretion, such assignment shall be made and become effective at the time the City tenders final payment to the Proposer.

X _____
AUTHORIZED SIGNATURE (MANUAL)

NAME (TYPED)

TITLE

DATED



City of Port Orange

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OFFEROR'S RFP CHECKLIST

The 10 Most Critical Things to Keep in Mind When Responding to an RFP for the City of Port Orange

1. _____ **Read the entire document.** Note critical items such as: mandatory requirements; Supplies and/or services required; submittal dates; number of copies required for submittal; funding amount and source; contract requirements (i.e., contract performance security, insurance requirements, performance and/or reporting requirements, etc.).
2. _____ **Note the Purchasing Coordinator's name, address, phone numbers and e-mail address.** This is the only person (or his designee) you are allowed to communicate with regarding the RFP and is an excellent source of information for any questions you may have.
3. _____ **Attend the pre-proposal conference** if one is offered. These conferences provide an opportunity to ask clarifying questions, obtain a better understanding of the project, or to notify the City of any ambiguities, inconsistencies, or errors in the RFP.
4. _____ **Take advantage of the "question and answer" period.** Submit your questions to the Purchasing Coordinator by the due date listed in the RFP and view the answers given in the formal "addenda" issued for the RFP. All addenda issued for an RFP are posted on www.demandstar.com website and will include all questions asked and answered concerning the RFP. It is the Proposer's responsibility to be sure all addenda were received.
5. _____ **Follow the format required in the RFP** when preparing your response. Provide point-by-point responses to all sections in a clear and concise manner.
6. _____ **Provide complete answers/descriptions.** Read and answer **all** questions and requirements. Don't assume the City or evaluator/evaluation ranking committee will know what your company capabilities are or what items/services you can provide, even if you have previously contracted with the City. The proposals are evaluated based solely on the information and materials provided in your response.
7. _____ **Use the forms provided**, i.e., cover page, proposer acknowledgment form, exhibits, etc.
8. _____ **Check the website for RFP addenda.** Before submitting your response, check the DemandStar website at www.demandstar.com whether any addenda were issued for the RFP. If so, you must circle for each addenda issued on the "proposer acknowledgement form".
9. _____ **Review and read the RFP document again** to make sure that you have addressed all requirements. Your original response and the requested copies must be identical and be complete.
10. _____ **Submit your response on time.** Note all the dates and times listed in the RFP and within the document, and be sure to submit all required items on time. Late proposal responses shall not be accepted.



City of Port Orange

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1000 City Center Circle
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OFFEROR'S RFP CHECKLIST

This checklist is for the Proposer's use in preparing his RFP. It is not intended to include all details necessary to prepare a RFP and it is not intended as a substitute for the requirements of the Specifications. Use of this checklist does not relieve the Proposer from the responsibility of meeting all requirements of the Specifications concerning the preparation of an acceptable RFP.

Proposal Submittal Checklist:

1. _____ **Proposer Acknowledgement Form.** (Located on Page 1)
- All contact information filled in?
 - Acknowledgement of *all addenda* circled? Confirmed receipt of all addenda?
 - Authorized signature, title and date filled in?

2. _____ **Proposal Content & Requirements.**
- (1) Original and (2) copies of the proposal
 - (1) Electronic copy of all documents in .PDF format

Sections A-F (see RFP for detailed requirements, (located on page 19))

- A: Identify lands seeking to acquire or lease
- B: Identify lands for public use conveyed to the City
- C: Submit proof of ownership
- D: Agree to sell or exchange values
- E: Incur all expenses
- F: Sign and submit proposer acknowledgement form and exhibits 1-4

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CITY OF PORT ORANGE



Section I

Introduction

SECTION I

INTRODUCTION

SCOPE OF REQUEST FOR PROPOSAL

The City of Port Orange, Florida, a municipal corporation organized under the laws of the State of Florida, (“City”), and the Community Redevelopment Agency for Port Orange Town Center, its dependent special district created pursuant to Part III, Chapter 163, Florida Statutes, (“CRA”), invites proposals from private developers and/or any persons interested in donating, selling, buying, exchanging, leasing or otherwise transferring real property with the City and the CRA in furtherance of the redevelopment objectives of the City and CRA within the area of Town Center designated as the Riverwalk Redevelopment Project Area. This RFP is issued in compliance with Section 163.380, Florida Statutes, which prescribes the procedures, requirements and conditions that must be met in order to sell, lease or dispose of City/ CRA property with a redevelopment area. As used in this RFP, the term “City” shall be interpreted to include the CRA.

The Riverwalk Redevelopment Project Area lies between U.S. 1/Ridgewood Avenue and the Halifax River, north of S.R. 421/Dunlawton Avenue. This project area is approximately 35 acres in size and contains multiple parcels under differing ownership. A sketch and legal description of the Riverwalk Redevelopment Project Area is provided in Appendix “A” of this RFP. A map of the parcels or portions of parcels that are being offered by the City/CRA, as well as those desired to be acquired by the City/CRA through this RFP is provided in Appendix “B”.

Upon receipt of an acceptable proposal and a negotiated contract approved by city council with the successful proposer(s), as well as the proposer’s compliance with conditions precedent to closing, the City and CRA shall close on the property as described in this RFP, and as agreed to pursuant to the contract negotiated between the proposer, the City and the CRA. The successful proposer(s) shall have one hundred twenty (120) days from the date of selection to enter into contract with the City/CRA.

Proposers are required to submit one (1) original and two (2) paper copies, and one (1) electronic version of all documents in .PDF format, sealed and marked on the outside of the package, “**RFP 12-2, Riverwalk Redevelopment Proposal 2012**”, delivered to the City of Port Orange Purchasing Division, Att: Tom Cinefro, Finance Department, 1000 City Center Circle, Port Orange, FL 32129 on or before 2:30 p.m. on March 14, 2012. A pre-submittal meeting will be held at 2:00 p.m. on February 17, 2012 at the Port Orange City Hall, City Council Chambers/1st Floor, 1000 City Center Circle, Port Orange, Florida 32129. **Attendance is non-mandatory.** Pursuant to Section 163.380, Florida Statutes, notice is hereby given that proposals must be made within thirty (30) days after the date of this publication, and in no less than sixty (60) days from the date of this notice, the City and CRA may approve and execute one or more contracts with one or more proposers to buy, sell, exchange or otherwise transfer real property owned by the City and/or CRA within the previously described Riverwalk Project Area.

All submitters or individuals acting on behalf of submitters are hereby prohibited from lobbying or otherwise attempting to persuade or influence any member of the CRA Proposal Evaluation Committee, City Council members, CRA members or staff at any time during the course of the solicitation process. The solicitation process shall end upon issuance of the written City Manager and staff recommendation for selection of a proposer. All submitters or individuals acting on behalf of submitters are further prohibited from contacting or otherwise attempting to communicate with any member of the staff, the CRA Proposal Evaluation Committee, City Council members, or CRA members regarding the pending solicitation or its outcome until after the issuance of the written recommendation of the most qualified

submitters. Until such recommendation is issued in writing, any questions regarding the pending solicitation shall be channeled through the Office of Purchasing. Failure to comply with this procedure shall result in rejection/disqualification of said submittal without exception. Contact with staff, CRA members, City Council members and the CRA Proposal Evaluation Committee during a public meeting shall not be considered a violation of this requirement.

For additional information, or to submit a question, please contact **IN WRITING**:

Tom Cinefro, Purchasing Coordinator, tcinefro@port-orange.org
1000 City Center Circle, Port Orange, FL 32129

SEPARATION AND DISTRIBUTION

This RFP has been designed for transmittal as a complete document to interested parties. It is recommended that it not be separated; however, it may be reproduced in its entirety as additional distribution might dictate.

The City will utilize Demand Star for distribution of RFP #12-2 at: www.demandstar.com

In addition, vendors may obtain a PDF version of the RFP Proposal by submitting an Email request directly to:
Tom Cinefro, Purchasing Coordinator, E-mail: tcinefro@port-orange.org

CITY OF PORT ORANGE



Section II

General Conditions

SECTION II

GENERAL CONDITIONS

PROPOSAL SUBMISSION AND WITHDRAWAL

Proposers are required to submit one (1) original and two (2) paper copies, and one (1) electronic version of all documents in .pdf format, sealed and marked on the outside of the package, “**RFP 12-2, Riverwalk Redevelopment Proposal 2012**”, delivered to the City of Port Orange Purchasing Division, Att: Tom Cinefro, Finance Department, 1000 City Center Circle, Port Orange, FL 32129 on or before 2:30 p.m. on March 14, 2012. Pursuant to Section 163.380, Florida Statutes, notice is hereby given that proposals must be made within thirty (30) days after the date of the publication. The City and CRA may approve and execute one or more contracts with one or more proposers to buy, sell, exchange or otherwise transfer real property owned by the City and/or CRA within the previously described Riverwalk Project Area upon notice by publication at least 30 days prior to execution of the contract.

Due to the timing of mail service, the City cautions proposers to assure actual delivery of proposals to the City prior to the deadline set for receiving proposals. Proposals received after the established deadline shall not be considered.

Proposers are responsible for informing any commercial delivery service, if used, of all delivery requirements and for ensuring that the required address information appears on the outer wrapper or envelope used by such service. Any proposal received after 2:30 p.m. (local time), March 14, 2012 will not be considered and will be returned unopened. Proposals, once received, become the property of the City, cannot be withdrawn, and will not be returned to the proposers. Upon opening, proposals become subject to public disclosure in accordance with Chapter 119, Florida Statutes.

ADDITIONAL INFORMATION/ADDENDA

All questions concerning this RFP must be submitted In Writing no later than 5:00 p.m. on March 9, 2012 to:

Tom Cinefro, Purchasing Coordinator
1000 City Center Circle, Port Orange, FL 32129
tcinefro@port-orange.org

The City will issue responses to inquiries and any other corrections or amendments it deems necessary in written addenda issued prior to the Proposal Due Date. Proposers should not rely on any representations, statements or explanations other than those made in this RFP or in any addendum to this RFP. Where there appears to be a conflict between the RFP and any addenda issued, the last addendum issued will prevail.

It is the proposer's responsibility to be sure all addenda were received. The proposer should verify with the designated contact persons prior to submitting a proposal that all addenda have been received. Proposers are required to acknowledge the number of addenda received as part of their proposals.

Written responses, in the form of an addendum, will be provided via the Demand Star website at:
www.demandstar.com

LATE PROPOSALS, LATE MODIFICATIONS AND LATE WITHDRAWALS

Proposals received after the Proposal Due Date and time are late and shall not be considered. Modifications received after the Proposal Due Date are also late and shall not be considered. Letters of withdrawal received after the Proposal Due Date or after contract award, whichever is applicable, are late and shall not be considered.

RFP POSTPONEMENT/CANCELLATION/WAIVER OF IRREGULARITIES

The City may, at its sole and absolute discretion, reject any and all, or parts of, proposals; re-advertise this RFP for new proposals; postpone or cancel, at any time, this RFP process; or waive any irregularities in this RFP or in the proposals received as a result of this RFP, or to accept that proposal which best serves the interest of the City.

COSTS INCURRED BY PROPOSERS

All expenses involved with the preparation and submission of proposals to the City, or any work performed in connection therewith shall be borne by the proposer(s). No payment shall be made for any responses received, nor for any other effort required of or made by the proposer(s) prior to commencement of work as defined by a contract approved by the City Council and the Redevelopment Agency.

EXCEPTION TO THE RFP

Proposers may take exceptions to any of the terms of this RFP unless the RFP specifically states where exceptions may not be taken. Should a proposer take exception where none is permitted, the proposal may be rejected as non-responsive. All exceptions taken must be specific, and the proposer must indicate clearly what alternative is being offered to allow the City a meaningful opportunity to evaluate and rank proposals.

Where exceptions are permitted, the City shall determine the acceptability of the proposed exceptions and the proposals will be evaluated based on the proposals as submitted. The City, after completing evaluations, may accept or reject the exceptions. Where exceptions are rejected, the City may request that the proposer furnish the services or goods as described herein, or negotiate an acceptable alternative.

The city council and the CRA reserve the right to negotiate and include in the contract any and all conditions and terms to the extent permitted by law, including but not limited to the requirements, restrictions and reservations as set forth in Section 163.380, Florida Statutes. The Proposer shall have a reasonable opportunity not to exceed 120 days, to complete conditions precedent to closing, relating to surveys, title and environmental assessments. All other proposed conditions precedent for the proposed contract terms shall be evaluated by the Proposal Evaluation Committee with a determination as to each condition precedent and the Proposal Evaluation Committee shall provide a recommendation to the city council on each of the proposed conditions precedent.

In the event that a condition precedent requires a legislative action by the governing body, including rezoning or other legislative action, the proposer shall be solely responsible for completing the application and all other requirements for such formal action as set forth in the City of Port Orange Ordinances and the Land Development Code; and the City shall not suffer any penalty or claim from the proposer in the event that the rezoning or other formal action is not approved.

PROPRIETARY INFORMATION

Responses to this Request for Proposals, upon receipt by the City, become public records subject to the provisions of Chapter 119 F.S., Florida's Public Records Law. If you believe that any portion of your response is exempt, you should clearly identify the specific documents for which confidentiality is claimed, and provide

specific legal authority of the asserted exemption. Any financial statement that an agency requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal for a road or any other public works project is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

MINIMUM QUALIFICATIONS OF PROPOSER

No proposal will be accepted by the City where insurance coverage is proposed by a person or organization which is not rated by at least one of the following rating firms or which has a rating from any one of the following rating firms which is less than the minimum rating specified below for that rating firm. Rating Firm Minimum Rating A. M. Best A.

WAIVER/REJECTION OF PROPOSALS

All reasonably responsive proposals will be considered. However, the City reserves the right to waive formalities or informalities in proposals, to reject, with or without cause, any or all proposals or portions of proposals, or to interview or not interview individual proposers, and to accept any proposal(s) or portions of proposals deemed to be in the best interest(s) of the City.

NEGOTIATIONS OF PROPOSALS

Based on the written proposals the City may elect to enter into negotiations with one or more of the proposers. If the City and the selected proposer(s) cannot negotiate a successful contract, within one hundred and twenty (120) days after selection, the City may terminate said negotiations upon written notice to the first selected proposer. No proposer shall have any rights against the City arising from such negotiations or the failure to enter into a contract. Upon expiration of the 120 days of negotiations with the first selected proposer the city council and the CRA may, in their sole discretions, elect to continue negotiations with the first selected proposer for an additional specified period of time; or to terminate negotiations with the first selected proposer; or to negotiate with another proposer selected by city council who confirms in writing a willingness to negotiate with the city based upon the proposal submitted in this RFP No. 12-2; or to terminate all negotiations pursuant to this RFP No. 12-2. Upon selection, the proposed shall enter into contract negotiations based upon the proposal and shall diligently meet with city representatives for the next 120 days unless otherwise extended by the city council and the CRA.

RULES, REGULATIONS AND LICENSING REQUIREMENT

The proposer shall comply with all laws, ordinances and regulations applicable to the services contemplated herein, including those applicable to conflict of interest and collusion. Proposers are presumed to be familiar with all Federal, State and local laws, ordinances, codes and regulations that may in any way affect the services offered.

REVIEW OF PROPOSALS

Each proposal will be reviewed to determine if the proposal is responsive to the submission requirements outlined in the RFP. A responsive proposal is one which follows the requirements of the RFP, includes all required documentation, is submitted in the format outlined in the RFP, is of timely submission, and has the appropriate signatures as required on each document. Failure to comply with these requirements may deem your proposal non-responsive. A CRA Proposal Evaluation Committee has been established to review and evaluate all proposals submitted in response to this RFP. The committee shall conduct a preliminary evaluation of all proposals on the basis of the information provided with the proposal and other evaluation criteria as set forth in the RFP. Based on this review, the highest rated proposer(s) will be evaluated in detail.

RECORDS/AUDIT

The proposer shall maintain records sufficient to document their completion of the scope of services as a public record and as a requirement of the Contract. These records shall be subject at all reasonable time to review, inspect, copy and audit by persons duly authorized by the City. These records shall be kept for a minimum of three (3) years after completion of the Contract and in accordance with the requirements of public records retention as prescribed by general law. Records which relate to any litigation, appeals or settlements of claims arising from performance under this requirement shall be made available until a final disposition has been made of such litigation, appeals, or claims.

INVESTIGATION OF ALLEGED WRONGDOINGS, LITIGATION/ SETTLEMENTS/FINES/PENALTIES

The City Council and CRA specifically requests that responders to this document indicate in writing any investigations of wrongdoings, litigation and/or settlements, and fines or penalties (anywhere in the U.S) involving Proposer and any governmental entity.

CONDUCT OF PROPOSERS

All submitters or individuals acting on behalf of submitters are hereby prohibited from lobbying or otherwise attempting to persuade or influence any member of the CRA Proposal Evaluation Committee, City Council members, CRA members or staff at any time during the course of the solicitation process. The solicitation process shall end upon issuance of the written City Manager and staff recommendation for selection of a proposer. All submitters or individuals acting on behalf of submitters are further prohibited from contacting or otherwise attempting to communicate with any member of the staff, the CRA Proposal Evaluation Committee, City Council members, or CRA members regarding the pending solicitation or its outcome until after the issuance of the written recommendation of the most qualified submitters. Until such recommendation is issued in writing, any questions regarding the pending solicitation shall be channeled through the Office of Purchasing. Failure to comply with this procedure shall result in rejection/disqualification of said submittal without exception. Contact with staff, CRA members, City Council members and the CRA Proposal Evaluation Committee during a public meeting shall not be considered a violation of this requirement.

EVALUATION CRITERIA

Once received, proposals will be reviewed and evaluated by the CRA Proposal Evaluation Committee based upon the criteria set forth in the RFP and the following:

<u>Selection Criteria</u>	<u>Maximum points awarded</u>
Location and size shall be deemed to include contiguity and compactness.	
Location, Size, and Value of Proposer Donated Property	50
Location, Size and Value of Property offered for Sale or Exchange	25
Location, Size and Value of City/CRA Property sought in Exchange	25
Ability to Close within 120 Days after contracting	25

CONFLICT OF INTEREST

The award hereunder is subject to the provisions of Chapter 112, Florida Statutes. All proposers must disclose with their proposal the name of any officer, director, or agent who is also an employee of the City. Further, all proposers must disclose the name of any employee who owns, directly or indirectly, an interest in the proposer’s firm or any of its branches. The proposer shall not compensate, in any manner, directly or indirectly, any officer, agent, or employee of the City for any act or service that he/she may do, or perform for, or on behalf of any officer, agent or employee of the proposer. No officer, agent, or employee of the City shall have any interest, directly or indirectly, in any contract or purchase made, or authorized to be made by anyone for, or

on behalf of the City. The proposer shall have no interest and shall not acquire any interest that shall conflict in any manner or degree with the performance of the services required under this RFP.

LEGAL REQUIREMENTS

Applicable provision of all Federal, State, county and local laws, and all ordinances, rules, and regulations shall govern development, submittal and evaluation of all proposals received in response hereto and shall govern any and all claims and disputes which may arise between person(s) submitting a response to RFP hereto and the City by and through its officers, employees and authorized representatives, or any other person, natural or otherwise; and lack of knowledge by any bidder shall not constitute a cognizable defense against the legal effect thereof.

PUBLIC ENTITY CRIMES STATEMENT

Proposers are hereby notified about Section 287.133(2)(a), Florida Statutes, which requires that:

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

STATE LICENSING REQUIREMENT

All entities defined under Chapters 607, 608, 617 or 620, Florida Statutes, seeking to do business with the City shall be on file and in good standing with the State Of Florida’s Department of State.

The offeror shall have, prior to making this offer, met the license, certification, and any other requirements of the state, county, city and/or other agency of authority with jurisdiction in such matters and should provide copies of documentation which evidence such qualifications with your response to this RFP; and, that the offeror shall provide follow-up evidence that the contractor maintains such credentials throughout the period of the agreement.

A copy of a current certificate of authority from the Secretary of State authorizing your company to do business in the State of Florida; or other evidence of legal authority to do business in the state, county, city and/or any other agency of authority should be provided with your response to this RFP. Information concerning certification with the Secretary of State can be obtained at <http://ccfcorp.dos.state.fl.us/index.html>.

Failure to provide evidence of current licensure, certification or other evidence of legal authority to do business in the matters of this RFP shall render your offer non-responsive.

USE OF PROPOSAL FORMS

Proposers should complete the appropriate Proposal Form(s) included in the RFP. All blanks on the Proposal Forms should be completed. If a question or confirmation is not applicable, it should be answered with an "N/A."

Supplemental information may be attached to the Proposal Forms. Failure to fully complete the appropriate Proposal Forms may result in disqualification of your proposal.

If additional space for a response is required, attach an additional page to the page on which the question is stated. Clearly identify the number of the question to which the response is attached. Further, if additional Proposal Form pages are needed, photocopy or replicate as appropriate, and attach such additional pages to the page on which the question or chart is stated.

The signature on the Authorized Person or Entity must be that of an officer, partner or a sole proprietor of the entity making the proposal. The original proposal, and each copy submitted, should contain an original signature on the Proposer's Acknowledgement Form contained in each Proposal Form.

IRREVOCABILITY OF PROPOSAL

Each proposer agrees that proposals shall remain open until the effective date not to exceed 120 days after selection, shall not be subject to revocation, and shall be subject to the City Council's acceptance of a contract with the proposer.

CONTRACT

The City anticipates entering into a contract with the proposer within one hundred twenty (120) days after selection has been made. The proposer understands that this RFP does not constitute an agreement or a contract with the proposer. An official contract or agreement is not binding until proposals are reviewed and accepted by the City Council and executed by all parties. All proposers shall honor their proposal for 120 days after selection of the first proposer. The City shall advertise the City Councils and the CRA's intent to accept a signed written contract proposal for 30 days prior to consideration by the City Council and the CRA.

CITY OF PORT ORANGE



Section III

Common Contract Provisions

SECTION III

COMMON CONTRACT PROVISIONS

HOLD HARMLESS/INDEMNIFICATION PROVISION

Upon execution of a contract, the successful proposer shall hold harmless, indemnify and defend the City of Port Orange, its members, officials, officers and employees against any claim, action, loss, damage, injury, liability, cost and expense of whatsoever kind or nature (including, but not by way of limitation, attorneys' fees and court costs) arising out of or incidental to the performance of the contract, whether or not due to or caused by negligence of the City of Port Orange, its members, officials, officers or employees. This contract requirement shall be reflected in the insurance coverage certificate.

CITY OF PORT ORANGE



Section IV

Scope

SECTION IV

SCOPE

SCOPE

I. City and CRA Properties Available for Sale or Exchange to Facilitate Public Park Development within and east of Halifax Drive and Private Redevelopment west of Halifax Drive

The subject properties are located within the area depicted in Appendix "B". Title to the City and CRA property shall be transferred by Special Warranty Deed(s) subject to title exceptions as provided in Appendix "F". The exceptions set forth in Appendix "F" shall not be deemed title defects. Proposers shall transfer fee simple title by warranty deed. The costs of title insurance for the root of title and preparation of the deed(s) shall be the expense of the property owner. All other costs of closing including documentary stamp tax for all property exchanges shall be the expense of the proposer. The City reserves the right to incorporate in the negotiated contract, the standard Florida Association of Realtors and the Florida Bar contract terms and conditions to the extent that the standard form does not conflict with the terms of this RFP or the negotiated contract. The City and CRA make no representations or warranties regarding the status of title with respect to any of the real property that is the subject of this RFP.

II. Proposal Content & Requirements

The following describes certain information that the City and Agency requires for submissions in response to this RFP. Failure to provide any of the information listed below may be cause for rejection of the proposal. The proposer shall submit one (1) original and two (2) copies of the proposal, plus one (1) electronic copy of all documents in .PDF format:

- a) The proposer shall identify the portion or portions of the Riverwalk Redevelopment Project Area the proposer is seeking to acquire and the nature of the acquisition (purchase, sale, and/or lease) from the City/CRA by parcel number or by survey if the property is part of a parcel.
- b) The proposer shall identify the lands within and east of Halifax Drive that will be donated, sold, exchanged or otherwise conveyed to the City/CRA in furtherance of the City/CRA park development.
- c) The proposer shall submit proof of ownership and authority to transfer real property interests by an irrevocable certificate of encumbrance of all persons or entities with a property interest for any properties proposed for sale or exchange with the City /CRA.
- d) For parcels offered for sale or exchange, the proposer shall agree to sell or exchange values determined by up to two (2) mutually selected MAI Appraisers from the *State Lands Approved Appraiser List* maintained by the FDEP Division of State Lands, Bureau of Appraisal. The appraisals shall be based upon the current land use, zoning and existing use of the property.
- e) The proposer shall agree to incur all expenses associated with preparation of surveys and deeds and title insurance associated with the property the proposer offers to sell or exchange with the City/CRA. The City/CRA shall pay 100% of the expenses associated with the preparation of title insurance, surveys and deeds associated with property donations to the City/CRA and lands the City/CRA elects to transfer.
- f) The proposer shall sign and submit the "Proposer Acknowledgement Form" and "Exhibits 1-4".

III. Pre-Submittal Meeting

A pre-submittal meeting will be held at 2:00 p.m. on February 17, 2012 at the Port Orange City Hall, City Council Chambers/1st Floor, 1000 City Center Circle, Port Orange Florida 32129. Attendance is non-mandatory. Please note: This shall be a public meeting and shall be an opportunity for prospective respondents to directly address City and CRA staff regarding this RFP.

IV. Selection Criteria, Basis for Evaluation & Other Requirements

The City and CRA desire to acquire all of the land that lies east of Halifax Drive for public use and public purpose. The City and CRA is willing to sell, trade or otherwise exchange property it owns west of Halifax Drive, south of Ocean Avenue, to accomplish this objective. Respondents to this RFP must be able to demonstrate legally authority to sell or trade property lying east of Halifax Drive in furtherance of the City/CRA objective.

V. Timeline

The schedule for the Request for Proposals is as follows:

Release RFP to proposers (date of publication/notice)	February 13, 2012
Pre-Proposal Conference (non-mandatory)	February 17, 2012 2:00 p.m.
Deadline for Questions	March 9, 2012 5:00 p.m.
Proposal Submission Deadline (written)	March 14, 2012 2:30 p.m.
Interviews & Ranking of Proposals	March 27, 2012 5:00 p.m.
Presentations to City & CRA	April 3, 2012
Approval of Selected Proposer (date of selection)	April 17, 2012
Negotiation (no later than)	August 15, 2012
CRA/City Council meeting to authorize advertising	August 28, 2012
Notification of intent to accept contract offer (signed/written)	September 4, 2012
CRA notice to Council	September 4, 2012
City Council/CRA consideration of contract	October 16, 2012

Negotiation of contract shall be within 120 days after approval of proposers as selected by City Council and CRA.

CITY OF PORT ORANGE



Exhibit 1: Public Entity Crime Form

Exhibit 2: Anti Collusion Statement Bid Form

Exhibit 3: Drug Free/Tie Preference Statement

Exhibit 4: Authorization for Release of Information

EXHIBIT 1

PUBLIC ENTITY CRIME FORM

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

_____ Authorized Agent or Official for _____ by signing below hereby certifies that neither he/she nor the firm of _____ is or has been placed on the convicted vendor list, now or within the period of thirty-six (36) months.

Signed By: _____

President/Authorized Agent or Official

Witnessed By: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2012, by _____, President, Authorized Agent or

Official of _____ a Florida Company, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

Notary Public, State of Florida

Commission No. _____

EXHIBIT 2

ANTI-COLLUSION STATEMENT BID FORM:

By Signing this form, the bidder agrees that this bid is made without any other understanding, agreement, or connection with any person, corporation, or firm submitting a proposal for the same purpose and that the proposal is in all respects fair and without collusion or fraud.

SIGN in ink in the space provided below. Unsigned bids will be considered incomplete, and will be disqualified, and rejected.

IT IS AGREED BY THE UNDERSIGNED BIDDER THAT THE SIGNING AND DELIVERY OF THE BID REPRESENTS THE BIDDERS ACCEPTANCE OF THE TERMS AND CONDITIONS OF THE FOREGOING SPECIFICATIONS, CONTRACT AND PROVISIONS, AND IF AWARDED, THIS CONTRACT WILL REPRESENT THE AGREEMENT BETWEEN THE BIDDERS AND THE CITY OF PORT ORANGE.

NAME OF FIRM: _____

SIGNED BY: _____
(MUST BE SIGNED BY A COMPANY OFFICER OR AUTHORIZED AGENT)

PRINTED SIGNATURE: _____

TITLE: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: _____ FAX: _____

COMPLETION TIME: _____

F.E.I.N. UMBER: _____

NO bid may be withdrawn for a period of sixty- (60) days subsequent to the submittal of the bids, without the consent of the City of Port Orange.

NO BID (REASON): _____

EXHIBIT 3

DRUG FREE/TIE PREFERENCE STATEMENT

In the event of a tie bid a preference is given to vendors submitting a certification with their bid/proposal certifying they have a drug-free workplace in accordance with Section 287.087, Florida Statutes. This requirement affects all public entities of the State and becomes effective January 1, 1991. The special conditions are as follow:

IDENTICAL TIE BIDS - Preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids which are equal with respect to price, quality, and service are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drugfree workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

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

PROPOSER'S SIGNATURE



EXHIBIT 4
Authorization for Release of Information
CITY OF PORT ORANGE

Authorization for Release of Information

I, _____, do hereby authorize a review of and full disclosure of all records concerning myself to any duly authorized agent of the City of Port Orange, Florida, whether said records are of a public, private or confidential nature.

The intent of this authorization is to give my consent for full and complete disclosure of a criminal background check, financial or credit institution, including records of loans, the records of commercial or other financial statements and records wherever filed.

I understand that any information obtained by a personal history background investigation which is developed directly or indirectly, in whole or in part, upon this release authorization will be considered in determining my suitability as a contractor for the City of Port Orange. I also certify that any person(s) who may furnish such information concerning me shall not be held accountable for giving this information, and I do hereby release said person(s) from any and all liability which may be incurred as a result of furnishing such information.

I release the City of Port Orange and/or its agents and any person or entity, which provides information pursuant to this authorization from any and all liabilities, claims or law suits in regard to the information obtained from any and all of the above referenced sources used.

The following is my true and legal name and all information is true and correct to the best of my knowledge.

A photocopy of this Release Form will be valid as an original thereof, even though the said photocopy does not contain an original writing of my signature.

 Full Printed Name

 Other Name

 Present Address

 City, State, Zip

 How Long?

 Driver License Number

 State Issued

 Social Security Number

 Date of Birth

 Signature

 Date

CITY OF PORT ORANGE

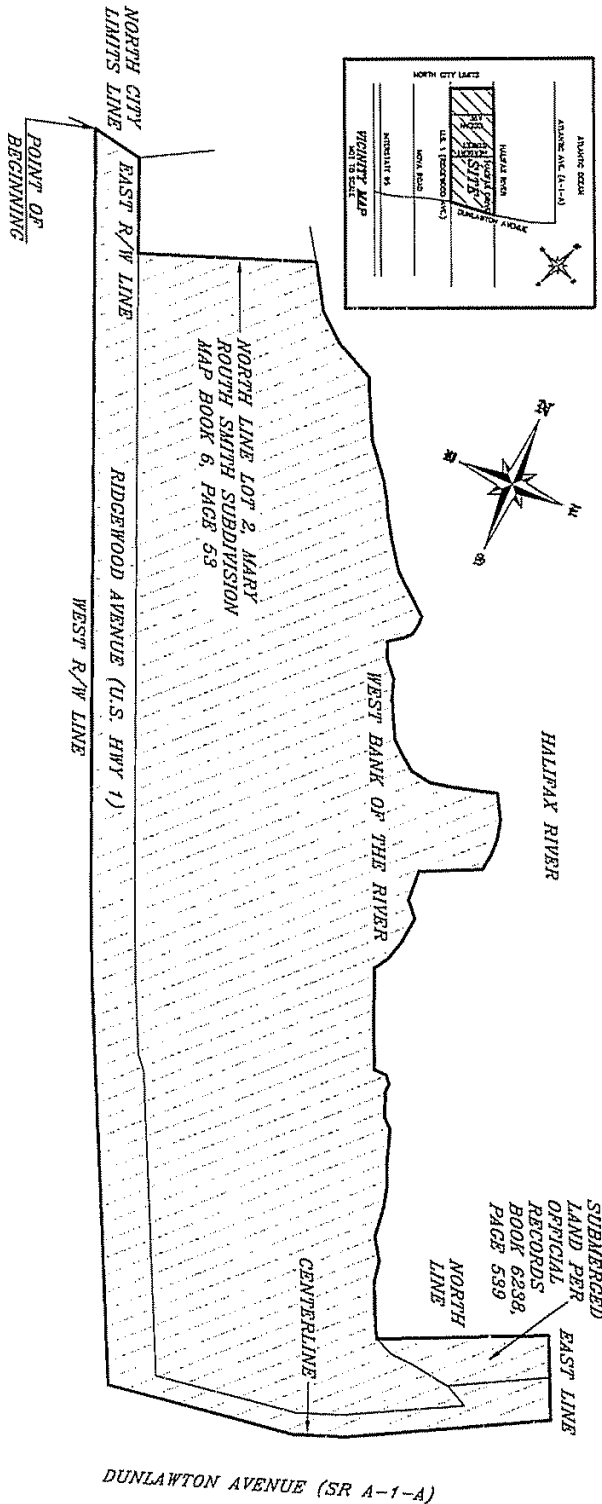
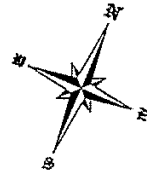
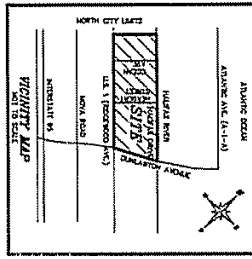


APPENDICES

- A: Sketch & Legal of Riverwalk Project Area
- B: Riverwalk Property Exchange Map
- C: Conceptual Development Plan for Riverwalk Project Area
- D: Comprehensive Plan Provisions regarding Riverwalk Project Area
- E: Land Development Code Provisions regarding Riverwalk Project Area
- F: Real Property Title Exemptions
- G. Public records Exemption Statement

APPENDIX “A”

A: Sketch & Legal of Riverwalk Project Area



DESCRIPTION
 A PARCEL OF LAND WITHIN THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
 BEGIN AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF RIDGEWOOD AVENUE (U.S. HIGHWAY NO. 1) WITH THE NORTH LINE OF THE CITY LIMITS OF THE CITY OF PORT ORANGE, FLORIDA; THENCE EASTERLY ALONG SAID NORTH LINE TO THE EAST RIGHT OF WAY LINE OF SAID RIDGEWOOD AVENUE; THENCE SOUTHERLY ALONG SAID EAST RIGHT OF WAY LINE TO THE NORTH LINE OF LOT 2, MARY ROUTH SMITH SUBDIVISION, AS RECORDED IN MAP BOOK 6, PAGE 53, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE EASTERLY ALONG SAID NORTH LINE TO THE WEST BANK OF THE HALIFAX RIVER; THENCE SOUTHERLY ALONG SAID WEST BANK TO THE NORTH LINE OF SAID SUBMERGED LAND PER DEED RECORDED IN OFFICIAL RECORDS BOOK 6238, PAGE 539, SAID PUBLIC RECORDS; THENCE EASTERLY ALONG SAID NORTH LINE TO THE EAST LINE OF SAID SUBMERGED LAND; THENCE SOUTHERLY ALONG SAID EAST LINE AND ITS EXTENSION SOUTHERLY TO THE CENTERLINE OF DUNLAWTON AVENUE (STATE ROAD A-1-A); THENCE WESTERLY ALONG SAID CENTERLINE TO THE WEST RIGHT OF LINE OF SAID RIDGEWOOD AVENUE; THENCE NORTHERLY ALONG SAID WEST RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

SLIGER & ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 LICENSED BUSINESS CERTIFICATION NO. 3019
 3921 NOVA ROAD
 PORT ORANGE, FL 32127
 (386) 781-5585
 www.sligerandassociates.com
 Copyright © 2010 Sliger & Associates, Inc.

FOR: **CITY OF PORT ORANGE**

SKETCH OF DESCRIPTION ONLY
 NOT A BOUNDARY SURVEY

JOB #10-0394

SCALE 1" = 300' FIELD BOOK PAGE

SHEET 1 OF 2

LEGEND

- IRON ROD WITH CAP
- IRON PIPE
- CONCRETE MONUMENT
- PERMANENT REFERENCE MONUMENT
- ▲ PERMANENT CONTROL POINT
- (R) RADIAL LINE
- (N) NON-RADIAL LINE
- (E) EXISTING ELEVATION
- (P) PROPOSED ELEVATION



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 PORT ORANGE, FL. 32127
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www.sligerassociates.com

SURVEYOR'S NOTES

1. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY/SKETCH OF DESCRIPTION THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY/SKETCH PREPARED WITHOUT BENEFIT OF AN ABSTRACT.
2. DESCRIPTION PREPARED BY SLIGER & ASSOCIATES, INC. MAY 7, 2010

NOTE:
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

REFERENCE: PORT ORANGE RIVER WALK

PLAT PREPARED FOR THE FOLLOWING: (ONLY THE LAST DATE IS CERTIFIED ON SEALED COPY)

THIS PLAT OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS LISTED BELOW. ON THE MOST CURRENT DATE. AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER.

TYPE OF SURVEY	CERTIFIED TO	DATE	JOB NUMBER
SKETCH OF	CITY OF PORT ORANGE, FLORIDA	5/7/10	10-0394
DESCRIPTION	NOT CERTIFIED TO ANY ENTITIES AND/OR INDIVIDUALS OTHER THAN THOSE LISTED ABOVE.		

SHEET 2 OF 2

VALID WITH SIGNATURE & EMBOSSED SEAL ONLY

FOR: **CITY OF PORT ORANGE**

SKETCH OF DESCRIPTION	DATE	JOB NO.	P.C.	DRW.	CHECKED BY
BOUNDARY SURVEY	MAY 7, 2010	10-0394		JZ	JZ
TOPOGRAPHIC SURVEY					
FOUNDATION LOCATED					
FINAL IMPROVEMENTS					
RECERTIFICATION					
PROPOSED HOUSE LOCATION					

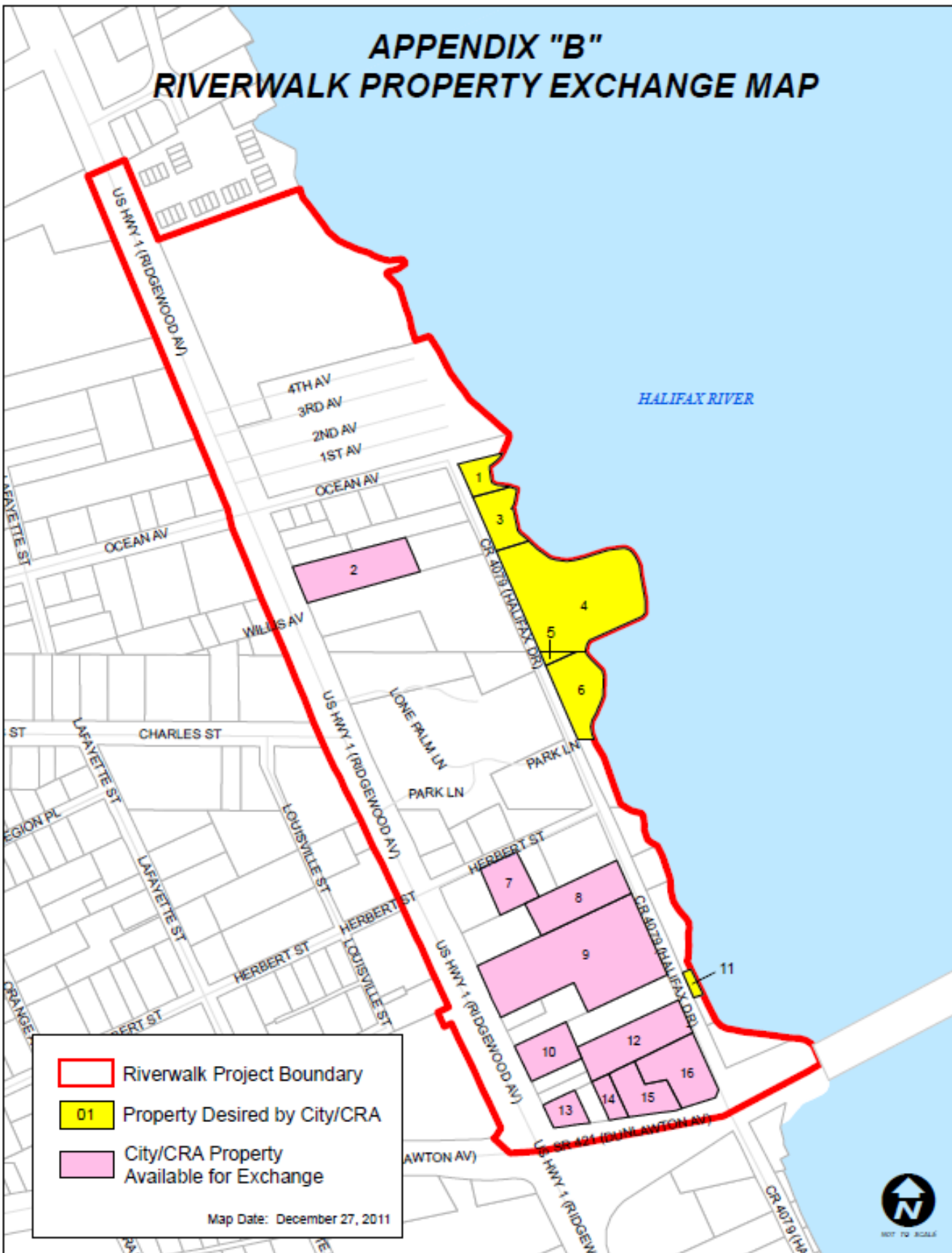
I HEREBY CERTIFY THAT THIS PLAT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61C17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

STEPHEN B. SLIGER, P.L.S. NO. 3794
 J.E. ZAPERT, P.L.S. NO. 4046
 CLYDE J. VAN KLEECK JR., P.S.M. NO. 6149
 STEVEN T. KRUGER, P.L.S. NO. 4722
 MICHAEL S. MURPHY, P.S.M. NO. 6208

APPENDIX “B”

B: Riverwalk property exchange map

APPENDIX "B" RIVERWALK PROPERTY EXCHANGE MAP



Appendix “B” Riverwalk Property Exchange Map Key

<u>MAP</u>	<u>ID PARCEL</u>	<u>ID PROPERTY ADDRESS</u>	<u>OWNER NAME</u>	<u>ACRES</u>
1	630304000010	3512 HALIFAX DR PORT ORANGE 32129	PORT ORANGE RIVER WALK LLP	0.17
2	630310020030	3571 RIDGEWOOD AV PORT ORANGE 32129	COMM REDEVELOPMENT AGENCY FOR	0.72
3	630310020024	3557 HALIFAX DR DAYTONA BEACH 32129	HALIFAX RIVER PARTNERS LLC	0.32
4	630310020041	3633 HALIFAX DR DAYTONA BEACH 32129	HALIFAX RIVER PARTNERS LLC	1.79
5	630316000011	HALIFAX DR PORT ORANGE 32129	HALIFAX RIVER PARTNERS LLC	0.04
6	630316000010	3664 HALIFAX DR PORT ORANGE 32129	HALIFAX RIVER PARTNERS LLC	0.50
7	630311020072	110 HERBERT ST PORT ORANGE 32129	CITY OF PORT ORANGE	0.34
8	630311020061	3840 HALIFAX DR PORT ORANGE 32129	COMMUNITY REDEVELOPMENT AGENCY	0.59
9	630311020050	RIDGEWOOD AV PORT ORANGE 32129	CITY OF PORT ORANGE	2.03
10	630311020030	RIDGEWOOD AV PORT ORANGE 32129	CITY OF PORT ORANGE	0.36
11	630311020031	3900 HALIFAX DR DAYTONA BEACH 32129	PORT ORANGE RIVER WALK LLC	0.04
12	630311020020	3920 HALIFAX DR PORT ORANGE 32129	COMMUNITY REDEVELOPMENT AGENCY	0.67
13	630311020090	3999 RIDGEWOOD AV PORT ORANGE 32127	COMMUNITY REDEVELOPMENT AGENCY	0.18
14	630311020013	DUNLAWTON AV PORT ORANGE 32127	COMMUNITY REDEVELOPMENT AGENCY	0.42
15	630311020011	DUNLAWTON AV PORT ORANGE 32127	COMMUNITY REDEVELOPMENT AGENCY	0.36
16	630311020010	3966 HALIFAX DR PORT ORANGE 32127	COMMUNITY REDEVELOPMENT AGENCY	0.55

Note: Acreage is not surveyed and is approximate.

APPENDIX “C”

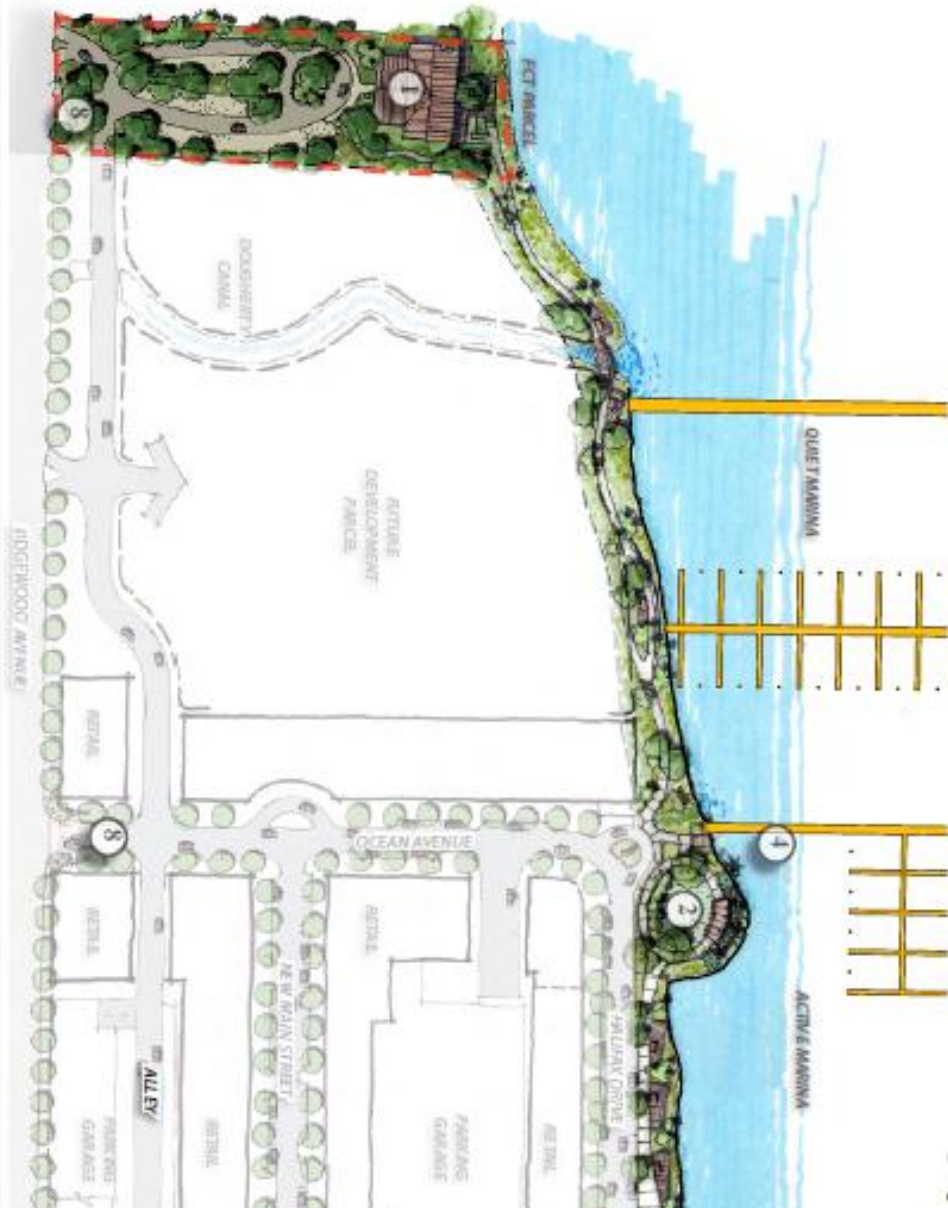
C: Conceptual Development Plan for Riverwalk Project Area

C Conceptual Park Master Plan

The Riverwalk Park Master Plan, shown here in a graphic representation of the park components and concepts articulated by the Park Design Parameters and the Program. The Park Master Plan contains the ideas and elements developed during design workshops and reviews with the other City staff and Master Development Team consultants.

Following is a "walk-through" of the Plan from north to south starting at the enclosed Riverside Pavilion Site and concluding at the southern terminus of the Park.

- 1 Riverside Pavilion
- 2 Neighborhood Park with Overlook
- 3 Promenade with Harbormaster
- 4 Public Marina Access
- 5 Riverwalk Pier
- 6 Frost Lanes
- 7 Meadows
- 8 Gateway



APPENDIX “D”

D: Comprehensive Plan Provisions regarding Riverwalk Project Area

Reference: The City of Port Orange website link below:

<http://www.port-orange.org/pages/community%20development/comprehensive%20plan%20update.php>

APPENDIX “E”

E: Land Development Code Provisions regarding Riverwalk Project Area

Reference: The City of Port Orange Land Development Code provisions available on-line. Reference the link below:

http://library.municode.com/html/12297/level2/ladeco_ch17zodire.html#ladeco_ch17zodire_s30plcoorridi

APPENDIX “F”

F: Real Property Title Exceptions

All Appendix “F” documents: Reference the link below:

http://www.port-orange.org/documents/finance/Riverwalk_Appendix_F_NEW_1-19-12.pdf

APPENDIX “G”

G: Public Records Exemption Statement

Florida Statutes 119.071(1)(c)

Any financial statement that an agency requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal for a road or any other public works project is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

On June 2, 2011, Governor Scott signed HB 7223 into law. This new legislation amends Florida's Public Records and Sunshine Laws, by expanding "exemptions" applicable to bids, proposals and replies to sealed competitive solicitations, and closes evaluation meetings from the public in certain instances.

First, Section 119.071, Florida Statutes was amended to provide that sealed bids, proposals, or replies received by a Florida public agency shall remain exempt from disclosure until an intended decision is announced or until 30 days from the opening, whichever is earlier. This means that bidders will not be able to procure a copy of their competitor's bids until an intended decision is reached or 30 days has elapsed since the time of the bid opening. The prior version of the law provided for a 10 day exemption.

Next, Section 286.0113, Florida Statutes was amended to provide that meetings of persons appointed to evaluate bids or proposals and negotiate contracts shall be closed in certain circumstances. Specifically, ***portions of such meetings*** may now be closed to the public during oral presentations made by a vendor, or where a vendor answers questions. In other words, neither bidders, nor the public will be permitted to sit in on meetings wherein their competitors are making presentations or discussing their bid or proposal with the committee members. The portions of these meetings must still be recorded and are subject to disclosure at the time of an intended award decision or within 30 days of the bid or proposal opening, whichever is earlier. Portions of the meetings that do not involve presentations, questions and answers, or negotiation strategy or negotiation sessions are still open to the public and competing bidders, but the new law makes it more difficult to observe the entire decision making process until after the records become available for inspection and copying.