

**CITY OF FORT WALTON BEACH
REQUEST FOR PROPOSALS
RFP #23-017**

**Special Magistrate Legal Services
For Code Enforcement**



Issued By:

Purchasing Division
105 Miracle Strip Parkway SW
Fort Walton Beach, Florida 32548
(850) 833-9523
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Website: <http://www.fwb.org/rfps>

Date of Issue: August 10, 2023

Responses Due: September 12, 2023

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1.0 REQUEST FOR PROPOSALS DEADLINE: SEPTEMBER 12, 2023 2:30PM local time

2.0 PURPOSE: This Request for Proposals (RFP) is soliciting qualified Florida licensed attorneys to provide services as a Special Magistrate in accordance with Ch. 162, Fla. Stat., and the City of Fort Walton Beach, FL Code of Ordinances.

2.1 Chapter 1, Section 1.06 of the City’s Land Development Code contains the establishment and procedures of Boards including the Code Enforcement Board. In October 2021, the City Council of the City of Fort Walton Beach adopted Ordinance 2085 to allow a Special Magistrate to be given the same status as a Code Enforcement Board.

2.2 **The City shall maintain a Code Enforcement Board concurrently with the services of a Special Magistrate.** See Section 6.0 of this bid document.

2.3 The current special magistrate has been recently selected to act as City Attorney, leaving a vacancy for the Special Magistrate Services.

3.0 INTENT & BACKGROUND: It is the intent of the City to promote, protect, and improve the health, safety and welfare of its citizens by appointing an impartial Code Enforcement Special Magistrate with the authority to conduct hearings related to the enforcement of the City of Fort Walton Beach Code of Ordinances, Land Development Code, and other adopted ordinances in order to provide an equitable, expeditious, effective and inexpensive method of enforcing the codes and ordinances of the City.

3.1 The City of Fort Walton Beach, Florida prides itself on being a small, family-oriented seaside community boasting a downtown area that was home to a significant prehistoric Native American community on the Gulf Coast of Northwest Florida.

3.2 Situated at the junction of two major highways - US 98 (Miracle Strip Parkway) and SR 85 (Eglin Parkway) - Fort Walton Beach enjoys the benefits of its crossroads location along the coastal portion of the Northwest Florida regional transportation network.

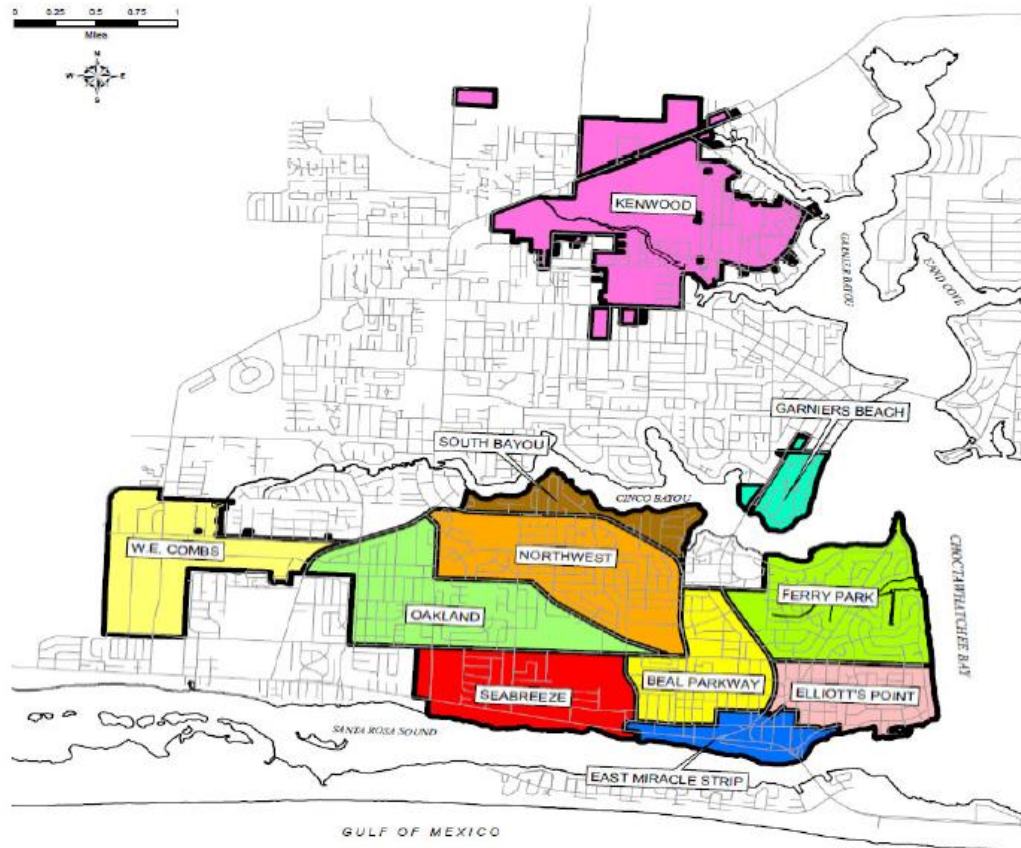
3.3 The City offers a full-service government providing police and fire protection; cultural and recreational activities including parks, a library, a museum, and two championship golf courses; planning and zoning; building permitting and inspections; code enforcement; public works such as street, sidewalk, right-of-way, and cemetery maintenance; utilities service including water, sewer, and storm water; and garbage and recycling collection.

3.4 The City is home to a coastal community of 21,064 full-time residents.

DATE OF INCORPORATION: June 16, 1941	
FORM OF GOVERNMENT: Council & Manager	PAVED STREETS: 93.12 miles
GEOGRAPHIC AREA: 7.60 square miles	SIDEWALKS: 63.67 miles
TAXABLE ASSESSED VALUE: \$1,637,147,629	WATER & SEWER LINES: 282.82 miles
CITY MILLAGE RATE: 5.3293	STORM DRAIN: 43.18 miles
POPULATION: 21,064	POLICE STATIONS: 1 FIRE STATIONS: 2
EMPLOYEES: 358 positions, 317.13 FTE's	LIBRARIES: 1 MUSEUMS: 4
SWORN POLICE OFFICERS: 54	18-HOLE GOLF COURSES: 2
FIREFIGHTING PERSONNEL: 44.25	ACRES OF PARKS: 206

CITY NEIGHBORHOODS

(un-shaded portions are not in the City limits)



4.0 OVERVIEW: Special magistrate services will be required on an as-needed basis, and may include the review of code enforcement cases and assessment of fines and fees as necessary.

5.0 TERM OF CONTRACT – The City desires to contract for services for an initial term of one (1) year, with four (4) one (1) year options available, at the mutual consent of both parties.

6.0 PERFORMANCE SCHEDULE: The winning proposer shall commence performance after award by City Council.

6.1 The City reserves the right to select any, all or none of the services offered in a particular year of the agreement.

6.2 It is anticipated that services will be needed from time to time, on an as-needed basis, for cases which are more complex. The Code Enforcement Board meets once a month, on the 2nd Wednesday of the month, at 4PM. However, some work may be scheduled for other times, depending on the availability of the Special Magistrate.

7.0 SCOPE OF WORK: The Successful Proposer(s) shall provide the following services:

7.1 Service Requirements

- 7.1.1 Perform all necessary services on the City's behalf and conduct hearings as provided in Chapter 162, Florida Statutes and as specified in the City of Fort Walton Beach's Code of Ordinances;
 - 7.1.2 The Special Magistrate will be bound by the Florida Code of Judicial Conduct, and agrees to observe all pertinent laws in the exercise of his or her duties including, but not limited to, the Sunshine Law, Public Records Law, Chapter 112 of the Florida Statutes relating to conflicts of interest, and laws relating to procedures for quasi-judicial hearings.
 - 7.1.3 The Special Magistrate shall preside over hearings for Code enforcement cases as deemed necessary by the City. This may include, but are not limited to, violations of health and safety regulations, business tax receipt regulations, fire, building, zoning, sign and other related codes in force in the City of Fort Walton Beach. It is not the function of the Special Magistrate to initiate enforcement proceedings or to inspect for code violations.
 - 7.1.4 **The City shall maintain a Code Enforcement Board concurrently with the services of a Special Magistrate.** The City shall determine which code enforcement cases will be heard by the Code Enforcement Board or Special Magistrate depending on the type and nature of the case.
 - 7.1.5 The Special Magistrate shall serve at the pleasure of the City Council, and shall not be deemed a City employee.
 - 7.1.6 Familiarity with the City of Fort Walton Beach Code of Ordinances and Land Development Code is preferred.
 - 7.1.7 All other relevant assignments relating to code enforcement Special Magistrate services, as may be requested.
- 7.2 Confidentiality: The successful Proposer shall maintain confidentiality of all documents and information provided by the City, except as to disclosure required by State and Federal laws and regulations.

8.0 FEE SCHEDULE:

- 8.1 Proposals shall include all costs and fees to initiate the service for the City including all ongoing and future operational costs. Responses shall clearly detail Proposer's offer, whether it is based on a percentage fee or a flat fee per client, or an hourly rate.
- 8.2 Fees shall identify re-occurring charges such as with the flat fee per client.
- 8.3 Proposers shall include an example of what the fees would be based on the accounts submitted for collection. Include billing for:
 - 8.3.1 Review of complaints
 - 8.3.2 Research

- 8.3.3 Attendance at hearings
- 8.3.4 Specify any travel reimbursement and expenses expected
- 8.3.5 Other tasks
- 8.4 Rates included in the basic fee schedule made part of this bid shall be firm, not subject to change.
- 8.5 Each Proposer shall examine the RFP and other contract documents and inform him or herself regarding any and all conditions and requirements that may affect cost, progress, or performance of the work to be performed under the contract. Ignorance on the part of the Proposer in no way relieves the Proposer of the obligations and responsibilities assumed under the contract.
- 8.6 The City will select a finalist by considering the proposed compensation package as a best and final offer; although, it reserves the right to negotiate terms as needed to improve elements of the proposal to best meet the needs of the City, including costs.

9.0 PROPOSER'S QUALIFICATIONS:

- 9.1 Proposer shall be licensed to practice law in the State of Florida for a minimum of five (5) years, and be a member in good standing of the Florida Bar Association, currently engaged in the practice of law, with no disciplinary history. Please provide the following:
 - 9.1.1 Graduation from a law school accredited by the American Bar Association.
 - 9.1.2 Florida Bar Association number
 - 9.1.3 Date of admission to the Florida Bar
 - 9.1.4 Proof of current membership in good standing.
- 9.2 Any attorney who has been disciplined by the Florida Bar or bar of any other jurisdiction will not be appointed as a special magistrate, unless reinstated in good standing.
- 9.3 Preference may be given to those attorneys who have prior local government experience, experience in a judicial capacity, certification by The Florida Bar in an appropriate area or experience as a hearing officer, mediator, arbitrator, or special magistrate. Residency in the City is not required.
- 9.4 Proposer must have good writing and presentation skills.

10.0 PROPOSER'S SUBMISSION PACKET - CONTENT**10.1 Proposals shall include, at minimum, detailed information regarding:**

10.1.1 The attorney's background, qualifications and expertise with government clients; explain how the qualifications relate to the functions of the Special Magistrate. Demonstration of prior experience as a special magistrate preferred.

10.1.2 Proposer's knowledge of:

- administrative law
- land use & zoning law
- local government regulation and procedures including the "Local Government Code Enforcement Boards Act," and alternative methods of code enforcement found in Florida Statutes Chapter 162.

10.1.3 Include an up-to-date CV with your proposal.

10.1.4 Include a statement of local availability and degrees of accessibility to the City. Identify the accessibility of the proposed special magistrate(s), and the response time that the special magistrate offers to the City for being able to conduct a public hearing. **Specifically, identify the lead-time required for attending scheduled hearings at City Hall in person.**

10.1.5 Include a list of agreements/contracts for such services with other governmental agencies, if any.

10.2 The evaluation and determination of the fulfillment of the above requirement will be determined by the City, and its judgment shall be final.

10.3 References - Submit the names of at least 4 organizations that your firm has performed the same work. Give a contact name with each reference.

- The City reserves the right to conduct reference checks for firms submitting proposals. In the event that information obtained from the reference checks reveals concerns about the firm's past performance or their ability to successfully perform the contract to be executed based on this RFP and subsequent RFPs, the City may, at its sole discretion, determine that the firm is not the most qualified firm and may select the next highest-ranked firm whose reference checks validate the ability of the firm to successfully perform the work. The City also reserves the right to check references from others not identified by the contractor.

11.0 RFP SCHEDULE: The following identifies the RFP process schedule:

RFP PROCESS	DATE
Request for Proposals Issued	August 10, 2023
Proposals Due	September 12, 2023
Evaluation Committee Meeting (tentative date)	September 26, 2023
City Council award (tentative date)	October 10, 2023

12.0 SUBMISSION OF PROPOSALS - LAYOUT



12.1 **SUBMISSIONS:** In performing the evaluation, only information contained within the Proposal will be considered, unless otherwise stipulated and/or other clarifying information is requested by the City.

12.1.1 Proposals should be prepared simply and economically, providing a straightforward, concise description of the proposer's ability to fulfill the requirements of the RFP.

12.1.2 **Be sure to address all criteria listed in the Scope of Work, Specifications and Criteria Sections.**

- Proposal response shall include a paragraph-by-paragraph response indicating how they do, or will comply with the specifications.
- The Proposal should not simply rephrase or restate the City’s requirements, but rather shall provide convincing rationale to address how the Proposer intends to meet these requirements.

12.1.3 **Copies – Please include:**

- One unbound original,
- Four (4) complete copies of the Proposal, and
- One (1) electronic copy of the proposal on a compact disk or thumb-drive, containing the proposal. **Proposal contained on electronic media shall be identical in all respects to paper copy submitted.**

12.1.4 Proposers shall assume that the City has no prior knowledge of their company or experience, and will base its evaluation on the information presented in the Proposal.

12.2 **PROPOSAL LAYOUT** – The Proposal Package shall contain the following information in the proscribed sequence as “Exhibit Tabs” (identified as A through E) or behind “Proposal Tabs” (A through E).

12.2.1	SEQUENCE	CONTENT
	Proposal TAB A	Attorney / Firm Information <ul style="list-style-type: none"> • Overview of Attorney / Firm • Experience • References
	Proposal TAB B	Proposed Attorney / Firm <ul style="list-style-type: none"> • Resume • Certifications • Accessibility and Responsiveness
	Proposal TAB C	Proposed Compensation
	Proposal TAB D	Certificates of Insurance: <ul style="list-style-type: none"> • Professional Liability, • General Liability • Auto • Workers Comp
	Proposal TAB E	Forms (Exhibit A)

12.3 **All proposers shall direct communications and inquiries to:**



Giuliana Scott, Purchasing Manager
City of Fort Walton Beach
105 Miracle Strip Pkwy. SW
Fort Walton Beach, FL 32548
Phone: (850) 833-9523 **Fax: (850) 833-9643**
Email: gscott@FWB.org

12.4 **Cut out and use the label printed on the this page, and affix to your OUTER sealed bid envelope to identify it as a “Sealed Bid”.**



Deliver to:
Purchasing Manager – City Hall Annex Building
City of Fort Walton Beach
105 Miracle Strip Pkwy SW
Fort Walton Beach, FL 32548

SEALED BID - DO NOT OPEN

SEALED RFP#: 23-017 – Special Magistrate Legal Services
DUE DATE/TIME: 09/12/2023 2:30 PM – Central Time

- 12.5 Copies of the Proposal Provisions and Forms may be found at the Bid Net Direct website at www.BidNetDirect.com (registration required) or at the City of Fort Walton Beach website at www.FWB.org/rfps.
- 12.6 Additional technical information relative to this RFP may be obtained from Giuliana Scott, Purchasing Manager, at (850) 833-9523 or gscott@fwb.org during normal business hours.
- 12.7 **ADDENDUM AND AMENDMENT TO REQUEST FOR PROPOSAL:** If it is necessary to revise or amend any part of this RFP, the Purchasing Manager will post the addendum on the Florida Net Direct website at www.BidNetDirect.com and/or on the City's website at www.fwb.org/rfps. It is the Proposer's responsibility, prior to submitting a proposal, to ascertain if any addenda have been issued, to obtain all such addenda, and to return any executed addenda with the proposal (or complete and sign addenda acknowledgement form). The failure of a Proposer to submit acknowledgment of any addenda that materially affects the proposal is considered a major irregularity and will be cause for rejection of the proposal.

13.0 COMMUNICATIONS RESTRICTIONS

To ensure fair consideration for all proposers, the City prohibits communication to or with any department, or employee except the Purchasing Manager, or its designee, during the submission and approval process, except as provided below.

- 13.1 **Questions:** Proposer shall address any questions regarding the proposal process, scope of work or specifications to the Purchasing Manager, in writing and in sufficient time before the period set for the receipt and opening of proposals.



- Inquiries received less than ten (10) days of the date set for receipt of submissions will not be answered or given any consideration.
 - The Purchasing Manager shall issue any interpretation for a proposer in the form of an addendum to the RFP as timely as possible.
 - However, if an addendum is issued, the Purchasing Manager will post the final addendum no later than five (5) days prior to the date set for receipt of RFPs.
- 13.2 **Point Of Contact** – During the post-bid opening & evaluation stage, the Purchasing Manager, or a designee, will continue to be the sole point of contact, and will initiate any necessary communication with a proposer to obtain information or clarification to allow the evaluation committee to properly and accurately rate the proposals.
- 13.3 **Discussion Of Proposals** – The Purchasing Manager, or a designee, may discuss a proposal directly with the responsible proposer to get clarification and assure a full understanding of, and responsiveness to, the solicitation requirements. All proposers shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submission prior to award for the purpose of obtaining best and final offers. In conducting such discussions, there shall be no disclosure of any information derived from proposals submitted by competing proposers except as may be required by the Florida Public Records Law, Chapter 119, Florida Statutes.

- 13.4 **Additionally, the City prohibits communications initiated by a proposer to any City official, employee or committee member evaluating or considering the proposals prior to the time an award decision has been made.** If a Proposer initiates communications, that act may be grounds for disqualifying the proposer from consideration for award of the proposal.

14.0 EXHIBITS

Exhibits A, B & C

Exhibit A – Required Bid Forms

Exhibit B – Bid & Contract Terms/Conditions

Exhibit C – Tasks – Special Magistrate Services

See documents posted as Exhibits A, B and C on www.fwb.org/rfps or at www.BidNetDirect.com under RFP 23-017.

15.0 NOTICE TO PROPOSERS

CITY OF FORT WALTON BEACH, FLORIDA

BID NUMBER: RFP# 23-017

Date: August 10, 2023

The City of Fort Walton Beach will accept sealed proposals at City Hall until September 12, 2023, at 2:30 PM, CST, at which time all bids received will be opened and read aloud at City Hall Annex Training Room, 105 Miracle Strip Parkway SW, Fort Walton Beach, FL 32548 for the following:

SPECIAL MAGISTRATE LEGAL SERVICES FOR CODE ENFORCEMENT FOR THE CITY OF FORT WALTON BEACH, FL

Copies of the Proposal Provisions and Forms may be found at the Florida Bid Net Direct website at www.BidNetDirect.com (registration required) or at the City of Fort Walton Beach website at www.FWB.org/Purchasing/rfps.

Additional technical information relative to this RFP may be obtained from Giuliana Scott, Purchasing Manager, at (850) 833-9523 or gscott@fwb.org during normal business hours.

The City of Fort Walton Beach reserves the right to waive informalities in any RFP; to make award(s) by individual item, group of items, all or none, or a combination thereof; to reject any and all proposals or waive any minor irregularity or technicality in proposals received, that in its judgment will be in the best interest of the City of Fort Walton Beach.

Mark outside of envelope: **RFP 23-017 – Special Magistrate Legal Services**

Note: Any proposer failing to mark the outside of the envelope, as set forth herein may not be entitled to have their proposal considered.

Address responses and deliver to:

Purchasing Division
City of Fort Walton Beach
105 Miracle Strip Parkway SW
Fort Walton Beach, FL 32548

The City of Fort Walton Beach adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to this meeting by a physically handicapped person upon notice 48 hours prior to the meeting. Please call the City Clerk, Kim M. Barnes, at 850-833-9509 or e-mail at clerk@fwb.org to make a request. For Hearing Impaired the TDD line that is honored throughout the United States is the Telecommunications Relay Service (TRS) and can be reached by dialing 711. Below is a link with the details.

https://www.fcc.gov/sites/default/files/telecommunications_relay_service.pdf