

FINANCIAL REVIEW COMMITTEE

Relationship Between City and Financial Review Committee.

The relationship between City and the Financial Review Committee is as follows:

1. **Purpose:** On certain procurements, an independent Financial Review Committee shall be formed for the purposes of reviewing the financial aspects of a development proposal received in response to a City-issued solicitation and requesting from the proposer (the "Developer") specific information and documentation necessary to determine project feasibility with regard to: (a) cost, (b) financing, and (c) proposer's financial resources to perform the contract and provide the services as bid/proposed.
2. The Financial Review Committee is not, and will not be, a department, division, bureau, commission, or other separate unit of government created or established by, City.
3. The Financial Review Committee was not created by law or ordinance of City or any other public agency.
4. Although City expects for the Financial Review Committee will provide a report to City detailing the results of its review, the City has not entered into a contract with the Financial Review Committee concerning such report or other activities of the Financial Review Committee hereunder.
5. Therefore, in light of the foregoing, it is the intent of the City and the Developer that all documents or other information provided directly to the Financial Review Committee by or on behalf of the Developer shall be kept confidential by the Financial Review Committee and are not subject to the Florida Public Records Act.
6. Nothing set forth herein shall preclude the disclosure of such documents or other information: (a) in any litigation involving City or Developer in which such documents or other information is relevant, but the parties shall endeavor to protect such documents or other information from disclosure pursuant to available procedures under Florida law (including requesting that such documents or other information be sealed, if appropriate); or (b) pursuant to a subpoena or court order. Except in connection with any such use, City shall not request the Financial Review Committee to provide the information or documents to City.
7. Further, City and Developer acknowledge that the Financial Review Committee may destroy information and documents provided to it by or on behalf of Developer hereunder upon Developer's request and that therefore it may be unable to obtain such information in connection with any permitted use thereof.
8. The recommendation of the Financial Review Committee shall be final, is not binding on the Selection Committee or City Council, and may not be challenged by any party.