

RECEIPT OF AN UNSOLICITED PROPOSAL

Village of Palmetto Bay
9705 East Hibiscus Street



TITLE:

Notice of Receipt – Unsolicited Proposal for **Mixed-Use Downtown Development for Village of Palmetto Bay**

UP NO.:

1819-00-002

DUE DATE:

Tuesday, December 11th, 2018 at 3:00pm (Municipal Building)

ISSUED:

Wednesday, October 24th, 2018

ISSUED BY:

Procurement Specialist
Litsy C. Pittser
Village Managers Office – Procurement Division
9705 E. Hibiscus Street
Palmetto Bay, Florida 33157
305-259-1234
LPittser@palmettobay-fl.gov

PUBLIC NOTICE

Village of Palmetto Bay

Notice of Receipt of an Unsolicited Proposal to develop a Parking Garage and Mixed-Use Development in the Village of Palmetto Bay

No. 1819-00-002

NOTICE IS HEREBY GIVEN that the Village of Palmetto Bay, Florida, a Municipal corporation of the State of Florida, has received an unsolicited proposal for a qualifying public-private partnership (PPP) in accordance with Florida Statutes Section 255.065 for a 500 space parking garage with a mixed use development (“the Project”) to be developed and operated on public land in downtown Palmetto Bay as a ground lease agreement. The unsolicited proposal also includes an entertainment component and a 190-key hotel, both privately owned and operated, and will serve to enhance the parking garage. The Village requests, and in accordance with Florida Statute Section 255.065, will accept alternative proposals for the Project until Tuesday, December 11th, 2018.

Individuals or entities wishing to submit alternative proposals for the Project may do so by delivering sealed proposals to: Village of Palmetto Bay, Village Clerk’s Office, Attn: Missy Arocha, 9705 E. Hibiscus Street, Palmetto Bay, Florida 33157. Each sealed proposal should be clearly marked on the outside: “Sealed Proposal- Mixed Use Downtown Development”.

All proposals must be timely submitted no later than 3:00pm on December 3rd, 2018 and must contain the information and requirements set forth under Florida Statute Section 255.065 and the additional submission requirements required by the Village of Palmetto Bay, as provided below. Any proposal received after 3:00 pm on December 11th, 2018 will not be opened or considered. Responsibility for submitting timely proposals rests solely with Proposers; the Village will not be responsible for any delays caused by mail, courier service or other occurrence.

Proposals will be ranked by order of preference by the Village. In ranking the proposals, the Village may consider factors in accordance with Florida Statute Section 255.065 including, but not limited to, professional qualifications, general business terms, innovative design and techniques, energy efficiency, cost reduction terms and finance plans. A more complete listing of the factors and requirements that the Village may consider can be obtained on October 24th 2018. Documents can be downloaded through the Village website www.palmettobay-fl.gov, tab “business”, and then click Bids&RFP’s.

The Village reserves the right to reject any or all proposals, or as provided under Florida Statue Section 255.065, to award and negotiate an interim agreement and/or comprehensive agreement with the firm whose proposal best serves the interest of the Village. Nothing contained herein shall be interpreted as an obligation or binding agreement by the Village regarding the Project.

The Village's Cone of Silence will be in effect during the procurement process in accordance with Section 2-138 of the Village of Palmetto Bay Code. All communications regarding the Project shall be addressed in writing via email to Lpittser@palmettobay-fl.gov; Litsy C. Pittser., Procurement Specialist.

All proposals received in response to this Notice will become the property of the Village of Palmetto Bay and will not be returned. Such proposals and related information shall be subject to applicable provisions of the Florida Public Records Law.

The Village will post notice of a decision or proposed decision regarding contract on the Village of Palmetto Bay website.

Preparation and costs incurred by the Proposer in developing the submittal shall be solely the responsibility of the Proposer.

SECTION 01 INSTRUCTIONS TO RESPONDENTS & GENERAL CONDITIONS

1. General

This Proposal Requirements Document (“UP” or “Request”) is issued by the Village of Palmetto Bay, Florida (the “Village”), pursuant to Florida Statute Section 255.065, notifying interested parties that it has received an unsolicited proposal for the development of a parking garage and a mixed-use development in Palmetto Bay as a public-private partnership (the “Project”). The Village of Palmetto Bay (the “Village”) will accept other Proposals from qualified firms to deliver the Project and design, build, finance, operate and maintain the Project in accordance with the specifications set forth in this UP (“Proposal”). There are no Village funds allocated for this project. The Village’s project contribution is strictly land as part of a ground lease agreement with Developer. All correspondence to this Request shall be emailed to Litsy C. Pittser, procurement specialist at LPittser@palmettobay-fl.gov.

2. Background

The Village is a vibrant community of more than 24,000 residents who enjoy a beautiful surroundings and a family-oriented atmosphere. It was incorporated in 2002 as the 33rd municipality in Miami Dade County. The Village extends from the centerline of SW 136th Street, south to the centerline of SW 184th Street; expanding west to the centerline of South Dixie Highway, including the center “Commercial Island” and east to Biscayne Bay.

The Village is considering the possible construction of a mixed-use parking garage facility at a Village of Palmetto Bay owned property (Folio # 33-5032-004-3120 along its “Commercial Island”, located between US1 and Franjo Road (SW 97th Ave), east west direction and Hibiscus Street and the intersection of US1 and Franjo Road (SW 97th Avenue), as well as (2) privately owned properties (Folio # 33-5032-004-3180 and Folio # 33-5032-004-3200)

The Village of Palmetto Bay has been working on the revitalization of what is currently known as the Downtown Urban Village. To date, the Village has spurred construction with new developments as well as projects under review at the Planning and Zoning Department.

The Village has conducted several studies on the existing conditions of parking and parking for current and future land developments. In February 2015, a Village traffic study report was prepared by Marlin Engineering to assist the Village in determining the public parking needs, inclusive of parking needs for the municipal building, future community developments and developments in the surrounding areas.

The Traffic Report can be found on the Web at:

<https://www.palmettobay-fl.gov/DocumentCenter/View/2933/Traffic-Impact-Analysis-for-Downtown-Palmetto-Bay--February-2015>

On April 2014, a Downtown Economic and Market Assessment study prepared by Lambert Advisory was also conducted to determine possible land uses within the Village which would contribute to the economic vitality of the Village and its residents.

The Downtown Master Plan Economic and Market Assessment can be found on the Web at

<https://www.palmettobay-fl.gov/DocumentCenter/View/2937/Downtown-Economic-and-Market-Assessment-Report>

DUV Zone- Downtown Urban Village is a zoning district within the Village Zoning Code. The DUV is intended to create and promote a new living and working environment in the heart of Palmetto Bay that will feature walkable and bike able streets, compact mixed-use buildings and convenient forms of transportation. For additional information on the DUV zone visit

<https://www.palmettobay-fl.gov/DocumentCenter/View/2619/Downtown-Urban-Village-Zoning-and-Land-Use-Code?bidId>

3. Scope

The Development initiative includes the construction of a mixed-use facility of a 450 space minimum parking garage, 20,000 sf commercial retail spaces, an entertainment component, open public spaces, and a 120-key minimum hotel component. At a minimum, the Project must include landscaping, enhanced lighting, roadway interface, streetscape improvements, sustainable practices and smart technologies. The parking structure will provide a min of 450 spaces, with 85 spaces being designated for Village Hall use and the balance of parking being used to support other land uses which can be developed on one or all parcels shown in the attached site plan (Attachment A). The mixed-use downtown development/parking garage component shall provide a pedestrian bridge connection to Village Hall Municipal Building in the future.

The Project shall incorporate enhanced pedestrian-oriented amenities and ground floor activation along Franjo and US1, promoting walkability, activating street corners catering to pedestrians.

The Project is expected to enhance the existing Village fabric by bringing all development to a higher aesthetic standard than the existing surrounding architecture. The development is intended to help the Village become a complete vibrant community.

The materials used to construct the Project are expected to be high quality, durable and sustainable. The focus is to create buildings which through materiality can create a sense of place for the revitalization of the Village's Downtown Area. We anticipate that materials will be used to complement the existing Village Hall Municipal Building as well as surrounding new developments.

The Village is a Certified Florida Local Government with a commitment towards a responsible, sustainable environment. Proposers are encouraged to develop the Project with sustainability in mind, a LEED certification is encouraged.

The Developer must include offsite infrastructure improvements necessary to provide adequate support for the Project. This effort will be coordinated with the Village's Public Service Department.

Additional Land Development Opportunity-

Parcel A in Attachment A is a Village owned parcel. The Respondent Proposer can develop the project scope on the full site or partial site. Parcel B and C in Attachment A are not Village owned, however, current land owners have provided a Letter of Intent indicating interest in making their property part of the Village's Mixed-Use Downtown Development Project.

If additional consideration of land development opportunity is contemplated by the Respondent Proposer, the Proposers shall include the additional land development opportunity into the project financial models for each parcel of land. Project models shall include but not limited to project cost, project use, interest rate, annual debt service, 20 year and 30 year re-payment plan, net revenues and net profit/loss (cash-flow). It is the Village's preference to expand the development on all 3 parcels.

The Project site can include three parcels. See (Attachment B) for survey information:

Parcel A- Folio # 33-5032-004-3120 Village Owned

Parcel B-Folio # 33-5032-004-3180 Owned by Hagan Properties LLC

Parcel C- Folio # 33-5032-004-3200 Owned by Dixie 176 Corporations

Parcel D- Folio # 33-5032-004-3120 Village Owned/ Village Hall Site

4. Schedule

Estimated Schedule

Issue of Request	October 24 th , 2018
Last Day to Submit Questions	December 5 th , 2018
Proposal Deadline	December 11 th , 2018

**** Schedule can be changed by the Village at its discretion****

Proposals Due **December 11th, 2018 3:00pm or earlier**
Attn: Missy Arocha
Village Clerk
9705 E. Hibiscus Street
Palmetto Bay, Florida 3315

5. Proposal Due Date

Proposals are to be received on or before 3:00 p.m. on December 11th, 2018. Any Proposal received after the deadline established for receipt of Proposals will be considered late and not be accepted or will be returned to Proposer unopened. The Village does not accept responsibility for any delays caused by mail, courier service or other occurrence.

6. Procurement Contact

Any questions or clarifications concerning this solicitation shall be submitted to the Procurement Contact noted below:

Procurement Contact: **Litsy C. Pittser** Telephone: **305-259-1234** Email: **LPittser@Palmettobay-fl.gov**

The Request title/number shall be referenced on all correspondence. **All questions or requests for clarification must be received no later than December 5th 2018 at 3:00pm.** All responses to questions/clarifications will be sent to all prospective Proposers in the form of an addendum.

7. Determination of Award

In ranking the proposals, the Village will consider factors in accordance with Florida Statue Section 255.065. The Village will appoint a selection committee to review all the submittals based on the evaluation criteria. The selection committee will individually rank each proposer in order of preference based on the factors set forth in this Request, including experience and qualifications of the proposing team, financial capacity to perform project, approach and methodology, capability to finance, construct, manage and operate, the quality of the performance of previous contracts and construction schedule. The highest ranked companies will be short listed and invited for an oral presentation to the Village Council. The selection committee will evaluate and score based on the following elements: proposed conceptual design, financial revenue model and capability of developer to deliver project. The highest ranked proposer score shall be forwarded to the Village Manager and Council with recommendations to start the negotiation process with the Village. As stated in Florida Statue Section 255.065, if the negotiations do not meet the expectations that would be beneficial for the Village of Palmetto Bay, the Village Manager will in turn stop the negotiation process with the highest ranked Proposer and will proceed to the next highest ranked Proposer. The Village may reject all proposals at any point in the process until a contract is executed.

The Selection Committee will be considering the following criteria:

- 40pts (1) Experience and Qualifications of the Proposing Team
- 25pts (2) Project Financial Model
- 20pts (3) Financial Capacity (Most Recent Financials in a separate envelope marked "Confidential").
- 15pts (4) Approach and Methodology and Construction Schedule

Total 100 pts.

The Short-Listed Proposers shall be prepared to go in front of Council and be able to do a presentation to include the following items that will be part of the grading criteria:

- 20pts (1) Conceptual Design
- 20pts (2) Financial Revenue Models – Buy Back Option for the Village
- 10pts (3) Overall Presentation

Total 50 pts.

8. Negotiations

Upon the selection of the highest ranked Proposer, the Village Manager will start the negotiating process with the selected Proposer via comprehensive agreement for delivery of the Project or any portions thereof, and which agreement shall, at a minimum, comply with Florida Statute Section 255.065 and the minimum requirements set forth herein. The agreement will require the Proposer to guarantee their performance and labor responsibilities with a 100% bond issued to the Village of Palmetto Bay. The Proposer will also include general liability insurance naming the Village of Palmetto Bay as the certificate holder. The agreement will also state that the Village has the right to terminate the agreement if the Proposer is in default of the minimum requirements or project delays that are not communicated nor agreed to by the Village. The Village of Palmetto has the right at any given time to review the project to see if the project meets the expectations stated by the Proposer's submittal. Any project delays will need to be immediately notified to the Village. It is also understood and acknowledged by the Proposer that no property, contract or binding rights of any kind shall be created at any time until and unless a final comprehensive agreement has been fully negotiated, approved by the Village Manager, and presented to Council for final approval and executed by the parties of said contract. The start date of the project after execution of the agreement will be stated and agreed during the negotiation process. A comprehensive agreement entered into with a successful Proposer shall be subject to and contingent upon environmental clearance/approval of Project components by applicable governmental entities. Notwithstanding the preceding, the Village is in no way obligated to enter into an interim agreement or comprehensive agreement with the selected Proposer in the event the parties are unable to negotiate a mutually acceptable agreement. The Village Manager can close the negotiations before a signed agreement has been executed if there is an impasse with the Proposer. The Village Manager will then formally close negotiations with the Proposer and proceed to start negotiations with the next ranked proposer.

9. Cone of Silence

Pursuant to Section 2-138 of the Village Code, all procurement solicitations once advertised and until written award recommendation has been forwarded by the village manager to the village council, are under the "Cone of Silence."

The Cone of Silence ordinance is available at:

https://www.municode.com/library/#!/fl/palmetto_bay/codes/code_of_ordinances?nodeId=COOR_CH2AD_ARTVOFEM_DIV2COINCOET_S2-138COSI.

Any communication regarding this solicitation shall be made in accordance with the Cone of Silence, the entirety of which is incorporated as if fully set forth herein.

Communication between a potential vendor, service provider, proposer, lobbyist, or Contractor and the Procurement Specialist named herein regarding this solicitation is exempt from the Cone of Silence, provided that the communication is limited strictly to matters of process or procedure already contained in the solicitation document

10. Public Records

Florida law provides that municipal records should be open for inspection by any person under Section 119, F.S. Public Records law, except as provided under Florida Statute Section 255.065. All information and materials received by the Village in connection with responses shall become property of the Village and shall be deemed to be public records subject to public inspection. **When submitting one of the requirements to this RFP which shall require the most recent Corporate Financial Statements, Sec. FS 119 is exempt. You will need to clearly put your financials in a separate envelope marked "Confidential".**

11. Property of the Village

All discoveries and documents produced as a result of any service or project undertaken on behalf of the Village shall become the property of the Village. The Village shall retain all Responses submitted and reserves the right to use any ideas contained in any Response, regardless of whether that Proposer is awarded.

12. Sub-Contractor

If any Proposer submitting a proposal intends on sub-contracting out all or any portion of the engagement, that fact, and the name of the proposed sub-contracting Contractor(s) must be clearly disclosed in the proposal. Following the award of the contract, no additional sub-contracting will be allowed without the prior written consent of the Village of Palmetto Bay.

13. Protests, Appeals and Disputes

The procedures and requirements for bid protests, appeals and disputes are set forth in the Village Code, Sec. 2-175 (o) – (p), the provisions of which are hereby incorporated as if fully set forth herein, which may be found on

www.municode.com:

https://www.municode.com/library/#!/fl/palmetto_bay/codes/code_of_ordinances?noDeId=COOR_CH2AD_ARTVIFI_DIV2PRCO_S2-175PRPR

14. Costs Incurred By Proposers

All expenses involved with the preparation and submission of Proposals, or any work performed in connection therewith, shall be the sole responsibility (and shall be at the sole cost and expense) of the Proposer, and shall not be reimbursed by the Village.

15. Special Conditions

Any and all Special Conditions that may vary from these General Terms and Conditions shall have precedence.

16. Demonstration of Competency

The Village may consider any evidence available regarding the financial, technical, and other qualifications and abilities of a Proposer, including past performance (experience) in making an award that is in the best interest of the Village, including:

- A. Pre-award inspection of the Proposer's facility may be made prior to the award of contract.
- B. Proposals will only be considered from firms which are regularly engaged in the business of providing the goods and/or services as described in this solicitation.
- C. Proposers must be able to demonstrate a good record of performance for a reasonable period of time, and have sufficient financial capacity, equipment, and organization to ensure that they can satisfactorily perform the services if awarded a contract under the terms and conditions of this solicitation.

17. Supplemental Information

Village reserves the right to request supplemental information from Proposers at any time during the Request solicitation process.

18. No Warranties or Representations by the Village

Any information provided by the Village under this Request is solely to provide background information for the convenience of the Proposers. The Village makes no representations or warranties, express or implied, of any kind whatsoever with respect to any of the matters identified in this Request.

SECTION 2 PROPOSAL SUBMITTAL INSTRUCTIONS AND FORMAT

1. SEALED RESPONSES. Each proposer will require one (1) original Proposal (preferably in 3-ring binder) must be submitted in an opaque, sealed envelope or container on or before the due date established for the receipt of Proposals, five (5) bound copy and one (1) electronic format (CD or USB format) to be submitted. The following information should be clearly marked on the face of the envelope or container in which the Proposal is submitted: solicitation number, solicitation title, Proposer name, Proposer return address. **Proposals received electronically, either through email or facsimile, are not acceptable and will be rejected.**

2. PROPOSAL FORMAT. In order to maintain comparability, facilitate the review process and assist the Evaluation Committee in review of Proposals, it is strongly recommended that Proposals be organized and tabbed in accordance with the sections and manner specified below. Hard copy submittal should be tabbed as enumerated below and contain a table of contents with page references. Electronic copies should also be tabbed and contain a table of contents with page references. Proposals that do not include the required information will be deemed non-responsive and will not be considered.

Cover	Executive Summary, Forms & Compliance with Minimum Requirements (4 page limit)
1. Cover Page, Letter, and Table of Contents.	The cover letter must indicate Prime Proposer and be signed by same.
2. Required Forms.	Provide Certification, Questionnaire & Requirements Affidavit (Appendix A). Attach Appendix A fully completed and executed. The Certification, Questionnaire & Requirements Affidavit (Appendix A) must be signed by the Prime Respondent.
3. Minimum Requirements.	Submit verifiable information documenting compliance with each of the Minimum Requirements.

TAB 1

Experience and Qualifications of Proposing Team (10-page limit, not counting resumes- limited to 2 pages each)

1. Qualifications of Proposer and Lead Team Participants. Submit detailed information regarding the Proposer’s and each Lead Team Participant’s experience in the design, construction, financing, operation and maintenance which documents expertise, competence, capability, and capacity in, and record of producing quality work on projects similar to the Project. Include, at a minimum, the following information:

a. Company Information. Provide background information, including company history/organizational structure, years in business for Proposer and each Lead Team Participant, number of employees, and any other information communicating capabilities and experience.

b. Experience and Qualifications on Other Infrastructure Projects. Provide a list of the Proposer’s and each Lead Team Participant’s experience with comparable design-build, design-build-operate-maintain, or other public or public-private infrastructure projects of size and scope similar to or larger than the Project. Include additional information, as well as a table that includes the project name, type of project, scope of project, years the Project was constructed, hard construction costs for the project or operating/maintenance budget for the project (as applicable), and delivery approach or method. For Lead Investor and Contractor, provide record of projects completed within the contract time and contract price.

c. Experience and Qualifications on Public Parking Garage. Summarize the Proposer’s and each Lead Team Participant’s experience with similar public garage projects in urban or sensitive environmental areas and community areas of comparable size and scope. Include the project name, type of project, scope of project, years constructed, hard costs, and delivery approach or method, and names of key personnel. Highlight any key personnel who will also work on this Project. Identify experience in managing the maintenance of the design and construction, and implementing community relations and outreach programs on projects of similar size and complexity to this Project. For Lead Engineer, provide information demonstrating completion of at least one or more operating garage facility comparable to the Project.

d. Capacity to Manage and Implement the Project. Provide additional information sufficient to identify Proposer’s and each Lead Team Participant’s demonstrated capacity to manage and implement the Project.

e. Prior Working Relationships Between and Among Team Members. Provide information identifying prior working relationships between or among Proposer or Lead Team Participants. Include the project name, type of project, scope of project, years constructed, hard costs, and delivery approach or method, and

names of key personnel. Highlight any key personnel who will also work on this Project.

f. Key Personnel and Level of Commitment. Identify and provide job descriptions, resumes and references for the qualified personnel for key positions on the Project, including number of years of experience and areas of expertise for each individual, and list of prior projects comparable in size and scope (or greater) of this Project. Key Personnel (at a minimum) shall include:

- Project Manager
- Construction Manager
- Construction Superintendent
- Design Manager
- Lead Design Engineer
- Independent Quality Manager
- Design Quality Manager

Affirm that all key personnel will be required to be on-site 100% of the time during activities that involve their areas of responsibility. Substitution of Key Personnel will be subject to review and acceptance by the Village.

TAB 2	Project Financial Model – (4 page limit)
Submit detailed information sufficient to demonstrate the Project Financials. Include all project uses of the development, project cost, potential interest rate, repayment plans, net revenues and profit. Proposer may use additional tables when presenting financial models, however, the Project Financial Model table must be completed.	

Project Financial Model					
Project Use Category					
Project Cost					
Interest Rate					
Annual Debt Service					
20 year repayment					
30 year repayment					
Net Revenues					
Net Profit (cash flow)					

TAB 3

Financial Capacity – (4 page limit, not counting financial statements and related information)

Submit detailed information sufficient to demonstrate the financial capacity of Proposer and Lead Team Participants and financial guarantors. Include Proposer's, Lead Investor's, financial guarantors, Lead Contractor, Lead Operator and Lead Maintenance most recent annual reviewed/audited financial statement with the auditors' notes. Such statements should include, at a minimum, balance sheets (statements of financial position), and statements of profits and loss statement of net income). Village reserves the right to request additional information from any Proposer to determine financial capacity. Proposer shall have no more than ten (10) days to respond to such request.

****Please note that Corporate Financials shall be submitted in a separate envelope sealed and marked "Confidential".**

TAB 4

**Approach and Methodology/ Construction Schedule
(15 page limit)**

1. **Management and Organization:** Proposer shall describe the approach and methodology in accomplishing the following goals of this Project i) an understanding of and approach to the management, technical aspects, and maintenance of traffic issues and risks associated with the Project ii) an understanding of and approach to how the public-private partnership, or "P3", process and the Proposer's organization will contribute to the success of the Project and meet the Village of Palmetto Bay's Project goals; and iii) an understanding of the risk sharing and the teaming relationship between the Proposer and the Village of Palmetto Bay.

a. **Methodology for integrating the Proposer and Lead Team Participants and their respective areas of expertise:** The narrative should describe the methodology for integrating the Proposer and the different areas of expertise of Lead Team Participants into an efficient and effective organization.

b. **Management Approach:** The management approach must reflect an understanding of the use of the P3 project delivery methodology for public garage building and operations.

c. **Organization Chart:** Provide an organizational chart(s) showing the "chain of command," with lines identifying participants who are responsible for major functions to be performed, and their reporting relationships, in managing, designing, and building the Project. The chart(s) must show the functional structure of the organization down to the design discipline leader or construction superintendent level and must identify Key Personnel by name. Key Personnel will be committed to the Project. Identify all Lead Team Participants in the chart(s). Identify the critical

support elements and relationships of Project management, Project administration, construction management, quality control, safety, environmental compliance, and subcontractor administration.

d. **Organizational Chart Functional Relationships:** For each organizational chart, provide a brief, written description of significant functional relationships among participants and how the proposed organization will function as an integrated team.

2. Approach to P3/Design-Build-Operate-Maintain-Finance. Provide information on a sample approach to finance the Project, operate and maintain and finance.

3. Approach to Design and Construction. Provide information demonstrating an understanding of and sound approach to the development, design and construction of the Project.

a. Provide information identifying how Proposer will incorporate innovative design and other techniques in the Project through the lifecycle of the Project.

b. Describe approach to plan, organize, and execute the design and construction of, and assure the quality and safety of the Project.

c. Describe approach to effectively manage all aspects of the Contract in a quality, timely, and effective manner and integrate the different parts of its organization with the Village of Palmetto Bay in a cohesive and seamless manner.

4. Approach to Implementation in Complex Urban Environments.

a. Describe Proposer's general approach to integrating the Village and identified stakeholders in the various phases of the Project.

b. Describe Proposer's general approach to traffic management, utility identification and relocation, access during construction, pedestrian and parking accommodation, and community outreach.

c. Describe, in general terms, Proposer's anticipated operating approach for the Project.

5. Construction Schedule

a. Describe Proposer's proposed construction schedule, encompassing all phases of production, from initial conceptual planning to the start of construction.

b. Describe Proposer to include a holistic time schedule evaluation of the design process incorporating sustainability.

c. Proposer to include major milestones in the construction schedule.

APPENDIX A



Proposal Certification, Questionnaire & Requirements Affidavit

UP 1819-00-002

Notice of Receipt
of Unsolicited Proposal and Request for Alternative Proposals
for
Mixed-Use Downtown Development for Village of Palmetto Bay

PROCUREMENT OFFICE
9705 E. HIBISCUS STREET
PALMETTO BAY, FLORIDA 33157

Solicitation No: UP 1819-00-002		Solicitation Title: Notice of Receipt of Unsolicited Proposal for Mixed-Use Downtown Development for Village of Palmetto Bay	
Procurement Contact: Litsy C. Pittser	Tel: 305-259-1234	Email: LPittser@Palmettobay-fl.gov	

PROPOSAL CERTIFICATION, QUESTIONNAIRE & REQUIREMENTS AFFIDAVIT

Purpose: The purpose of this Proposal Certification, Questionnaire and Requirements Affidavit Form is to inform prospective Proposers of certain solicitation and contractual requirements, and to collect necessary information from Proposers in order that certain portions of responsiveness, responsibility and other determining factors and compliance with requirements may be evaluated. **This Proposal Certification, Questionnaire and Requirements Affidavit Form is a REQUIRED FORM that must be submitted fully completed and executed.**

1. General Proposer Information.

FIRM NAME:	
No of Years in Business:	No of Years in Business Locally:
OTHER NAME(S) PROPOSER HAS OPERATED UNDER IN THE LAST 10 YEARS:	
FIRM PRIMARY ADDRESS (HEADQUARTERS):	
CITY:	
STATE:	ZIP CODE:
TELEPHONE NO.:	
TOLL FREE NO.:	
FAX NO.:	
FIRM LOCAL ADDRESS:	
CITY:	
STATE:	ZIP CODE:
PRIMARY ACCOUNT REPRESENTATIVE FOR THIS ENGAGEMENT:	
ACCOUNT REP TELEPHONE NO.:	
ACCOUNT REP TOLL FREE NO.:	
ACCOUNT REP EMAIL:	
FEDERAL TAX IDENTIFICATION NO.:	

The Village reserves the right to seek additional information from Proposer or other source(s), including but not limited to: any firm or principal information, applicable licensure, resumes of relevant individuals, client information, financial

information, or any information the Village deems necessary to evaluate the capacity of the Proposer to perform in accordance with contract requirements.

2. **Veteran Owned Business.** Is Proposer claiming a veteran owned business status?

YES NO

SUBMITTAL REQUIREMENT: Proposers claiming veteran owned business status shall submit a documentation proving that firm is certified as a veteran-owned business or a service-disabled veteran owned business by the State of Florida or United States federal government, as required pursuant to ordinance 2011-3748.

3. **Conflict Of Interest.** All Proposers must disclose, in their Proposal, the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the Village of Palmetto Bay. Further, all Proposers must disclose the name of any Village employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates.

SUBMITTAL REQUIREMENT: Proposers must disclose the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the Village of Palmetto Bay. Proposers must also disclose the name of any Village employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates

4. **Suspension, Debarment or Contract Cancellation.** The Proposer and each Lead Team Participant must not have been indicted, disqualified, debarred, or suspended from the performance of any work for any federal, state or local government in the United States in the last seven (7) years, or removed via contract cancellation due to non-performance of work for any federal, state or local government in the United States in the last seven (7) years. Has Proposer or Lead Team Participant ever been indicted, disqualified, removed, debarred or suspended, or had a contract cancelled due to non-performance by any public sector agency?

YES NO

SUBMITTAL REQUIREMENT: If answer to above is "YES," Proposer shall submit a statement detailing the reasons that led to action(s).

5. **Code of Business Ethics.** Pursuant to ethics ordinances or rules of the Village, the provisions of Miami-Dade County Code Section 2-11.1, as applicable to Village, Village Charter Section 7.6 (Lobbyist), or the provisions of Chapter 112, part III, Fla. Stat. , each person or entity that seeks to do business with the Village shall adopt a Code of Business Ethics ("Code") and submit that Code to the Office of Procurement with its Proposal/response or within five (5) days upon receipt of request. The Code shall, at a minimum, require the Proposer, to comply with all applicable governmental rules and regulations including, among others, the conflict of interest, lobbying and ethics provision of the Village of Palmetto Bay and Miami Dade County.

SUBMITTAL REQUIREMENT: Proposer shall submit firm's Code of Business Ethics. In lieu of submitting Code of Business Ethics, Proposer may submit a statement indicating that it will adopt, as required in the ordinance, the Village of Palmetto bay Code of Ethics.

6. **Public Entity Crimes.** Section 287.133(2)(a), Florida Statutes, as currently enacted or as amended from time to time, states 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 Proposal, Proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a Proposal, Proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit Proposals, Proposals, or replies 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 following the date of being placed on the convicted vendor list.

SUBMITTAL REQUIREMENT: No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees with the requirements of Section 287.133, Florida Statutes, and certifies it has not been placed on convicted vendor list.

7. **Litigation History.** Has Proposer or any of its Lead Team Participants or principal or employee of the Proposer (relating to professional endeavors only) been the subject of any claims, arbitrations, administrative hearings and lawsuits brought by or against the Proposer (including Lead Team Participants) or its predecessor organization(s) during the last five (5) years.

YES NO

SUBMITTAL REQUIREMENT: If yes, list all case names; case, arbitration or hearing identification numbers; the name of the project over which the dispute arose; a description of the subject matter of the dispute; and the final outcome of the claim.

8. **Bankruptcy.** Has the Proposer or any of its Lead Team Participants filed any bankruptcy petitions (voluntary or involuntary) which have been filed by or against the Proposer, its parent or subsidiaries or predecessor organizations during the past five (5) years. Include in the description the disposition of each such petition.

YES NO

SUBMITTAL REQUIREMENT: If yes, list and describe all bankruptcy petitions (voluntary or involuntary) which have been filed by or against the Proposer, its parent or subsidiaries or predecessor organizations during the past five (5) years. Include in the description the disposition of each such petition.

9. **Principals.** Provide the names of all individuals or entities with a controlling financial interest in Proposer. The term "controlling financial interest" shall mean the ownership, directly or indirectly, of 10% or more of the outstanding capital stock in any corporation or a direct or indirect interest of 10% or more in a firm. The term "firm" shall mean any corporation, partnership, business trust or any legal entity other than a natural person.

10. **Surety Companies.** Has a surety company ever intervened to assist a governmental agency or other client of the Proposer or Lead Contractor in completing work that the Proposer or Lead Contractor failed to complete?

YES NO

SUBMITTAL REQUIREMENT: If yes, submit owner names, addresses and telephone numbers, and surety and project names, for all projects for which you have performed work, where your surety has intervened to assist in completion of the project, whether or not a claim was made.

11. Has Proposer or Lead Team Participants ever failed to complete performance of a contract? If so, where and why?

YES NO

12. **Acknowledgement of Addendum.** After issuance of solicitation, the Village may release one or more addendum to the solicitation which may provide additional information to Proposers or alter solicitation requirements. The Village will strive to reach every Proposer having received solicitation through the procurement office. However, Proposers are solely responsible for assuring they have received any and all addendum issued pursuant to solicitation. This Acknowledgement of Addendum section certifies that the Proposer has received all addendum released by the Village pursuant to this solicitation. Failure to obtain and acknowledge receipt of all addendums may result in Proposal disqualification.

Initial to Confirm Receipt		Initial to Confirm Receipt		Initial to Confirm Receipt	
	Addendum 1		Addendum 6		Addendum 11
	Addendum 2		Addendum 7		Addendum 12
	Addendum 3		Addendum 8		Addendum 13
	Addendum 4		Addendum 9		Addendum 14
	Addendum 5		Addendum 10		Addendum 15

If additional confirmation of addendum is required, submit under separate cover.

DISCLOSURE AND DISCLAIMER SECTION

The solicitation referenced herein is being furnished to the recipient by the Village of Palmetto Bay (the "Village") for the recipient's convenience. Any action taken by the Village in response to Proposals made pursuant to this solicitation, or in making any award, or in failing or refusing to make any award pursuant to such Proposals, or in cancelling awards, or in withdrawing or cancelling this solicitation, either before or after issuance of an award, shall be without any liability or obligation on the part of the Village.

In its sole discretion, the Village may withdraw the solicitation either before or after receiving Proposals, may accept or reject Proposals, and may accept Proposals which deviate from the solicitation, as it deems appropriate and in its best interest. In its sole discretion, the Village may determine the qualifications and acceptability of any party or parties submitting Proposals in response to this solicitation.

Following submission of a Proposal, the applicant agrees to deliver such further details, information and assurances, including financial and disclosure data, relating to the Proposal and the applicant including, without limitation, the applicant's affiliates, officers, directors, shareholders, partners and employees, as requested by the Village in its discretion.

The information contained herein is provided solely for the convenience of prospective Proposers. It is the responsibility of the recipient to assure that the information contained herein is accurate and complete. The Village does not provide any assurances as to the accuracy of any information in this solicitation.

Any reliance on these contents, or on any permitted communications with Village officials, shall be at the recipient's own risk. Proposers should rely exclusively on their own investigations, interpretations, and analyses. The solicitation is being provided by the Village without any warranty or representation, express or implied, as to its content, its accuracy, or its completeness. No warranty or representation is made by the Village or its agents that any Proposal conforming to these requirements will be selected for consideration, negotiation, or approval.

The Village shall have no obligation or liability with respect to this solicitation, the selection and the award process, or whether any award will be made. Any recipient of this solicitation who responds hereto fully acknowledges all the provisions of this Disclosure and Disclaimer, is totally relying on this Disclosure and Disclaimer, and agrees to be bound by the terms hereof. Any Proposals submitted to the Village pursuant to this solicitation are submitted at the sole risk and responsibility of the party submitting such Proposal.

This solicitation is made subject to correction of errors, omissions, or withdrawal from the market without notice. Information is for guidance only, and does not constitute all or any part of an agreement.

The Village and all Proposers will be bound only as, if and when a Proposal (or Proposals), as same may be modified, and the applicable definitive agreements pertaining thereto, are approved and executed by the parties, and then only pursuant to the terms of the definitive agreements executed among the parties. Any response to this solicitation may be accepted or rejected by the Village for any reason, or for no reason, without any resultant liability to the Village.

The Village is governed by the Government-in-the-Sunshine Law, and all Proposals and supporting documents shall be subject to disclosure as required by such law. All Proposals shall be submitted in sealed Proposal form and shall remain confidential to the extent permitted by Florida Statutes, until the date and time selected for opening the responses. At that time, all documents received by the Village shall become public records.

Proposers are expected to make all disclosures and declarations as requested in this solicitation. By submission of a Proposal, the Proposer acknowledges and agrees that the Village has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information contained in the Proposal, and authorizes the release to the Village of any and all information sought in such inquiry or investigation. Each Proposer certifies that the information contained in the Proposal is true, accurate and complete, to the best of its knowledge, information, and belief.

Notwithstanding the foregoing or anything contained in the solicitation, all Proposers agree that in the event of a final un-appealable judgment by a court of competent jurisdiction which imposes on the Village any liability arising out of this solicitation, or any response thereto, or any action or inaction by the Village with respect thereto, such liability shall be limited to \$10,000.00 as agreed-upon and liquidated damages. The previous sentence, however, shall not be construed to circumvent any of the other provisions of this Disclosure and Disclaimer which imposes no liability on the Village.

In the event of any differences in language between this Disclosure and Disclaimer and the balance of the solicitation, it is understood that the provisions of this Disclosure and Disclaimer shall always govern. The solicitation and any disputes arising from the solicitation shall be governed by and construed in accordance with the laws of the State of Florida.

PROPOSER CERTIFICATION

I hereby certify that: I, as an authorized agent of the Proposer, am submitting the following information as my firm’s Proposal; Proposer agrees to complete and unconditional acceptance of the terms and conditions of this document, inclusive of this solicitation, all attachments, exhibits and appendices and the contents of any Addenda released hereto, and the Disclosure and Disclaimer Statement; Proposer agrees to be bound to any and all specifications, terms and conditions contained in the solicitation, and any released Addenda and understand that the following are requirements of this solicitation and failure to comply will result in disqualification of Proposal submitted; Proposer has not divulged, discussed, or compared the Proposal with other Proposers and has not colluded with any other Proposer or party to any other Proposal; Proposer acknowledges that all information contained herein is part of the public domain as defined by the State of Florida Sunshine and Public Records Laws; all responses, data and information contained in this Proposal, inclusive of the Proposal Certification, Questionnaire and Requirements Affidavit are true and accurate.

Name of Proposer’s Authorized Representative:	Title of Proposer’s Authorized Representative:
Signature of Proposer’s Authorized Representative:	Date:

State of FLORIDA)
personally

)
County of _____)

_____, a corporation, and that the instrument was signed in behalf of the said corporation by authority of its board of directors and acknowledged said instrument to be its voluntary act and deed. Before me:

On this ___day of _____, 20__

appeared before me _____ who
stated that (s)he is the _____ of

Notary Public for the State of Florida
My Commission Expires:
_____.

Attachment A – Site Plan



