



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Miscellaneous

J.3.

3/10/2020

Subject:

Provide Permission and Direction to Staff to Develop and Advertise a Request for Qualifications or a Request for Proposal for Attorney Services to Review Proposed Charter Amendments to the Brevard County Charter. District 3

Fiscal Impact:

TBD

Dept/Office:

District 3

Requested Action:

It is requested that the Board of County Commissioners provide direction to staff for the following:

1. Authorize the Purchasing Services Department to develop and release for advertisement either a Request for Qualifications or a Request for Proposal from established attorneys to review proposed charter amendments to the Brevard County Charter.
2. Approve the Selection Committee consisting of:
 - a. Selection Committee Member 1 (County Manager or designee)
 - b. Selection Committee Member 2 (County Attorney or designee)
 - c. Selection Committee Member 3 (Central Services Director or designee)
3. Approve the Negotiation Committee consisting of:
 - a. Negotiation Committee Member 1 (County Manager or designee)
 - b. Negotiation Committee Member 2 (County Attorney or designee)
 - c. Negotiation Committee Member 3 (Central Services Director or designee)
4. Authorize the County Manager, or designee to approve any necessary budget change requests, upon review and approval by the County Attorney's Office and Risk Management

Summary Explanation and Background:

Section 7.4.1(1) of the Brevard County Charter provides as follows:

"For any proposed amendment sponsored by the County Commission or the Charter Review Commission, the County Commission, at the county's expense, shall empanel a panel of three persons to determine whether the proposed amendment and ballot language embraces one subject only and is consistent with the Florida

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Constitution, general law and the Charter. The persons serving on the panel shall have demonstrated experience in Florida local government law and shall either be licensed to practice law in the State of Florida or have retired from Florida law practice or the Florida judiciary within the past five years.”

Each member of the panel will be required to render his/her individual legal opinion regarding each proposal for Charter amendment submitted to the panel for review.

Upon receipt of responses, the Selection Committee will evaluate each response and select the highest ranked respondents. The Negotiation Committee will seek to negotiate a contract with the highest ranked respondents. Upon completion of negotiations, Purchasing Services will provide contracts to the Board for a final decision on the respondents and the negotiated rates.

Clerk to the Board Instructions:

None



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Tammy.Rowe@brevardclerk.us

March 11, 2020

M E M O R A N D U M

TO: Commissioner John Tobia, District 3

RE: Item J.3, Provide Permission and Direction to Staff to Develop and Advertise a Request for Qualifications or a Request for Proposal for Attorney Services to Review Proposed Charter Amendments to the Brevard County Charter

The Board of County Commissioners, in regular session on March 10, 2020, discussed providing permission and direction to staff to develop and advertise a Request for Qualifications or a Request for Proposal for attorney services to review proposed Charter Amendments to the Brevard County Charter, but took no formal action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/cw

NOTICE FOR REQUEST FOR QUALIFICATIONS

Brevard County Board of County Commissioners is soliciting Request for Qualifications (RFQ) for services of three attorneys to review proposed amendments to the Brevard County Charter. Request for Qualifications will be received by the Brevard County Board of County Commissioners in the offices of Purchasing Services, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C., Suite 303, Viera, FL 32940 for the following RFQ(s):

<u>Request for Qualifications #/Description</u>	<u>Opening Date/Time</u>
Three-attorney Charter Review Panel for Independent Review of Proposed Charter Amendments	_____.
RFQ # _____	

Section 7.4.1 of the Brevard County Home Rule Charter provides as follows:

“For any proposed amendment sponsored by the County Commission or the Charter Review Commission, the County Commission, at the county’s expense, shall empanel a panel of three persons to determine whether the proposed amendment and ballot language embraces one subject only and is consistent with the Florida Constitution, general law and the Charter. The persons serving on the panel shall have demonstrated experience in Florida local government law and shall either be licensed to practice law in the State of Florida or have retired from Florida law practice or the Florida judiciary within the past five years.”

Each member of the panel will be required to render his/her individual legal opinion regarding each proposal for Charter amendment submitted to the panel for review.

Applicants shall not be attorneys residing in Brevard County, shall not be attorneys with firms with an office in Brevard County, and shall not be attorneys with litigation pending against any government or local government official in Brevard County within the past one (1) year. Applicants shall have no current pending litigation in Brevard County, Florida, and shall disclose any past or potential litigation interests in Brevard County indicating party represented and nature of action. While more than one attorney from the same firm can submit his/her qualifications, no more than one attorney from the same firm can be selected for the panel.

Applicant shall submit responses to Brevard County Purchasing Services, Building C, Suite 303, 2725 Judge Fran Jamieson Way, Viera, Florida, 32940 no later than 4:00 p.m. _____, 2020. The response must include a curriculum vitae, proposals for representation indicating hourly rate and costs, references with emphasis on persons with knowledge of applicant’s experience with charter issues, a summary of the applicant’s experience in dealing with charter issues including interpretation of charter provisions under the Florida Constitution and Florida Statutes including statutes relating to charters generally (see Florida Statute Chapter 125, Part II and Part IV), as well as a summary of any litigation experience relating to charter issues.

Entire RFQ may be obtained by contacting Brevard County Purchasing Services, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, 3rd Floor, Suite 303, Viera, FL 32940 phone (321) 617-7390; fax (321) 617-7391 or available on Demand Star web page: www.demandstar.com. In order for an applicant’s submission to be considered, the submission must be provided using Brevard County’s format. The Board of County Commissioners reserves the right to reject any and all proposals/responses.

Applicants and their agents are hereby placed on notice that they are not to contact members of the County Commission or staff (with the exception of County's designated liaison). Public meetings and public deliberations of the Selection Committee, are the only acceptable forum for the discussion of merits of an applicant's qualifications requested by the RFQ. Written correspondence in regard to submissions may be sent to the Designated Liaison. Failure to adhere to these requirements could result in Board action to disqualify your firm from consideration of award.

Designated Liaison - for information concerning procedures for responding to this RFQ, contact Steven Darling, Central Services Director, at 321-617-7390, or fax 321-617-7391, 321-637-5302; email steven.darling@brevardfl.gov. Such contact shall be for clarification purposes only. Material changes, if any, to the scope of services will be transmitted by written addendum through Central Services.

VENDOR COMPLAINTS AND DISPUTES

Brevard County encourages prompt and fair handling of all complaints and disputes with the business community. In order to resolve disputed matters in an equitable manner, when the Board of County Commissioners sits as the selection committee the following procedures are adopted:

I. POSTING OF RESULTS

- A. FORMAL SEALED BIDS/QUOTES: No later than three (3) business days after a bid opening the Purchasing Manager or his/her designee shall post a tabulation of competitive sealed bids/quotes on a bulletin board located in or near the Purchasing Services Office. The apparent low bid/quote will be the intended award recommendation. If after posting the tabulation, the apparent low bid/quote is found to be non-responsive to the specifications, the formal award evaluation will be posted. The time for filing a protest will begin the date of the later posting.
- B. FORMAL SEALED RESPONSES/PROPOSALS: No later than three (3) business days after the selection committee recommendations are finalized the Purchasing Manager or his/her designee shall post the selection committee's rankings and recommended award for bids.

II. PROCEEDINGS (when Board serves as selection committee)

- A. Any person or entity who/which submitted a quote, bid, proposal or response, as applicable, who is allegedly aggrieved in connection with the solicitation or pending award of a contract must file a formal written protest with the Purchasing Manager within five (5) business days of the posted award recommendation.
- B. The formal written protest shall reference the bid/quote/RFP or RFQ number, and shall state with particularity the facts and laws upon which the protest is based, including full details of adverse effects and the relief sought.
- C. Within seven (7) calendar days of receipt of the formal written protest the Purchasing Manager will schedule the protest to be heard before the Board of County Commissioners at its next available meeting. The Purchasing Manager shall act as a Hearing Coordinator. The Purchasing Manager or designee shall notify the Protesting Party and any other affected party in writing of the date of the meeting and provide relevant information to the Board along with any information as the Board may request with a copy of all such information provided to the protestor at the same time it is made available to the Board. The purpose of the meeting is to provide an opportunity to: (1) review the basis of the protest, (2) evaluate the facts and merits of the protest, and (3) if possible, to reach a resolution of the protest that is acceptable to the affected parties.
- D. The County Manager, prior to the Board meeting date at which the protest is to be heard, may elect to attempt to resolve the matter to the Protestor's and affected parties' mutual acceptance. Should the County Manager choose not to attempt a resolution or is unsuccessful in resolving the protest, the affected parties may appear before the Board of County Commissioners as a final means of administrative remedy.

III. STAY OF PROCUREMENTS DURING PROTESTS

Failure of the protestor to observe any or all of the above procedures shall constitute a waiver the right to protest a contract award. In the event of a timely protest under the procedure, the County shall not proceed further with solicitation or with the award until the protestor either withdraws the protest or agrees to the resolution as determined by the County Manager, or the Board of County Commissioners issues its findings regarding the protest

**BREVARD COUNTY PURCHASING SERVICES,
2725 Judge Fran Jamieson Way, Bldg C, #303, Viera, FL 32940
(321) 617-7390 VOICE; (321) 617-7391 FAX**